

MID SUSSEX DISTRICT COUNCIL

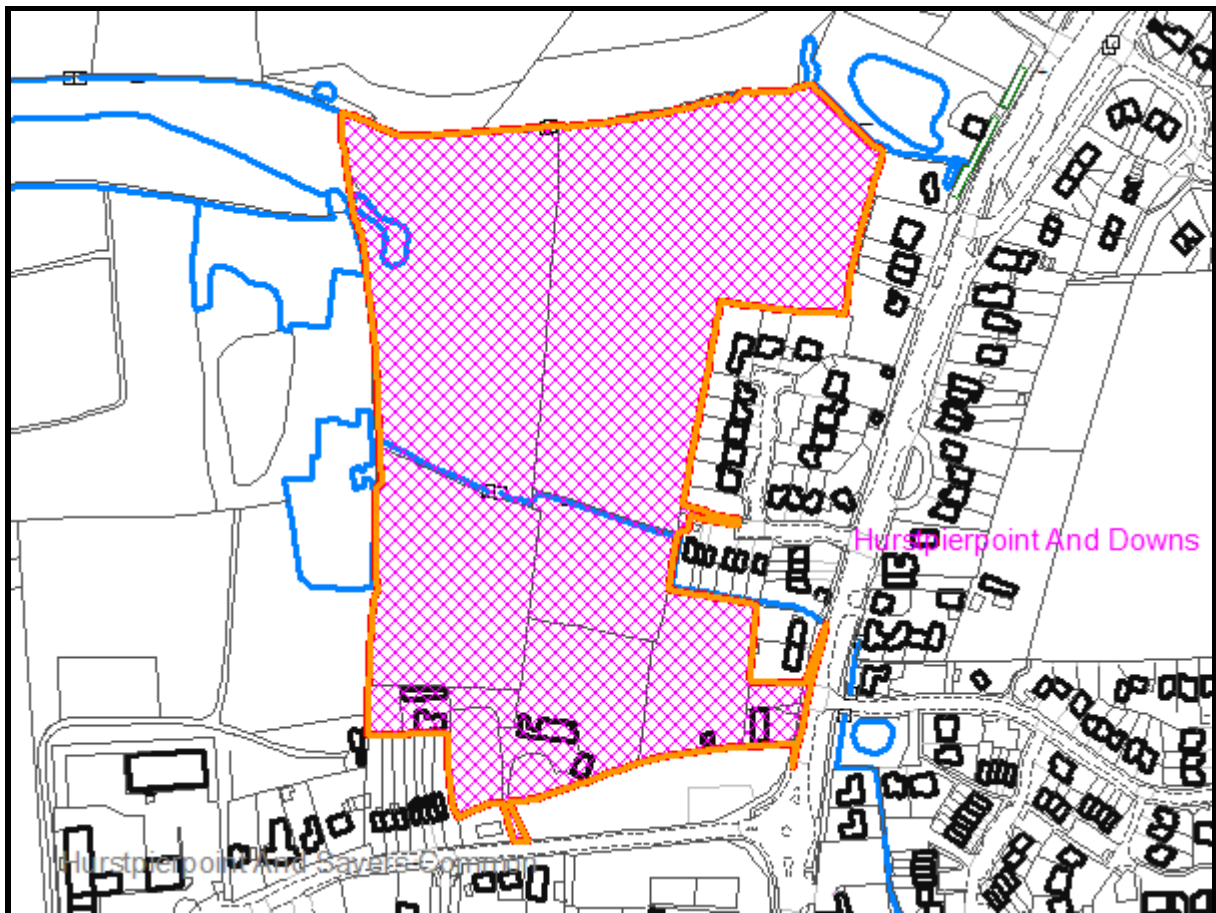
District Wide Committee

17 DEC 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/19/1148



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**KINGSLAND LAINES REEDS LANE SAYERS COMMON HASSOCKS
APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE CONSENT
(REF. 12/01540/OUT) RELATING TO APPEARANCE, LANDSCAPING,
LAYOUT AND SCALE OF PHASE 1 FOR 120 NEW DWELLINGS,
PROVISION OF OPEN SPACE AND SUSTAINABLE DRAINAGE SYSTEM
(SUDS) PURSUANT TO THE APPROVED OUTLINE CONSENT. AMENDED
PLANS AND UPDATED SUPPORTING INFORMATION RECEIVED 8 JULY.
DESCRIPTION AMENDED TO CONFIRM THAT THIS APPLICATION FOR
RESERVED MATTERS CONSENT IS PURSUANT TO THE REVISED
OUTLINE PERMISSION APPROVED UNDER REFERENCE DM/18/4331.**

**AMENDED PLANS RECEIVED 24 SEPTEMBER SHOWING REVISIONS TO
VARIOUS DWELLINGS AS SET OUT IN THE SUPPORTING LETTER
FROM ECE PLANNING DATED 24 SEPTEMBER 2019.
LINDEN HOMES LTD**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside
Area of Dev. Restraint / Classified Roads - 20m buffer / Planning
Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /
Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation
Order Points / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 18th December 2019

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks reserved matters consent for the erection of 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development 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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

In this case planning permission has been granted for the development. Therefore the principle of the development is established, as is the access to the site from the London Road. Therefore whilst there is a conflict with policy DP12 of the DP and policy Hurst C1 of the HSCNP as the proposal is for a major residential development outside the built up area of the village, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development. It is necessary to assess the reserved matters details that have been submitted against the relevant policies in the development plan.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the District Plan (DP).

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site. The proposal would result in some new overlooking from the properties on the eastern side of the site towards the existing properties on Dunlop Close. However the separation distances between the existing and proposed properties are sufficient for this to be acceptable. It is also relevant that the existing houses to the north and within the built up area where there is already mutual overlooking between the properties. Whilst the outlook for the existing properties to the east of the site would change from a greenfield to a residential development, simply being able to see a development does not equate to harm. The principle of this change from a green field to a residential development has been approved by the grant of outline planning permission.

The access into the site was approved at the outline stage. This was found to be acceptable both in relation to highway safety and in relation to the impact on the capacity of the road network. The road layout within the site will encourage vehicles to travel at a low speed and is satisfactory. It is also considered that the level of car parking provided is also satisfactory to serve the development.

The proposal would result in less than substantial harm to the setting of two listed buildings. This harm has been afforded significant weight in accordance with the statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990. In accordance with the requirements of the National Planning Policy Framework (NPPF) this less than substantial harm has been weighed against the public benefits of the proposal. It is your officer's view that the less than substantial harm is clearly outweighed by the public benefits of bringing forward a residential development on a site that has outline planning permission. The delivery of housing, including 30% affordable housing and the economic benefits from both the construction phase and additional spend in the local economy all attract significant positive weight in the planning balance.

As outline planning permission has been granted it has been accepted as a matter of principle that this site can be satisfactorily drained. The layout of the scheme has been designed to allow the site to be satisfactorily drained without causing an increased risk of flooding off site. The Councils Drainage Engineer is satisfied with the proposed layout and the principles of the means of drainage. The applicants will be required to submit further drainage details in order to discharge the drainage conditions imposed by the Secretary of State (SoS) on the outline planning permission before they commence works to implement the planning permission.

The proposed development would retain the preserved trees on the eastern and southern boundaries of the site. The trees that are to be removed within the centre of the site are not of significant public amenity value. Having assessed the ecological information submitted with the application it is not considered there are any ecological grounds to resist this application.

The required infrastructure to serve the development was secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policy DP20 of the DP is met.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. It is therefore recommended that reserved matters consent is granted for this development.

Recommendation

It is recommended that reserved matters consent be granted subject to the conditions listed in the appendix.

SUMMARY OF REPRESENTATIONS

Amended plans

12 letters of objection:

- existing boundary screening around the site should be retained;
- concerned that tree roots could be damaged during construction;
- the proposed houses will only be 24m away and I'm concerned about noise pollution, light pollution, loss of light and loss of privacy;
- drainage and sewerage are still major problems;
- two and a half story buildings will be overbearing and not in keeping with Sayers Common;
- too many houses for a small village to sustain;
- listed buildings should not be overlooked;
- why is there now no nursing home;
- neighbourhood plan was ignored and the development should not go ahead;
- electric charging provision should be provided

- scheme is contrary to policy Hurst H8 as it does not include bungalows
- scheme does not enhance rural and landscape character and is contrary to policy Hurst C1
- scheme does not resolve existing drainage issues and is contrary to policy Hurst H1 and 3
- will have a negative impact on the environment of the village
- drawings are inaccurate. The drainage drawing shows water flowing into 5 Dunlop Close watercourse when it does not and a watercourse running through the middle hedging of the site has been missed
- Sayers Common pumping station has inadequate capacity
- destruction of trees and hedges will change the biodiversity of the village
- Sayers Common is in a bowl and is known as a frost pocket and pollution gets trapped in the bottom of the bowl
- watercourses on the site have not been cleared for years and should be cleared every 6 months
- future residents will have to pay monthly fees for maintenance of roads within the site, lighting of streets, provision of a private pumping station

Original plans

23 letters of objection

- drainage and sewerage are still major problems;
- density is not appropriate for Sayers Common
- insufficient play areas are provided
- lack of enclosed car parking will mean more cars having to be de iced in the winter adding to pollution
- existing boundary screening around the site should be retained;
- concerned that tree roots could be damaged during construction;
- the proposed houses will only be 24m away and I'm concerned about noise pollution, light pollution, loss of light and loss of privacy;
- drainage and sewerage are still major problems;
- two and a half story buildings will be overbearing and not in keeping with Sayers Common;
- too many houses for a small village to sustain;
- listed buildings should not be overlooked;
- why is there now no nursing home;
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- drawings are inaccurate. The drainage drawing shows water flowing into 5 Dunlop Close watercourse when it does not and a watercourse running through the middle hedging of the site has been missed

- Sayers Common pumping station has inadequate capacity
- I cannot see EV charging points in the layout
- site needs to be properly fenced off to be secure
- building on this site is misguided
- want to ensure development does not interfere with the curtilage of our listed building

SUMMARY OF CONSULTEES

Highway Authority

No objection subject to conditions.

Southern Water

Southern Water has no objections to the above Reserved Matters application (Phase 1).

Sussex Police

In general terms I support the proposals in this application which will create a development where access is gained through a single point with no through route.

Ecological Consultant

No objection subject to condition.

Drainage Engineer

Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.

Urban Designer

This scheme has been the subject of revisions that have addressed most of my original reservations. It is nevertheless unfortunate that the south-west part of the original outline consent is no longer part of this scheme, resulting in an unresolved arrangement on the western edge of the open space; furthermore the opportunity to fully integrate this space with the recreation ground has not been taken. With those exceptions, the layout works well with the swale and squares providing additional interest. While many of the house types have bland frontages, they have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition that works with the formality of the layout. There is also a greater variety of facing materials that have been grouped to help reinforce the different characteristics of the various parts of the site. The prominent buildings at the site entrance have been significantly reworked and now provide a more presentable frontage. While the Design Review Panel (DRP) have been critical of the scheme, respond to some of their concerns too. In conclusion, I withdraw my

objection but would recommend conditions requiring the further approval of drawings /information in respect of the following:

- Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.
- Facing materials
- 1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

Conservation Officer

As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.

Housing Officer

The Affordable Housing Scheme submitted for this application is for 36 dwellings and although the mix and types of homes has been varied from the above the proposed scheme still meets the required 75% rented / 25% shared ownership tenure split and the increase in the number of 2 bed houses is welcomed.

Community Facilities Project Officer

I can confirm that my colleagues in Landscapes are content with the planting schemes, the specifications for the Soft Landscaping and the Management Plan for the maintenance of the area.

Environmental Protection Officer

The conditions imposed on the decision notice cover the relevant Env Protection areas. The proposed layout does not affect these in our view so no new conditions are required.

Tree Officer

No objection subject to conditions.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL

Approval is refused. The Parish Council again continues to reiterate its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport, no plan for Phase two available. The committee draw your attention to the latest site plan showing an access lane across the recreation ground

as being within the boundary of the site, this is incorrect as the Parish Council have not currently authorised the developer, Linden Homes, access onto the site from across their land.

The application is contrary to the following District Plan policies:

DP26 - Character & Design
DP28 - Accessibility
DP30 - Housing mix
DP41 - Flood Risk and Drainage
DP42 - Water infrastructure
DP34 - Conservation

Contrary to the following HPP&SC PC Neighbourhood Plan Policies:

H1c - enhancing the flood and drainage management in the village
H3 - Sayers Common Housing Sites
H6 - Housing Sites infrastructure and environmental impact
H8 - Small dwellings

INTRODUCTION

This application seeks reserved matters consent for the erection of 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

The principle of this development has been approved by the Secretary of State (SoS) as has the access into the site. As such it is the reserved matters of the appearance, landscaping, layout and scale of the development that must be assessed under this application.

RELEVANT PLANNING HISTORY

There is an extensive planning history attached to this site. An outline planning application was submitted under reference 12/01540/OUT that sought consent for 120 dwellings (including 30% affordable housing), community facility, office space, care home, retail units with primary access off the B2118 (London Road) with some matters reserved. This planning application was refused by the LPA on 9th October 2012.

An appeal against this decision was made to the Planning Inspectorate and this was considered at a Public Inquiry that sat between 8th and 11th October 2013.

Following the close of the Inquiry, the appeal was recovered for determination by the Secretary of State (SoS). In her recommendation letter of 6th January 2014, the appointed Inspector recommended that the appeal should be allowed and that planning permission be granted for the development. In his decision letter of 4th September 2014, the SoS disagreed with the Inspectors recommendation and dismissed the appeal.

Following this decision, the applicants challenged the decision of the SoS in the High Court. This challenge was allowed and the SoS decision was quashed by the Court on 1st May 2015. The decision was remitted back to the SoS to be re-determined afresh. On 10th February 2016 the SoS issued a new decision letter, again dismissing the appeal. This decision was challenged by the appellants by way of a judicial review. The SoS did not contest the claim and the decision to dismiss the appeal was quashed by the Courts on 10th June 2016.

Following on from this decision, the SoS advised that the Public Inquiry would be reopened to consider matters relating to the consent order quashing the previous SoS decision, the development plans and any material changes in circumstances that are relevant to the determination of the appeal. The Public Inquiry took place on 11th May 2017 and sat for two days. The Inspector recommended that planning permission should be granted and the SoS agreed with this recommendation. Planning permission for the development was granted by the SoS on 7th December 2017.

A separate outline planning permission for 40 houses, extra care facility with access from London Road/B2118 was approved by the District Council on 18th January 2017 under reference DM/15/1467.

A subsequent outline planning permission was approved on 28 March 2019 under reference DM/18/4331 which varied condition 6 and removed condition 17 that were attached to planning permission reference 12/01540/OUT. Condition 6 listed the approved plans and condition 17 required a pedestrian link from the development into Dunlop Close. The reason for this application was that this pedestrian link could not be delivered by the applicants because of land ownership issues.

SITE AND SURROUNDINGS

The site comprises an area of 5.85 hectares which is roughly level and rectangular in shape. The south part of the site consists of the residential dwelling Kingsland Laines and its associated domestic gardens and outbuildings, including stables. The remainder of the site to the north comprises fields used as paddocks subdivided by hedging and streams/ditches with some mature trees the majority of which are sited on the site boundaries or within the field hedges. There is one pond on the site which is interlinked with those on adjacent land in the northwest corner.

To the north is the house and grounds of LVS Hassocks/Priory of Our Lady set within a parkland setting with mature trees on rising ground. These buildings are clearly visible from the application site. To the east is existing residential development fronting London Road or the more modern development of Dunlop Close. To the west is a wet woodland strip with open farmland beyond and to the

south is an area of open space which is used as recreation ground as well as properties fronting Reeds Lane.

In terms of planning policy the site lies within the countryside as defined in the DP.

APPLICATION DETAILS

The application seeks reserved matters consent for the erection of 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

The plans show that the majority of the site would be laid out as a perimeter block layout which allows the proposed houses to face onto the street and for the houses within the development to have a traditional layout with back gardens facing onto one another. The southwestern part of the site is not part of this reserved matters application and is annotated on the layout plan as being 'phase 2'. It is within this phase 2 area that the illustrative plans on the outline application showed the proposed care home, community facility/office space and retail unit.

The applicant's design and access statement (DAS) states that the layout has been divided into five different character areas. These are Entry Frontage, Parkland Edge, The Avenue, Village Square and Northern Square.

In the Entry Frontage, the plans show a continuous run of housing on the northern side of the access road as this enters the site. This would comprise firstly, a terrace of 4 houses, 2½ storeys in height with rooms in the roof served by a flat roof dormer on the front elevation. Secondly there would be a block of flats on plots 5 to 15 that would turn the corner. This block would 2½ storeys, with the third storey being in the roof space and served by flat roof dormers on the front and rear elevations. Finally plots 16 to 18 and plot 58 would comprise a terrace of 2 storey housing.

On the eastern side of the site there would be a landscaped area, enclosed by housing on all sides. This is the area the applicants have called the Village Square. This road has been designed as a shared surface street to reduce vehicle speeds and provide a more pedestrian friendly environment.

The Northern Square contains semidetached and terraced houses, with on street car parking positioned in front of the houses on the eastern side of this square. The southern end of this part of the site would contain a flat above a garage and a maisonette, whilst the northern end of the square would also contain a maisonette.

The applicants refer to the northern part of the site as The Avenue. This would contain larger detached houses.

The applicants refer to the western part of the site as the Parkland Edge. This would contain mainly detached houses.

The application shows that there would be a differing palette of materials across the different character areas within the site. The Parkland Edge would feature red or brown roof tiles, red facing brick, feature brick detailing and tile hanging at first floor level. The Avenue would be more contemporary and feature grey slate roof tiles, red facing brick and black weatherboarding. The Village Square would feature red or grey roof tiles, red brick work and sailcloth boarding at first floor. The Northern Square would feature red roof tiles, red brick and tile hanging to first floor.

The scheme would provide the following mix of housing:

Market housing

1 x 1 bed
16 x 2 bed
29 x 3 bed
29 x 4 bed
9 x 5 bed

Affordable housing

7 x 1 bed
25 x 2 bed
4 x 3 bed

Running along the northern boundary of the site would be a new drainage ditch. This would be within a corridor some 11m in width that would not have any public access. This ditch would link to a pond in the northwest corner of the site. On the western side of the site would be a new drainage ditch that would be accessible by the public. There would be a further drainage ditch within the site that would run from east to west, which would also be accessible to the public.

The proposals involve some re-profiling of the land to implement the proposed drainage strategy for the site. For example, the applicant's topographical survey shows that the existing levels to the southwest of 10 Dunlop Close varies between 15.79, 15.86 and 15.90. The proposed finished floor levels of plots 16 to 18 would be 16.650.

To the west of 10 Dunlop Close, the topographical survey shows the land being between 18.584 and 15.91. The finished floor levels of plots 19 and 21 in this area would be 16.440 and 16.425

To the west of 16 and 17 Dunlop Close, the topographical survey shows the existing levels as being 16.64 and 16.63. The proposed plans show the finished floor levels of the proposed dwellings in this area being 16.75 and 16.90.

Over the whole site, the plans show the proposed finished floor levels of the dwellings as being above the existing ground levels.

LIST OF POLICIES

Mid Sussex District Plan

DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP21 Transport
DP24 Leisure and Cultural Facilities and Activities
DP25 Community Facilities and Services
DP26 Character and Design
DP27 Dwelling space standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP31 Affordable Housing
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP40 Renewable Energy Schemes
DP41 Flood Risk and Drainage

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Policy Hurst C1
Policy Hurst H1
Policy HurstH3: Sayers Common Allocated Sites
Policy HurstH5: Development Principles
Policy HurstH6: Housing Sites Infrastructure and Environmental Impact Assessment
Policy HurstH7: Affordable Homes
Policy HurstH8: Small Dwellings

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council is consulting on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Due to it being out at consultation this currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

SPD Affordable Housing (2018)

National Planning Policy Framework (NPPF) (Feb 2019)

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

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

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;
- The design and layout of the proposal;
- Impact on residential amenity;
- Transport matters;
- Impact on setting of Listed Building;
- Drainage;
- Biodiversity and trees;

- Sustainability and energy;
- Infrastructure contributions and affordable housing;
- Ashdown Forest;
- Other material considerations;
- Planning Balance and Conclusion

Principle of Development

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.'

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

In this case planning permission has been granted for the development. Therefore the principle of the development is established, as is the access to the site from the London Road. Therefore whilst there is a conflict with policies DP6 and DP12 of the DP and policy Hurst C1 of the HSCNP as the proposal is for a major residential development outside the built up area of the village, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development. Therefore whilst the objections of the Parish Council to the principle of the development are understood, planning permission has already been granted for this proposal. It is therefore necessary to assess the reserved matters details that have been submitted against the relevant policies in the development plan and not revisit the principle of the development.

Policy H6 in the HSCNP relates to housing sites in the Parish and states:

'Housing sites infrastructure and environmental impact assessment:

New housing developments which meet the policies of this plan and meet the criteria below will be supported:

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;*
- b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements;*
- c) the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area;*
- d) the retention and protection of significant landscape features within the site and along the site's boundaries;*
- e) an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken;*
- f) the provision of adequate surface water and foul water drainage capacity;*
- g) the provision of, or financial contributions towards, community facilities and the provision of public open space;*
- h) the provision of parkland areas, to be owned and managed by the local community.'*

As outline consent has been granted with the means of access approved, part a) of this policy has already been addressed. This reserved matters application contains a Travel Plan and a Transport Report. The Highway Authority are satisfied with the majority of the Travel Plan but have requested some changes be made to the document. This can be done when discharging the planning condition on the outline consent relating to the Travel Plan. As the principle of the development has been approved, the cumulative impact of this level of development has already been accepted. The legal agreement with the outline consent provides for contributions towards various off site highways improvements and projects. These are set out below:

£5,284 towards the provision of parking restrictions on the development spine road
£5,284 towards parking restrictions on London Road/Reeds lane
£15,000 towards crossing improvements on London Road north side of entrance
£10,000 towards a school safety zone in proximity to Twineham CE Primary School
£10,000 towards a school safety zone in proximity to Albourne CE Primary School
£10,000 towards bus stop improvements
£10,000 towards cycle lanes on London Road

In respect of criteria d), the scheme will retain the reserved trees on the eastern boundary of the site. There are no significant landscape features within the site to retain.

The requirements of part f) relating to drainage will be discussed later in this report.

The legal agreement securing infrastructure payments was completed when outline consent was granted. As such part g) of this policy has already been met.

With regards to part h) the scheme shows an area of open space to the west of the access road into the site. The management of this can be controlled by a planning condition. The area of land for open space is similar the area that was shown on the illustrative plans on the outline planning application. It should also be noted that policy H6 is a permissive policy because it states that new housing developments that meet the criteria listed in the policy will be supported, it does not explicitly say that where housing proposals do not include the provision of parkland areas to be owned and managed by the local community then those proposals will not be supported. It is not felt there are any grounds to resist the application based on criteria h) of policy H6.

Design and layout of the proposal

Policy DP26 in the DP seeks a high standard of design in new development. The NNPF has similar aims in relation to design. Policy Hurst H5 in the HSCNP states *'House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004).'*

The layout of the site has been designed so that the proposed houses front onto the streets and the dwellings within the site have a traditional arrangement with back gardens facing onto one another. The western side of the site has been designed with the access road running parallel with the western boundary so that the houses on the western side face out onto the boundary landscaping. This arrangement also allows for the majority of the car parking within the site to be incorporated within the curtilage of individual properties or within rear car parking courts. The exception to this is the north eastern corner of the site where car parking is proposed in front of the dwellings that are positioned in the north-eastern side of the site.

The Councils Urban Designer has stated that it is unfortunate that the scheme has been submitted as phase 1 as it runs the risk of the scheme looking unfinished. However the applicants are entitled to submit the application in this way. If this reserved matters application is approved, the subsequent phase 2 reserved matters application will have to work with what has been approved under the phase 1 application. The Urban Designer states *'the main open space is well positioned at the front of the site where it will be most accessible to both new and other surrounding residents and benefits from the attractive mature oak trees that sit in and around the space. Furthermore it is well defined on the east side by the curved building frontage at the site entrance that includes the only block of flats in the scheme (as these dwellings will not have gardens, the residents here will especially benefit from the proximity of the open space).'*

The remainder of the site is generally well laid-out and punctuated in the middle by a swale and linear square (between plots 99-106 and 28-35). The former, if designed and landscaped well has the potential to be a highly attractive part of the scheme that will contribute strongly to the scheme's identity; it is therefore important that further drawings are received that demonstrate this.

The parking is generally well integrated with front threshold parking avoided except where it is formally organised in the square in the north-east corner. The provision of rear court areas has helped ensure that parking does not dominate the public realm; these are generally small and designed with sufficient natural surveillance. However the rear court behind block C is quite large but is at least well overlooked from the surrounding houses and flats.'

Overall it is considered that the proposed layout of the site is sound. The traditional arrangement of houses facing onto the streets allows for the traditional street frontages to be created which enclose the space well and provide an appropriate level of natural surveillance. Whilst the north eastern part of the site is more hard edged because of the on street car parking, this has been broken up by landscaping so that there are no more than four car parking spaces ground together. It is considered that this softens this part of the development to a satisfactory extent.

In relation to the elevations of the buildings, the Urban Designer states '*The houses have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition. Furthermore, the facing materials have contributed to giving the elevations more interest and diversity with different parts of the development featuring different finishes.*

The buildings adjacent to the front entrance are particularly important because of their prominence. After a number of design iterations, they have been improved incorporating a block of flats in the middle that has been vertically articulated so that it works more in harmony with the line of terraced houses on both sides. The 3 storey frontage is appropriate here as it helps provide the open space with stronger enclosure, and the frontage now avoids monotony with the incorporation of full height first floor windows with Juliet balconies that helps model the façade by providing some hierarchy.

The houses at the corners have now been re-designed so they address the return flank as well as the frontage.'

It is considered that overall the elevations of the proposed dwellings are satisfactory. The Urban Designer has advised that the traditional bracketed canopy and panelled doors look old fashioned on some of the houses and out of place in relation to the otherwise contemporary detailed facades and the contemporary designed canopies would also benefit from more detail. He has suggested that this could be addressed by a planning condition to require further detail on these points.

Residents have raised concerns about the height of the proposed buildings, in particular the two and a half storey houses and the apartment blocks. It is relevant to note that condition 5 of the planning permission granted by the SoS stated that the reserved matters had to accord with the following parameters in respect of the proposed housing:

- Houses shall not exceed 2.5 storeys in height.
- Buildings containing flats shall not exceed three storeys in height.

Therefore by definition the SoS considered that buildings up to this height were acceptable in Sayers Common. If the SoS had felt that only two storey buildings were appropriate on the site then he would have imposed a planning condition to this effect. It is considered that the scale of the buildings proposed, including the two and a half storey houses and the apartment blocks are acceptable.

Overall it is considered that the design and layout of the proposed dwellings are satisfactory.

With regards to the soft landscaping within the site, the plans show that there would be tree planting either side of the drainage ditch that runs east/west through the site and along the road running round the west and north of the site. Feature trees would be planted in the open space on the eastern side of the site and trees would be used to break up the car parking in the north-eastern corner of the site. The plans show the larger open spaces within the site would be seeded with a wetland grassland mix.

There are a number of preserved trees just outside the eastern boundary of the site. These will need to be protected during the course of building operations to secure their retention.

The Council's Tree Officer has advised that the proposed tree planting provides a reasonable mix of native trees as required by policy DP37 in the DP. The Tree Officer does have concerns over the use of wild flower meadow on this clay soil. The final details of the landscaping are reserved by a planning condition attached to the outline planning permission and this particular issue can be considered further when it comes to discharging the landscaping condition.

Impact on residential amenity

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

The side elevation of the end of terrace house on plot 18 would be 23m to the southwest of the rear elevation of 10 Dunlop Close. There is some tree and hedge screening on the rear boundary of 10 Dunlop Close and the submitted plans show additional planting on this boundary. Given the distance and orientation between the existing and proposed property and the fact that there are no windows in the side elevation of plot 18, it is not considered that the proposal would cause a significant loss of residential amenity to the occupiers of 10 Dunlop Close in relation to the proposed dwellings to the southwest.

Plots 19 and 21 would be some 26m from the side elevation of 10 Dunlop Close. There is currently a hedge screen along the western boundary of 10 Dunlop Close with the application site. The plans show additional planting along this boundary. Given the distance between the existing and proposed properties it is not considered that the proposed dwellings on plots 19 and 21 would cause a substantial loss of residential amenity to the occupiers of 10 Dunlop Close.

On the eastern side of the site there would be a run of semidetached properties that would have their rear elevations facing the rear elevations of the properties on Dunlop Close. The closest property to the new dwellings would be 17 Dunlop Close. There would be a back to back distance of 24m between the rear elevation of 17 Dunlop Close and the rear elevations of the new houses on plots 32 and 33. Whilst the rear elevations of these new properties would be visible from the rear elevations of the properties on Dunlop Close, it is considered that the separation distance is sufficient for the proposed new dwellings not to be overly dominant when seen from the properties at Dunlop Close. 24m is regarded as a sufficient back to back distance between dwellings and it is therefore felt that this relationship is acceptable having regard to policy DP26.

The end elevation of plot 45 would be 18m from the corner of 17 Dunlop Close. There would be no windows in the side elevation of the dwelling at plot 45 so there would be no overlooking from this property. As plot 45 is a flat above a garage, it would not have any permitted development rights so it would not be possible to install any windows in the side elevation of this property without the need for planning permission. It is considered that this relationship is acceptable having regard to policy DP26.

Plots 46 and 47, which are two storey flats, would have their side elevation 20m away from the rear elevation of 18 Dunlop Close. There would be a first floor window in the side elevation of the upper flat that would face towards 18 Dunlop Close. This bedroom is dual aspect with another window in the rear elevation. It is therefore considered that it would be reasonable to condition that the side window that faces towards 18 Dunlop Close is obscure glazed and remains so in perpetuity. It is considered that this relationship is acceptable having regard to policy DP26.

The dwellings on plots 48 to 57 would be a minimum of 33m from the properties on London Road. There would be no loss of residential amenity to the occupiers of these properties from the proposed development.

The side elevation of plot 1 would be 25m away from the rear elevation of Sayers. There would be a double garage just beyond the rear boundary of Sayers and there would be car parking beyond the rear boundary of Aymers. The rear gardens of these two listed properties are 16/17m in length. It is not felt that the level of activity that would be associated with these car parking areas would cause a loss of residential amenity to the occupiers of Aymers and Sayers that could be classed as significant. The position of the access road into the site has been approved at the outline stage by the SoS, who did not consider that the proposed access would not impact the residential amenities of Sayers to such an extent to make the scheme unacceptable.

Transport matters

The means of access into the site was approved at the outline stage. Therefore this access point has been found to be acceptable, together with both the impact of this level of development on the highway network and the sustainability of the site in relation to access to shops, services and facilities. It is therefore not necessary to

reassesses these matters as they have already been approved. It is necessary to assess the transport matters as they relate to the reserved matters.

The proposed layout would provide a total of 314 car parking spaces across the site (271 allocated and 43 unallocated spaces for visitors).

The scheme would provide 75 spaces with Electric Vehicle (EV) charging points which would be 13amp wall mounted chargers on individual dwellings across the site.

The level of allocated car parking provision would meet the requirements of the District Councils car parking standards. The County Council have a more recent car parking demand calculator. The County car parking calculator indicates that with the level of allocated car parking provision, some 57 unallocated car parking spaces are likely to be required. As such the proposal would be 15 visitor spaces short.

There is always a balance to be struck between the provision of car parking spaces and making sure that a scheme does not appear too hard edged and dominated by car parking. The Highway Authority has no objection to the level of car parking proposed. If the Highway Authority felt the level of car parking proposed was inappropriate then they would object to the application. Taking all of this into account it is considered that this level of car parking is sufficient to serve the development and for there to be no highway safety issues arising from the level of on street car parking that is likely to arise from this development.

With regards to the internal layout of the site, the applicants have stated that this will be subject to a section 38 agreement, with the intention to offer up the internal footways and carriageways for adoption.

The Highway Authority has no objection to the layout of the roads.

With regards to cycles, for those properties with a garage secure cycle parking will be provided within the garage. For those properties without a garage secure cycle parking will be provided in a secure shed or cycle storage box. The details of the secure cycle parking can be secured by a planning condition.

The Highway Authority have advised that the Travel Plan submitted with this reserved matters application should be amended and that once these amendments are made, they could recommend that the Travel Plan is approved. There is a condition on the outline planning permission requiring a Travel Plan to be approved by the Local Planning Authority prior to the development being brought into use. As such the amendments that are required to the Travel Plan by the Highway Authority can be dealt with when the applicants seek to discharge this planning condition.

Impact on setting of Listed Building

The site lies immediately to the south and west of Sayers and Aymers which is a grade II listed building. It is timber framed construction, possibly 17th Century, refaced with brick and tile hanging and was originally 4 rural workers cottages.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* It is therefore necessary to consider whether according to Para 196 of the NPPF sufficient public benefits would offset the less than substantial harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

In granting outline planning permission for the development, the SoS stated *'The Secretary of State agrees with the Inspector at IR15.13 that there would be 'less than substantial' harm to the setting of Aymers and Sayers and that this harm carries considerable weight. In accordance with paragraph 134 of the Framework, he has weighed that harm against the public benefits of the proposal at paragraphs 45-46 below.'* He went on to conclude *'the Secretary of State agrees with the Inspector at IR15.13 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Aymers and Sayers. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.'*

The illustrative layout plan that accompanied the outline planning application showed a similar relationship of new development to the listed buildings as is now proposed in the reserved matters application. Beyond the western boundary of Aymers and Sayers would be car parking and a double garage on the boundary with Sayers. Beyond this would be the terrace of properties that turn the corner into the development.

It is worth noting that the first Inspector who reported on the outline application identified that the elements of setting that contribute to the setting of the listed building, Aymers and Sayers, comprise its roadside location and domestic plot, rather than the surrounding fields. She opined that the contribution that the appeal site makes to setting of this listed building is negligible.

The Councils Conservation Officer has suggested that the scheme be amended with the development being pulled further away from the rear boundary of the gardens to Aymers and Sayers to a sufficient extent to allow for the inclusion of a belt of native trees and shrub planting to effectively screen the development from the gardens of the listed cottages. The Conservation Officer has also suggested that the character of the access road as it crosses the gardens to the listed cottages should be informal, with an appropriate surfacing such as bound gravel or similar, to reduce the impact of the imposition of this new road in such close proximity to the buildings. The

Conservation Officer has also suggested that the boundaries between the access road and the gardens to the south of the cottages should be substantial native species hedgerows to provide a degree of screening and softening between the two. The Conservation Officer has concluded by stating *'As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.'*

It is considered that the reserved matters details would harm the setting of the listed buildings and that the magnitude of this harm has not changed since the grant of outline planning permission for the development. As such the same policy test as set out in paragraph 196 of the NPPF (paragraph 134 in the previous version of the NPPF) needs to be applied as was applied at the outline stage by the SoS, namely the less than substantial harm should be weighed against the public benefits of the proposal.

The submitted plans do show some hedge planting along the rear boundary of Aymers and Sayers. There is limited space along this boundary so it would not be possible with this layout for there to be a belt of native tree planting here. It could be possible to move car parking spaces 12, 12, 13 and 13 slightly to the west to allow more space for hedgerow planting. The submitted plans do show some tree planting in the car parking court that serves the residential units in the south eastern corner of the site. Over time this would provide a more verdant backdrop.

However, notwithstanding this, the layout as submitted would not provide the substantial tree planting to the rear of Aymers and Sayers that is sought by the Conservation Officer. Some additional planting alongside the access road could be provided when details are provided to discharge the landscaping condition attached to the outline consent. It is your officer's view that a condition regarding the materials for the access road at this point would not be essential given the fact that this will be screened from the listed building.

It is considered that the significant benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do clearly outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Kingscot on the London Road is a detached dwelling that is also a grade II listed property. The plans show that the nearest dwellings would be some 40m from Kingscot and there would be screening along the mutual boundary. It is considered that there would be some adverse impact on the setting of this listed building as a result of the field that serves as the backdrop to the property being changed to a residential development. However given the separation distance and the boundary screening this harm would be less than substantial as defined in the NPPF and in your officer's view, would be at the lower end of the scale of less than substantial.

It is your officers view that the same conclusions apply to the impact on this property as with Aymers and Sayers, namely that the significant benefits of the scheme

(provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do clearly outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Drainage

Surface water

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and do not cause drainage problems off site. It is relevant to note that by definition, the SoS has concluded that as a matter of principle it is possible for this site to be satisfactorily drained; if this were not the case then the SoS would not have granted planning permission for the development of the site. It is also important to note that as part of the outline planning permission there was a Unilateral Undertaking that was submitted with the proposal which was taken into account when the SoS granted consent for this development. The unilateral undertaking sets out details of the responsibilities and maintenance for drainage within the site.

The site is located wholly in Flood Zone 1 based on the EA Flood Map for Planning. However, numerous ordinary watercourses and ditches dissect the site. The Dunlop Close Ditch flows from the east side of the B2118 and is culverted under the road, emerging once more in the southeast corner of the site boundary. It then flows east to west along the south side of the properties on the south side of Dunlop Close, then sharply flowing north before flowing west again once more. The Dunlop Close Ditch then divides the site roughly into two parts, flowing from the east boundary to the west boundary. The Dunlop Close Ditch then flows into the Reeds Lane Ditch which flows from south to north along the western boundary. The Reeds Lane Ditch then flows north into an existing pond area prior to leaving the site in the northwest corner, flowing west along the north of Furze Field.

A third ordinary watercourse, considered the Northern Ditch in this report, forms the northern boundary of the site. The Northern Ditch begins on the west side of the B2118 then shortly enters the site boundary. It then forms the northern boundary of the site until it leaves the northwest corner of the site, eventually joining the unnamed ordinary watercourse north of Furze Field.

Detailed site specific flood modelling has been undertaken for the site to determine the impact the proposed development, and layout would have on flood risk both on and off site. Following extended communications with the applicant and a number of iterations of the model, flood risk assessment and proposed layout plan a finalised layout plan, planting scheme and boundary treatment (fencing) plan have been submitted.

The proposed development layout has considered the existing and post-development flood risk for fluvial events up to the 1 in 100 year flood event with an additional 105% allowance for climate change. This is in line with the Environment Agency and NPPF's requirements.

All residential development and roads are located outside the modelled flood extent and fluvial flooding is contained on site within two-tier watercourse profiles or a designated flood storage area. This has been achieved through a comprehensive cut and fill programme on site without increasing flood risk off site.

Boundary treatments have been proposed with consideration of flood water flow routes. Boundaries which have the potential to block fluvial flood flow routes have either; been removed, are of post and rail design or have been raised to ensure adequate clearance has been provided.

The levels plans submitted with the application show attenuation crates under roads and car parking areas.

The Councils Drainage Engineers have carefully assessed this application having regard to all of the information that has been submitted. They have also visited the site and viewed the watercourse that runs through 10 Dunlop Close. It is important to note that the Councils Drainage Engineers are making an assessment as to whether the layout that has been put forward would be satisfactory in relation to policy DP41. It is clearly important for the layout that has been submitted to be satisfactory in relation to draining surface water on the site.

It remains the case that further details will need to be submitted prior to works commencing because there are drainage conditions attached to the outline planning permission granted by the SoS. Condition 10 imposed by the SoS states:

'10) No building hereby permitted shall be occupied until surface water drainage works for the site as a whole have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;*
- include a timetable for its implementation in relation to each phase of the development; and,*
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.'*

As such, if this reserved matters application is approved, the applicants will be required to submit further details to discharge this planning condition prior to works commencing on the site.

The Parish Council have stated that they believe there is a conflict with Policy Hurst H1, criteria (c). This policy states:

'Hurstpierpoint and Sayers Common new housing development:

To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- a) Enhance the existing settlement pattern of the village;*
- b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- c) In Sayers Common, can enhance the flood and drainage management in the village.'*

It is considered that there is a degree of conflict between criteria c) of this policy and the more recent policy DP41 in the DP that relates to drainage since there is no requirement in policy DP41 for development proposals to enhance flood and drainage management; the requirement in policy DP41 is to avoid any increase in flood risk. As set out earlier in this report, where there is a conflict between different policies in the development plan, that conflict must be resolved in favour of the most recently adopted policy (in this case the District Plan). It is also well established that developers are not required to address existing infrastructure deficiencies; they are required to mitigate the impact of their proposed development.

The comments of the Councils Drainage Engineer are summarised at the start of the committee report and are set out in full in the appendix. They conclude by stating *'Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.'*

Given the importance of the drainage on this site to the drainage of Sayers Common village, the detailed design for the new and altered watercourses and the surface water drainage should be provided early in the detailed design of the development as a lot of the works will need to be carried out prior to the construction of any of the dwellings.

Additionally, knowing that there are existing problems with the foul pumping station the applicants will need to provide evidence that they are working with Southern Water to resolve issues and provide adequate capacity for their development without increasing foul flood risk.'

There are no objections from Southern Water to the reserved matters application.

In light of the above it is considered there are no grounds to resist this reserved matters application in relation to criteria c) of policy Hurst H1. It is considered the applicants have shown that this layout could as a matter of principle be satisfactorily drained and thereby comply with policy DP41 of the DP.

Foul drainage

It is proposed that foul drainage from the proposed development will discharge into the public foul sewer situated outside the entrance to the site in the London Road. Proposed site levels and the level of the receiving sewer mean that the discharge

from the northern area of the site, approximately 100 units, will require a pumping station. It is proposed that the pumping station will not be offered to Southern Water for adoption but will remain private and be serviced by the maintenance company set up to undertake all maintenance work required on the new development.

As Members will know, developers have an absolute right to connect to the public foul sewer system, which has been confirmed in the Supreme Court. If there are capacity issues in the public foul sewer network the normal way to resolve this is to impose a planning condition that requires details of the drainage works that are required before a development can be occupied. This can require works off site to provide the necessary capacity. In this case planning permission has been granted by the SoS for this development and there is a condition on the outline consent relating to foul drainage which states:

'11) No building hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.'

Southern Water has not raised an objection to the reserved matters application. The developers will be required to provide further details to discharge condition 11 before any of the dwellings that have been permitted are occupied. Whilst the concerns relating to foul drainage of those opposed to the scheme are understood, in light of the above it is considered that there are no grounds to resist this reserved matters application in relation to the foul drainage of the site.

Sustainability and energy

Policy DP39 of the DP seeks to improve the sustainability of development and policy DP42 relates to water infrastructure and seeks amongst other things, to meet a water consumption of 110 litres per person per day.

The applicants have provided a sustainability statement with their application, which states *'the development will be designed to reduce energy demand in accordance with the requirements of Policy DP39, in line with the 2013 edition of Part L for energy and limit water use to 110 litres/person/day in accordance with Policy DP42.'* The applicants have noted that in the energy hierarchy, designing out energy use is weighted more highly than the generation of low-carbon or renewable energy to offset unnecessary demand. The applicants state *'Applied to the development of new housing, this approach is referred to as 'fabric first' and concentrates finance and efforts on improving U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.'*

It is also relevant that the planning permission granted by the SoS had a planning condition relating to energy supply. As originally worded the condition stated *'At least 10% of the energy supply of the development hereby permitted shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the National Planning Policy Framework). Details, and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before development begins.'*

Development shall be carried out in accordance with the approved details and retained as operational thereafter.'

The condition was worded in this way to reflect the fact that when the application was originally determined, the South East Plan was part of the development plan. The wording of the condition has been subsequently amended to reflect the fact that there is no longer any policy basis for requiring 10% of the energy supply of the development to be from decentralised and renewable or low-carbon energy sources.

The condition now reads 'At least 10% of the energy supply, or 10% of the energy consumption (over the baseline requirements of part L of the building regulations), of the development hereby permitted shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the National Planning Policy Framework) or through building efficiency measures. Details, and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before development begins. Development shall be carried out in accordance with the approved details and retained as operational thereafter.'

The amended wording of the condition allows flexibility over how energy supply/consumption matters are dealt with on site.

In light of all the above it is considered that the applicants have sought to improve the sustainability of the development as required by policies DP39 and DP42.

Ecology / Biodiversity

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

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

identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

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

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF states:

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

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶ and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

The reserved matters application is accompanied by an Ecological Impact Assessment. The report notes that the site is generally of low ecological value; however, the poor semi-improved grassland and hedgerows are of local value. The application site supports a brown bat roost (long-eared *Plecotus auritus* maternity). No evidence of great crested newt was observed in 2012 or 2018 and the applicants report considers that great crested newt are likely to be absent from the application site and surrounding area. No badger setts have been found within or adjacent to the application site.

The scheme would retain the building on the southern side of the access road which contains the bat roost. The applicants state that the following artificial habitats will be installed within the scheme: bird boxes, beetle banks, hedgehog hibernacula, hazel dormouse boxes, swift nest boxes, sparrow terraces, bat tubes, bat boxes, bat tiles, invertebrate boxes, hibernaculum and hedgehog boxes. The applicants also state that additional tree planting will take place on the boundaries of the application site (the final details of this will be controlled by the landscaping condition on the outline planning permission). The applicants also propose areas of wildflower grassland and appropriate management of the ditch network within the site.

The applicants have carried out a tree survey that is available on file. A total of seventy-two individual trees with stem diameters of 75mm and above at 1.5m were surveyed and recorded. In total twelve individual trees were surveyed and recorded as category 'U'. These are trees considered to be in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than ten years. These trees should be removed for sound arboricultural reasons.

In total twelve individual trees were surveyed and recorded as category 'A'. These are trees considered to be of high quality and high arboricultural/landscape value. These trees will have an estimated remaining life expectancy of at least forty years.

In total thirty-five individual trees and a single group of trees were surveyed and recorded as category 'B'. These are trees considered to be of moderate quality and moderate arboricultural/landscape value. These trees will have an estimated remaining life expectancy of at least twenty years.

In total thirteen individual trees and twenty-two groups of trees were surveyed and recorded as category 'C'. These are trees considered to be of low quality and value.

The scheme would require the removal of 22 category C trees and 4 category B trees within the site.

There are a number of preserved trees on the eastern boundary of the site, some within the application site and some within the gardens of the properties on Dunlop Close. The plans show all of the preserved trees on this eastern boundary would be protected and retained. There are also two preserved trees on the southern boundary of the site to the west of Aymers and Sayers which would also be retained. The plans show a substantial Oak within the site to the southwest of 10 Dunlop Close would be retained.

It is considered that the proposal will retain the important preserved trees on the boundaries of the site. The trees that are to be removed are not of public amenity value and therefore their loss would not conflict with policy DP37 of the DP. The Council Tree Officer considers that there is a reasonable balance between native trees as required by Policy DP37 and more domestic planting in and around gardens and has no objection to the application subject to no dig solutions in areas affected by root protection areas and adherence to method statements and management plans.

The views of the Council's Ecology Consultant are awaited but it is not expected that concerns will be raised or that there are grounds to resist this reserved matters consent on ecological grounds. The proposals should ensure that the important trees around the site are protected. As such the proposal complies with policies DP37 and DP38 of the DP.

Infrastructure contributions and affordable housing

The necessary infrastructure contributions for this development are secured by the section 106 legal agreement that was attached to the original planning permission granted under reference 12/001540/OUT and a deed of variation that was attached to the subsequent planning permission reference DM/18/4331. For Members information the section 106 planning agreement that has been completed will secure the following:

- Children's play space contribution: £92,692 towards play provision as Sayers Common Reeds Lane playground
- Community building contribution: £51,085 towards the extension and/or improvement of the Sayers Common Village Hall and/or replacement facility in Hurstpierpoint and Sayers Common
- Formal sport contribution: £117,601 towards formal sport facilities at Fairfield Recreation Ground in Hurstpierpoint
- Informal Sport contribution: £26,267 towards kickabout or informal sports facilities at Sayers Common Berrylands and/or Sayers Common Reeds Lane Playground
- Local Community Infrastructure contribution: £59,484 towards the provision of a cemetery in South Avenue, Hurstpierpoint and/or towards the provision of public/community seating in Hurstpierpoint and Sayers Common
- Transport contributions to WSCC of £65,568
- Primary and secondary education contributions bases on a formula approach
- Library contributions bases on a formula approach

It is necessary as part of this reserved matters submission to assess the provision of affordable housing that is proposed.

The plans show a total of 36 affordable units, which is a policy compliant level of 30% as required by the section 106 legal agreement attached to the original planning permission. The plans show the affordable housing clustered in the following groupings:

- plots 11 to 18 on the south eastern side of the site near to the entrance

- plots 22 to 33 on the eastern side of the site
- plots 41 to 50 and plots 55 to 60 in the north eastern corner of the site

The Councils affordable housing SPD states that affordable *'provided on-site must be designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed - see clause 2.49) rather than concentrated in one location.'* The SPD also states that affordable housing should be tenure blind so that affordable and private homes are indistinguishable from one another in terms of design, build quality, appearance, materials and site location.

In this particular case there is a cluster of 12 houses (plots 22 to 33). Policy DP31 in the DP does not refer to a maximum cluster of affordable units, but states *'all affordable housing should be integrated with market housing'*. The proposed affordable dwellings will be tenure blind so that in terms of their external appearance, there will be no difference to the market housing around them. Whilst the clustering is two more dwellings than is sought in the SPD, it is considered that the overall requirement of the planning policy is met because overall the affordable housing is mixed with market housing and it has all been designed so that it is tenure blind and therefore its external appearance is fully integrated with the market housing.

The proposal provides 27 units for affordable rent and 9 for shared ownership, which complies with the requirements of policy DP31 in the DP for 75% social or affordable rented homes and 25% intermediate homes.

Overall it is considered that policy DP31 is met and the provision of 36 affordable homes should be given significant positive weight in the planning balance as there is a clear need for affordable homes across the district.

Other material considerations

Small dwellings

The Parish Council have stated that they believe there is a conflict with policy Hurst H8 in the Neighbourhood Plan. This states:

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

This is a permissive policy stating that a particular type of development will be supported. It does not refer to any type of development that will not be supported. Therefore there is no conflict between the proposed development and this policy.

Accessibility

Policy DP28 in the DP relates to accessibility. Outline planning permissions for more than 5 dwellings would now have a planning condition imposed on them to ensure compliance with this policy. This is because at the outline stage there would be no details of the proposed housing. As this outline planning permission predates the

District Plan, there is no such condition. Guidance in the PPG in relation to conditions and reserved matters applications states *'The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.'*

It is clear that a condition cannot be added now in relation to policy DP28 as this does not explicitly relate to any of the reserved matters that consent is being sought for. Notwithstanding this point, all of the proposed dwellings would be required to meet the building regulations and given the fact that this is a level site, there is no reason why the proposed houses will not meet high standards of accessibility.

Air Quality

Concerns have been raised about the impact of the proposal on air quality. In particular a concern has been raised about the car parking court to the west of Aymers and Sayers and the impact on air quality from vehicles using this area.

In relation to air pollution policy DP29 in the District Plan states:

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

- It does not cause unacceptable levels of air pollution;*
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

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

Paragraph 181 of the NPPF states:

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development

in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

The PPG states:

'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'

The Councils Environmental Health Officer (EHO) has considered the objection that has been raised in relation to air quality. In his response to the objector he states:

'Nitrogen dioxide, the main pollutant of concern in Mid Sussex, is primarily caused by traffic fumes. The highest long-term concentrations are linked with the busiest roads and junctions, where a high volume of traffic is present for significant periods of the day. Exacerbating factors include narrow "closed in" streets (the 'canyon' effect) and roads with a flow of greater than 2,500 HDVs per day or 10,000 vehicles per day.'

Based on this information and other information in the government's TG16 guidance, I would like to reassure Ms Sweet that it is extremely unlikely that this car park would cause any significant health issues for any nearby residents as the low volume of traffic, the brief duration of use and the "openness" of the car park means that a build-up of fumes is improbable.'

Given the views of the EHO it is considered that there are no grounds to resist the reserved matters application based on air quality matters. There is no evidence that the proposal would cause unacceptable levels of air pollution and therefore no conflict with policy DP29 of the DP.

Planning Balance and Conclusion

To summarise, planning permission has been granted for this development by the SoS. Therefore the principle of the development, together with the means of access into the site has been approved. It is therefore necessary for an assessment of the reserved matters to be made against the policies of the development plan (the DP and the HSCNP) and other material planning considerations, including national government advice in the NPPF. Whilst the concerns of the Parish Council over the principle of the development are noted, planning permission has been granted for the development of this site and therefore the Parish Councils view that there is a conflict with policies C1 and H3 in the HSCNP cannot be used as a reason to resist this reserved matters application.

The application does not cover the entire site that was granted outline planning permission. This application seeks reserved matters consent for the residential element of the scheme that was granted outline planning permission. A further application would need to be made for the area of land that has been excluded from

this application for the other elements of the scheme permitted by the SoS (the care home, retail unit, community facility/office space).

With regards to the design and layout of the site, it is considered that this is sound. The use of a perimeter block type layout allows for the creation of streets where the houses front onto the road to create a traditional street scene and for rear gardens to back on to one another in a traditional arrangement. The limited use of flats over garages helps to retain a consistent building line on the street frontage and to ensure that the public areas of the site are not dominated by car parking. The dwellings on the western and southern parts of the site are laid out so that they overlook the proposed drainage ditches that are required to drain the site, providing appropriate overlooking of these features.

With regards to the impact on neighbouring amenity, the test within policy DP26 of the DP is to avoid '*significant harm*'. It is clear that there will be a very significant change for the occupiers of those properties that adjoin the site to the east as the existing green field is replaced with a major housing development. However the principle of this has been accepted by the grant of outline planning permission. As Members will know simply being able to see a development does not equate to harm. It is considered that the proposed layout of the site provides for satisfactory separation distances between the proposed and existing dwellings so that the new properties will not be overly dominant and there will not be an unacceptable level of overlooking.

The means of access to the site has been approved at the outline stage. The Highway Authority has no objection to the internal layout of the site and considers the level of car parking to be satisfactory. It is considered there are no grounds for the Local Planning Authority to come to a different view to the Highway Authority. It is considered that cycle provision is also satisfactory.

The scheme will provide a policy compliant level and type of affordable housing. This should be afforded significant positive weight in the planning balance.

As outline planning permission has been granted it has been accepted as a matter of principle that this site can be satisfactorily drained. The layout of the scheme has been designed to allow the site to be satisfactorily drained without causing an increased risk of flooding off site. The Council's Drainage Engineer is satisfied with the proposed layout and the principles of the means of drainage. The applicants will be required to submit further drainage details in order to discharge the drainage conditions imposed by the (SoS) on the outline planning permission before they commence works to implement the planning permission.

The proposed development would retain the preserved trees on the eastern and southern boundaries of the site. The trees that are to be removed within the centre of the site are not of significant public amenity value. Having assessed the ecological information submitted with the application it is not considered there are any ecological grounds to resist this application.

The required infrastructure to serve the development was secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policy DP20 of the DP is met.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. It is therefore recommended that reserved matters consent is granted for this development.

APPENDIX A – RECOMMENDED CONDITIONS

1. The dwellings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

2. The development hereby permitted shall not be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:

Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.

Facing materials

1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

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.

3. The proposed first floor window on the south elevation of plots 46/47 shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

4. The recommendations set out in the Ecological Impact Statement by ACD Limited (February 2019) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, to comply with policy DP38 in the Mid Sussex District Plan 2014-2031 and in accordance with 109 and 118 of the NPPF.

Approved Plans

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

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

INFORMATIVES

1. In accordance with Article 35 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.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	P1506/08		21.03.2019
Planning Layout	P1506.PP.01	A	21.03.2019
Proposed Floor Plans	P1506.A.201	A	21.03.2019
Proposed Elevations	P1506.A.202		21.03.2019
Proposed Floor and Elevations Plan	P1506.AL.201	D	24.09.2019
Proposed Elevations	P1506.AL.202	B	08.07.2019
Proposed Floor Plans	P1506.A1.201	A	21.03.2019
Proposed Elevations	P1506.A1.202		21.03.2019
Proposed Floor Plans	P1506.A2.201	A	21.03.2019
Proposed Elevations	P1506.A2.202	A	21.03.2019
Proposed Floor Plans	P1506.1BMA.201	B	24.09.2019
Proposed Elevations	P1506.1BMA.202	C	24.09.2019
Proposed Floor Plans	P1506.1BMA.203	A	24.09.2019
Proposed Elevations	P1506.1BMA.204	C	24.09.2019
Proposed Floor Plans	P1506.1BMA1.201	C	24.09.2019
Proposed Elevations	P1506.1BMA1.202	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.2.201	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.2.203	C	24.09.2019
Proposed Floor Plans	P1506.2B.201	A	21.03.2019
Proposed Elevations	P1506.2B.202		21.03.2019
Proposed Floor Plans	P1506.2BMA.201	C	24.09.2019
Proposed Elevations	P1506.2BMA.202	D	24.09.2019
Proposed Floor Plans	P1506.2BMA1.201	B	24.09.2019

Proposed Elevations	P1506.2BMA1.202	C	24.09.2019
Proposed Floor Plans	P1506.BLKA.201	A	21.03.2019
Proposed Floor Plans	P1506.BLKA.202	A	21.03.2019
Proposed Elevations	P1506.BLKA.203		21.03.2019
Proposed Elevations	P1506.BLKA.204		21.03.2019
Proposed Floor Plans	P1506.3T.201	A	24.09.2019
Proposed Elevations	P1506.3T.202	C	08.07.2019
Proposed Floor and Elevations Plan	P1506.B.201	B	08.07.2019
Proposed Floor and Elevations Plan	P1506.B.202	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.B.203	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.B.204	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.B.205	B	08.07.2019
Proposed Floor and Elevations Plan	P1506.B1.201	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.B1.202	B	08.07.2019
Proposed Floor Plans	P1506.CO.203	D	24.09.2019
Proposed Elevations	P1506.CO.204	D	24.09.2019
Proposed Floor Plans	P1506.CO.205	B	24.09.2019
Proposed Elevations	P1506.CO.206	B	08.07.2019
Proposed Floor Plans	P1506.CO.207	B	08.07.2019
Proposed Elevations	P1506.CO.208	C	08.07.2019
Proposed Floor and Elevations Plan	P1506.CW.201	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.CW.202	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.CW.203	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.E.201	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.E1.201	A	21.03.2019
Proposed Floor Plans	P1506.F.201	A	08.07.2019
Proposed Elevations	P1506.F.202	A	24.09.2019
Proposed Floor Plans	P1506.F.203	A	08.07.2019
Proposed Elevations	P1506.F.204	D	24.09.2019
Proposed Floor Plans	P1506.F.205	A	24.09.2019
Proposed Elevations	P1506.F.206	C	24.09.2019
Proposed Floor Plans	P1506.M.201	B	24.09.2019
Proposed Elevations	P1506.M.202	B	24.09.2019
Proposed Floor Plans	P1506.M.203	B	24.09.2019
Proposed Elevations	P1506.M.204	B	24.09.2019
Proposed Floor Plans	P1506.P.203	A	21.03.2019
Proposed Elevations	P1506.P.204	A	21.03.2019
Proposed Floor Plans	P1506.P.205	B	24.09.2019
Proposed Elevations	P1506.P.206	D	24.09.2019
Proposed Floor Plans	P1506.P.207	A	08.07.2019
Proposed Elevations	P1506.P.208	B	08.07.2019
Proposed Floor Plans	P1506.P.209		24.09.2019
Proposed Elevations	P1506.P.210	B	24.09.2019
Proposed Floor Plans	P1506.SP.201	A	24.09.2019
Proposed Elevations	P1506.SP.202	B	24.09.2019
Means of Enclosure	P1506/07	T	25.11.2019
Proposed Elevations	P1506.205	B	24.09.2019
Proposed Elevations	P1506.B.206	B	24.09.2019
Proposed Elevations	P1506.B.207	A	24.09.2019
Proposed Block Plan	P1506.B.209		24.09.2019
General	P1506.PP.01	A	08.07.2019
Planning Layout	P1506.01.TLoRes		08.07.2019
Location and Block Plan	P1506.08		24.09.2019
General	P1506/06	L	24.09.2019
General	P1506/07	H	08.07.2019

Location Plan	P1506/08		08.07.2019
General	P1506.10	E	21.03.2019
General	P1506.11	C	08.07.2019
Topographical Survey	1 of 4	F1	21.03.2019
Topographical Survey	2 of 4	F1	21.03.2019
Topographical Survey	3 of 4	F1	21.03.2019
Topographical Survey	4 of 4	F1	21.03.2019
Tree Survey	LIN21934-03 (NORTH)		21.03.2019
Tree Survey	LIN21934-03 (SOUTH)		21.03.2019
Proposed Floor and Elevations Plan	P1506.GAR.01	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.GAR.02	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.GAR.03		21.03.2019
Proposed Floor and Elevations Plan	P1506.CP.01		24.09.2019
Proposed Floor and Elevations Plan	P1506.CP.02		21.03.2019
Proposed Floor and Elevations Plan	P1506.CS.01		24.09.2019
Landscaping Details	LIN21934 10	B	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 1	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 2	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 3	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 4	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 5	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 6	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 7	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 8	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 1	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 2	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 3	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 4	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 5	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 6	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 7	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 8	21.03.2019
Street Scene	P1506.SS.201	L	24.09.2019
Street Scene	P1506.SS.202LoRes	F	08.07.2019
Street Scene	P1506.SS.203	J	24.09.2019
Planning Layout	P1506.01	X	24.09.2019
General	P1506/02	S	24.09.2019
General	P1506/03	M	24.09.2019
General	P1506/04	L	24.09.2019
Parking Layout	P1506/05	N	24.09.2019
Proposed Elevations	P1506.CO.211		24.09.2019
Proposed Elevations	P1506.CO.212		24.09.2019
Proposed Elevations	P1506.CP.03		24.09.2019
Proposed Elevations	P1506.CP.04		24.09.2019
Proposed Elevations	P1506.M.205		24.09.2019
Proposed Elevations	P1506.P.211		24.09.2019
Proposed Floor and Elevations Plan	P1506.P.212		24.09.2019
Proposed Elevations	P1506.P.213		24.09.2019
Proposed Elevations	P1506.2.204		08.07.2019
Proposed Elevations	P1506.2.205		08.07.2019
Proposed Elevations	P1506.2BMA1.203		08.07.2019
Proposed Elevations	P1506.2BMA1.204		08.07.2019
Proposed Floor Plans	P1506.A2.203	A	24.09.2019

Proposed Elevations	P1506.A2.204	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.A2.205	A	24.09.2019
Proposed Elevations	P1506.A2.206	A	24.09.2019
Proposed Elevations	P1506.AL.204	B	24.09.2019
Proposed Elevations	P1506.AL1.201		24.09.2019
Proposed Elevations	P1506.AL1.202	B	24.09.2019
Proposed Elevations	P1506.B.206		08.07.2019
Proposed Floor Plans	P1506.BLKC.101	C	24.09.2019
Proposed Floor Plans	P1506.BLKC.102	D	24.09.2019
Proposed Floor Plans	P1506.BLKC.103	C	24.09.2019
Proposed Roof Plan	P1506.BLKC.104	B	24.09.2019
Proposed Elevations	P1506.BLKC.105	C	24.09.2019
Proposed Elevations	P1506.BLKC.106	C	24.09.2019
Proposed Elevations	P1506.BS.01		24.09.2019
Proposed Elevations	P1506.CO.210		24.09.2019
Proposed Roof Plan	P1506.CO.209		24.09.2019
Proposed Elevations	P1506.CW.204	A	24.09.2019
Proposed Elevations	P1506.CW.205		08.07.2019
Proposed Elevations	P1506.E.202	A	24.09.2019
Proposed Elevations	P1506.F.207	A	08.07.2019
Proposed Elevations	P1506.F.208		08.07.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Refusal - No drainage policy

No masterplan for site, unclear as to Phase 2

Application is contrary to the following District Plan policies:

DP 26 - character design
DP28 - accessibility
DP30 - housing mix
DP31 - affordable housing
DP37 - trees woodland and hedgerows
DP28 - bio diversity
DP39 - sustainable design and construction
DP41 - flood risk and drainage
DP42 - water infrastructure and water environment

Parish Consultation

RECOMMENDATION: Approval is refused. The Parish Council continues to reiterate its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport. There is currently no authorised access available to the site. No plan for Phase two available. The application is contrary to the following District Plan policies:

DP26 - Character & Design

DP28 - Accessibility
DP30 - Housing mix
DP41 - Flood Risk and Drainage
DP42 - Water infrastructure
DP34 – Conservation

Contrary to the following HPP&SC PC Neighbourhood Plan Policies:

H1c - enhancing the flood and drainage management in the village
H3 - Sayers Common Housing Sites
H6 - Housing Sites infrastructure and environmental impact
H8 - Small dwellings

Parish Consultation

Approval is refused. The Parish Council continues to support the view expressed by the MSDC design panel and reiterates its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport. In addition, the application is contrary to H&SC PC Neighbourhood Plan Policies Hurst H3 - Sayers Common housing sites, Hurst H6 - Housing sites infrastructure and environmental impact assessment, Hurst H8 - Small dwellings and Hurst C1 - Conserving and enhancing character

Highway Authority

8 November comments

Updated plans have been provided for the application.

Parking

The level of parking has been amended to 314 spaces (270 allocated and 44 unallocated) in line with MSDC standards .The site is also to provide 75 of these spaces with active electric parking provision

Vehicle tracking

Revised vehicle tracking has been provided and is accepted

Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

15 October comments

Updated plans have been provided for the application.

Parking

The level of parking has been amended to 314 spaces (270 allocated and 44 unallocated) in line with MSDC standards. The site is also to provide 75 of these spaces with active electric parking provision.

Vehicle tracking

Revised vehicle tracking has been provided and is accepted

Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

25 July comments

Updated plans have been provided for the application.

Parking

The level of parking has been reduced from 318 (271 allocated and 47 unallocated) to 312 (268 allocated and 44 unallocated).

Vehicle tracking

Revised vehicle tracking has been provided and is accepted.

Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

8th April comments

Background

The application is for the consideration of reserved matters following outline consent (Ref. 12/01540/OUT) relating to appearance, landscaping and scale of Phase 1 for 120 new dwellings Kingsland Laines, Reeds Lane, Sayer Common.

It is noted that an application has been made to delete the pedestrian link to Dunlop Close as was a requirement of the outline planning application permitted under appear ref AD3830/A/12/2189451.

Parking

A total of 271 allocated parking spaces and 47 unallocated parking spaces are to be provided in line with the Mid Sussex SPD. The unallocated parking is distributed across the development.

Cycle parking is to be provided in line with MSDC standards.

Servicing

Vehicle tracking has been provided and is accepted.

Travel Plan

The following comments have been provided by the county travel plan officer

- 2.47 - WSCC's 3-in-1 card scheme is no longer operating so please remove the reference to this initiative.
- 3.4 - Please state the value of the vouchers (£150)
- 3.13 - the predicted 12-hour vehicle trip rate and number of trips (from the Transport Assessment) needs to be stated.

The target is to reduce this by 10% and so the target trip rate and number of trips should also be stated. The target should be achieved by (and maintained to) the final TRICS SAM survey in year 5 (not within 24 months as stated).

Once these points have been addressed I will be able to approve the TP.

Conclusion

If the Local Planning Authority is minded to grant planning consent the following condition(s) and informative note(s) would be advised:

Conditions

Car parking space (details approved - for larger sites)

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking (for larger sites)

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

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

Travel Plan (to be approved) No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Informatives

Provision of Adoptable Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this

process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Southern Water

Southern Water has no objections to the above Reserved Matters application (Phase 1).

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

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructurecharges>

All other comments in our response dated 09/07/2012 remain valid.

Further comments

Thank you for your letter dated 15/07/2019.

Southern Water has no objections to the above reserved matter application. The comments in our response dated on 29/04/2019 remain unchanged and valid.

Sussex Police

Thank you for your correspondence of 27th March 2019, advising me of an outline planning application for approval of Reserved Matters following Outline consent (Ref12/01540/OUT) relating to appearance, landscaping and scale of Phase 1 for 120 new dwellings, provision of open space and SUDS pursuant to the approved Outline consent at the above location, for which you seek advice from a crime prevention viewpoint.

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

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

I was very pleased to note the Design and Access Statement submitted in support of the application reflects the attributes of Safer Places and crime prevention measures as promoted by SBD.

In general terms I support the proposals in this application which will create a development where access is gained through a single point with no through route. The shared surface with varying widths and texture will allow for safe activity and movement for both vehicles and pedestrians. The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, communal amenity space and designated car parking areas benefit from overlooking and good natural surveillance. In the main, provision has been made for car parking within the curtilage of the dwellings, garages, car barns, small rear parking courts, overlooked bays and in street parking. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

Whilst there is clear demarcation to the dwelling frontages it is important that the boundary between public space and private areas is clearly indicated at the rear of the dwellings. The rear of block A is accessible via the under-croft and parking court. This makes the ground floor windows and cycle store open and vulnerable to attack. This communal private space should be protected by fencing. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as the rear garden of block A or when overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. I was pleased to note such gates are located on or as near to the front of the building line as is possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

I thank you for allowing me the opportunity to comment.

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

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Further comments

Having observed the details of the updated information within the planning supporting letter, I have concluded that no further Crime Prevention advice is necessary in response to this amendment to this planning application. My previous crime prevention comments within correspondence PE/MID/19/09/A, dated 17th April 2019 remain extant.

Ecological Consultant

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

The recommendations set out in the Ecological Impact Statement by ACD Limited (February 2019) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

Drainage Engineer

Detailed site specific flood modelling has been undertaken for this site to determine the impact of the proposed development, and how the layout will affect flood risk both on and off site. Following extended communications with the applicant and a number of iterations of the model, flood risk assessment and proposed layout plan a finalised layout plan, planting scheme and boundary treatment (fencing) plan have been submitted.

These finalised plans are:

- Phase 1, Enclosures Layout plan - P1506/07 Rev T - Linden Homes/aap architecture
- Soft Landscape Proposals - LIN21934 11 sheet 4 - Linden Homes/ACD Environmental

The proposed development layout has considered the existing and post-development flood risk for fluvial events up to the 1 in 100 year flood event with an additional 105% allowance for climate change. This is in line with the Environment Agency and NPPF's requirements.

All residential development and roads are located outside the modelled flood extent and fluvial flooding is contained on site within two-tier watercourse profiles or in a designated flood storage area. This has been achieved through a comprehensive cut and fill programme on site without increasing flood risk off site. All the watercourses remaining on site will be within open areas and are not to become the responsibility of individual property owners. Maintenance of the drainage ditches through the site will be the responsibility of a Management Company paid for by the residents. The importance of the watercourses running through the site to the drainage of Sayers Common is understood by the applicant. Whilst the central ditch running north/south across the site will be removed, the flood modelling has reflected this so the impact has been considered. The watercourse along the western boundary is also being left unaltered so there is no impact for the drainage from Reeds Lane and the Meadow View klargester outflow.

Boundary treatments have been proposed with consideration of flood water flow routes. Boundaries which have the potential to block fluvial flood flow routes have either; been removed, are of post and rail design or have been raised to ensure adequate clearance has been provided.

Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.

Given the importance of the drainage on this site to the drainage of Sayers Common village, the detailed design for the new and altered watercourses and the surface water drainage should be provided early in the detailed design of the development as a lot of the works will need to be carried out prior to the construction of any of the dwellings.

Additionally, knowing that there are existing problems with the foul pumping station the applicants will need to provide evidence that they are working with Southern Water to resolve issues and provide adequate capacity for their development without increasing foul flood risk.

Architect/Urban Designer – Will Dorman

Summary and Overall Assessment

This scheme has been the subject of revisions that have addressed most of my original reservations. It is nevertheless unfortunate that the south-west part of the original outline consent is no longer part of this scheme, resulting in an unresolved arrangement on the western edge of the open space; furthermore the opportunity to fully integrate this space with the recreation ground has not been taken. With those exceptions, the layout works well with the swale and squares providing additional interest. While many of the house types have bland frontages, they have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition that works with the formality of the layout. There is also a greater variety of facing materials that have been grouped to help reinforce the different characteristics of the various parts of the site. The prominent buildings at the site entrance have been significantly reworked and now provide a more presentable frontage. While the Design Review Panel (DRP) have been critical of the scheme, respond to some of their concerns too. In conclusion, I withdraw my objection but would recommend conditions requiring the further approval of drawings /information in respect of the following:

- Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.
- Facing materials
- 1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

Layout

The layout is based upon the illustrated outline scheme but only takes forward the residential element. As well as the loss of the community and nursing home component on the south west corner, the current layout also varies from the outline layout as it shows the access road re-configured on the north-west side. The latter is a slight improvement with the reconfigured access road now revealing the attractive woodland area on the west boundary which the houses now face (the outline layout featured a diagonal road that revealed the conical tower of Priory of Our Lady chapel at the end of the axis, but resulted in a less resolved western boundary).

The removal of the non-residential elements is unfortunate because it has necessitated the south-west part of the outline consent to be omitted altogether from the current RM

application and deferred from consideration as phase 2 (of a two phased scheme). While it is hoped that phase 2 will eventually resolve the layout of the front part of the site, in the meantime the scheme risks looking unfinished with little indication provided of how the main open space at the front of the site will be defined on its west side and with houses on plots 114-118 of phase 1 incongruously backing on to the front part of the site. The rear boundaries will at least feature a presentable brick wall (rather than close-boarded fencing) to compensate for this.

The scheme does not integrate so well with village as the illustrated outline layout, because of the loss of the Dunlop Close link as well as the community component. In addition, the main open space does not take the opportunity to be more integrated with the existing recreation ground that could be achieved if more of the dividing hedgerow was removed.

Notwithstanding these concerns, the main open space is well positioned at the front of the site where it will be most accessible to both new and other surrounding residents and benefits from the attractive mature oak trees that sit in and around the space. Furthermore it is well defined on the east side by the curved building frontage at the site entrance that includes the only block of flats in the scheme (as these dwellings will not have gardens, the residents here will especially benefit from the proximity of the open space).

The remainder of the site is generally well laid-out and punctuated in the middle by a swale and linear square (between plots 99-106 and 28-35). The former, if designed and landscaped well has the potential to be a highly attractive part of the scheme that will contribute strongly to the scheme's identity; it is therefore important that further drawings are received that demonstrate this.

The DRP have been critical of the linear square as they argue the parking on both sides narrows it so much that it offers little recreational benefit; while I accept this, the square and the line of trees that are proposed does have visual amenity value that provides this part of the layout with some focus and identity.

The square in the north-east corner still accommodates a lot of parking but has benefitted from the reduction of 9 spaces and more tree planting while plot 40 has been rotated so that it defines and addresses the square ensuring a stronger level of enclosure.

The street that runs parallel with the northern boundary has been re-worked to reinforce its regular form (at least on the north side) with a consistent line of trees that responds to the regular rhythm of the replicated gable fronted houses. While it is unfortunate the swale along the northern boundary is tucked away behind the houses, this area has now at least been made secure by being fenced off.

The parking is generally well integrated with front threshold parking avoided except where it is formally organised in the square in the north-east corner. The provision of rear court areas has helped ensure that parking does not dominate the public realm; these are generally small and designed with sufficient natural surveillance. However the rear court behind block C is quite large but is at least well overlooked from the surrounding houses and flats.

Elevations

The fractured arrangement of the elevations in the original drawings did not work successfully with the formality of the layout, while on the other hand there was insufficient diversity to distinguish the building types used in the various parts of the site. The houses have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition. Furthermore, the facing materials have

contributed to giving the elevations more interest and diversity with different parts of the development featuring different finishes.

The buildings adjacent to the front entrance are particularly important because of their prominence. After a number of design iterations, they have been improved incorporating a block of flats in the middle that has been vertically articulated so that it works more in harmony with the line of terraced houses on both sides. The 3 storey frontage is appropriate here as it helps provide the open space with stronger enclosure, and the frontage now avoids monotony with the incorporation of full height first floor windows with Juliet balconies that helps model the façade by providing some hierarchy.

The houses at the corners have now been re-designed so they address the return flank as well as the frontage.

The traditional bracketed canopy and panelled doors look old fashioned on some of the houses and out of place in relation to the otherwise contemporary detailed facades. The contemporary designed canopies would also benefit from more detail. For this reason I recommend this is subject to condition.

The boundaries / enclosures facing the public realm have been re-designed as brick walls except along the garden boundaries of 19-21 where drainage issues necessitate a fence; in these cases they will need to be modelled some way and softened with hedgerow/shrubs.

Conservation Officer

Comments on the above approval of reserved matters application.

I note that this site has a complex planning history, and that outline permission was eventually granted by the Secretary of State (SoS) in December 2017. The SoS agreed with the appeal Inspector's conclusion that the outline proposal caused less than substantial harm to the setting of Aymers and Sayers (a pair of listed cottages forming one building to the west of London Road near its junction with Reeds Lane), and that substantial weight should be attached to this harm. In accordance with paragraph 134 (now 196) of the NPPF he agreed that this harm should be weighed against the public benefits of the proposal, which he found to outweigh the harm caused.

Prior to the SoS's consideration of the scheme, the appeal Inspector found that the most significant elements contributing to the setting of the listed building were its roadside setting and domestic plot, with the fields beyond this being of less significance. The SoS did not disagree with this assessment. In considering the current detailed layout the impact of the proposal on the character of the immediate garden setting of the buildings must therefore be considered to be of the highest significance.

In accordance with Historic England's GPA Note 3 (The Setting of Heritage Assets) in order to minimise the harm caused to the setting of the listed building and to preserve as far as possible the character and integrity of the immediate garden setting of the listed building, and minimise the extent to which the new development would impact on that character, I would suggest the following amendments to the layout and landscaping of the south eastern corner of the site:

- The development should be pulled away from the rear boundary of the gardens to Aymers and Sayers to a sufficient extent to allow for the inclusion of a belt of native trees and shrub planting to effectively screen the development from the gardens of the listed cottages. This would ensure that the cottages are perceived against a verdant backdrop similar to the existing garden setting, the importance of which has been identified by the

appeal Inspector and confirmed by the SoS, and not against a backdrop of new residential houses and garages. It would also preserve the integrity of the immediate setting of the buildings and reduce the impact of the new development on the perceived character of the garden space.

- The character of the access road as it crosses the gardens to the listed cottages should be informal, with an appropriate surfacing such as bound gravel or similar, to reduce the impact of the imposition of this new road in such close proximity to the buildings.
- The boundaries between the access road and the gardens to the south of the cottages should be substantial native species hedgerows to provide a degree of screening and softening between the two.
- I would suggest that by careful choice of materials and boundary treatment the character of the access as it crosses the gardens to the listed buildings could be differentiated from the roads within the new development itself, helping to some extent to preserve the integrity of the immediate setting of the buildings, the importance of which has been highlighted during the appeal process.

As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.

Housing Officer

The affordable housing obligation for this application is 36 dwellings as per the outline permission. A Deed of Variation to the original Section 106 agreement dated 27th March 2019 specifies the Affordable Housing Scheme as follows:

Affordable Rent (27 homes -75%)

8 x 1 bed flats
8 x 2 bed flats
2 x 2 bed flats (FOGs*)
7 x 2 bed houses
2 x 3 bed houses

Shared Ownership (9 homes -25%)

2 x 2 bed flats (FOGs*)
5 x 2 bed houses
2 x 3 bed houses

The Affordable Housing Scheme submitted for this application is for 36 dwellings and although the mix and types of homes has been varied from the above the proposed scheme still meets the required 75% rented / 25% shared ownership tenure split and the increase in the number of 2 bed houses is welcomed. The revised scheme is as follows:

Affordable Rent (27 homes -75%)

7 x 1 bed dwellings (1 flat & 6 maisonettes)
18 x 2 bed dwellings (4 flats, 4 maisonettes, 2 FOGs, 8 houses)
2 x 3 bed house

Shared Ownership (9 homes -25%)

7 x 2 bed houses
2 x 3 bed houses

*Flats Over Garages

The schedule for the Affordable Housing Scheme provided to me on 16th October 2019 by the applicant's agent shows that all the dwellings are in accordance with the occupancy and minimum floor area requirements of Affordable Housing SPD. The floor plan on the website for the FOGs (type A2) is incorrect as it does not reflect the floor area shown on the schedule.

All the affordable housing is located along the eastern length of the site in four clusters separated by small numbers of market housing.

Community Facilities Project Officer

I can confirm that my colleagues in Landscapes are content with the planting schemes, the specifications for the Soft Landscaping and the Management Plan for the maintenance of the area.

Although the design is basic it appears to be very effective and unlikely to fail.

Environmental Protection Officer

The conditions imposed on the decision notice cover the relevant Env Protection areas. The proposed layout does not affect these in our view so no new conditions are required.

Tree Officer

No objections.

However, I would question the use of wild flower meadow areas on a heavy clay soil. Meadow areas are unlikely to flourish or survive here.

There are also high maintenance requirements and an expectation that these areas will be colourful flowering spaces, when in reality, they become overgrown, weed infested, 'messy' areas, generating complaints.

There is a reasonable balance between native trees as required by Policy DP37 and more domestic planting in and around gardens.

No dig solutions must be used in car parking areas affected by RPAs. I note 17 and 18 are particularly affected.

Please condition adherence to method statements and management plans.

Design Review Panel

Comments on superseded drawings:

The panel were pleased to see that most of the buildings now feature consistent application of facing materials on all their elevations, and there was more commitment on sustainability through the fabric first approach. Also the layout works well where it faces the swale along the western boundary and in the southern part of the site.

However in other respects the scheme has not significantly improved since it was previously considered in March, and many of the DRP's comments are still relevant.

While effort had been invested in creating more consistent frontages, the impact of this is limited because of the mediocrity of the building design. This is particularly the case with the

north-east square which still looks too dense and reads too much as a street dominated by parking rather than a square. It also does not benefit from the rhythm of a continuous terrace arrangement, because of the inconsistent configuration of the standard buildings.

The building frontages at the site entrance succeed in defining the street and main open space, but the street elevation is unsatisfactory. The block of flats appear monolithic and its more horizontal proportions sit uncomfortably with the vertically articulated terraced houses that it abuts on both sides. A separation gap is needed and the block of flats requires more vertical articulation that might be helped if rainwater downpipes are shown; also consideration could have been given to picking-out the gabled bays in a different material (instead of the first floor banding).

The layout of the village square has not been significantly improved, and the grassed / soft landscaped area is still too narrow and offers little recreational benefit. This could be addressed if the parking (that narrows the space on both sides) could be re-located elsewhere.

The description of the character areas was still unconvincing, although some effort had been given to define them through the application of different facing materials. More still could be done to demonstrate how they work with the landscaping.

The panel were also disappointed that there was still no indication how phase 2 might be laid-out, or how the western boundary of the main open space will be configured.

Overall Assessment

The panel object to this scheme.