

MID SUSSEX DISTRICT COUNCIL

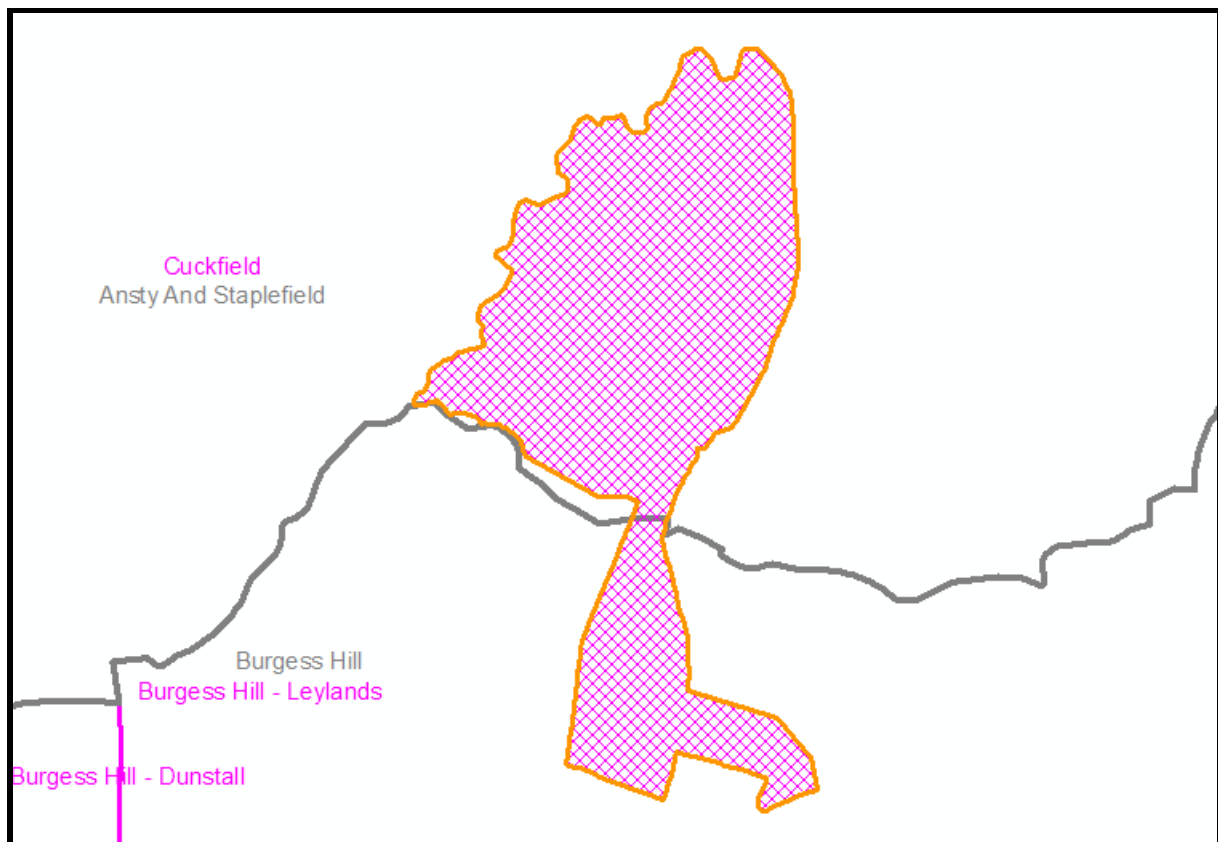
District Wide Committee

**17 DEC 2019**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/19/3845**



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**LAND TO THE WEST OF FREEKS LANE FREEKS LANE BURGESS HILL  
WEST SUSSEX**

**APPROVAL OF RESERVED MATTERS PURSUANT TO CONDITION 1 OF  
DM/18/0509 FOR THE ERECTION OF 460 DWELLINGS, INCLUDING  
PUBLIC OPEN SPACE, PLAY AREAS, ASSOCIATED INFRASTRUCTURE  
INCLUDING ROADS, SURFACE WATER ATTENUATION AND  
ASSOCIATED DEMOLITION.  
COUNTRYSIDE PROPERTIES**

POLICY: Areas of Special Control for Adverts / Methane Gas Safeguarding /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 14th January 2020

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stuart Malcolm

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission DM/18/0509.

DM/18/0509 granted consent in July 2019 for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from maple drive). In terms of the principle of the development of up to 460 dwellings, this has therefore been established through the granting of the outline planning permission DM/18/0509. It should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill for approximately 3500 homes and other infrastructure.

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

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. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the visual impact with the design being supported by both the Council's Urban Designer and the Design Review Panel. A condition is however recommended securing 1:20 details and further section drawings to ensure that the development proceeds in an appropriate way. The impact of the scheme on the surrounding landscape and the trees is also deemed acceptable although such matters are to be addressed in more detail under the discharge of planning conditions attached to the outline planning consent.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters. In this case adequate levels of car and cycle parking are provided although additional conditions securing further details on matters such as cycle parking, electric vehicle charging, bus stops, crossing facilities and road treatments are an appropriate way of addressing the outstanding points raised by the local highway authority.

The affordable housing provision of 138 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal also provides a good level of play space and open space in accordance with District Plan policy.

Whilst the proposal will cause less than substantial harm to a non-designated heritage asset of moderate significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings. It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage asset.

The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP4, DP6, DP7, DP9, DP20, DP21, DP22, DP23, DP26, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies LR1, LR3, G1, G2, G3 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A.

## **RECOMMENDATION**

It is recommended that planning permission be granted subject to the conditions set out in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

One letter has been received objecting to the proposal, making the following comments:

Three storey development could be sterile as with other similar developments and nowhere for children to play as limited outdoor amenity space and excessive street parking. Design should be reconsidered. This will put more traffic pressure on Maple Drive especially at junction with Leylands Park and a redesign is required as part of wider Northern Arc development. Also concerned about water supply for the area considering the number of nearby developments and assurances from South East Water regarding supply are not adequate.

## **SUMMARY OF CONSULTEES**

### **MSDC Urban Designer:**

No objection subject to condition

### **MSDC Design Review Panel:**

The panel support the scheme but would recommend that 1:20 scale drawings are submitted to secure the detailed finish that underscores the quality of the scheme.

### **MSDC Drainage:**

No objection

### **MSDC Trees:**

More details need on planting but the detailed landscaping can be covered by conditions

### **MSDC Conservation:**

Further information requested on non-designated heritage asset at Lowlands Farm

### **MSDC Housing:**

No objection, affordable housing provision acceptable

### **MSDC Leisure:**

Broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA and the open spaces

### **MSDC Sustainability Officer:**

No objections but would like to see more renewable energy within scheme

**MSDC Ecological Consultant:**

No objections

**MSDC Landscape Consultant:**

No objection subject to landscape management/conditions

**WSCC Highways:**

No objection subject to conditions

**WSCC Drainage:**

No comments received

**Environment Agency:**

No comments received

**Sussex Police Crime Prevention:**

No objection

**ANSTY AND STAPLEFIELD PARISH COUNCIL COMMENTS**

No comments received.

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**INTRODUCTION**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for the erection of 460 dwellings following outline planning approval under DM/18/0509. As such the principle of the development has been established.

**RELEVANT PLANNING HISTORY****Relevant history on the application site**

DM/18/0509	Residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) at Land to the west of Freeks Lane.	Approved 24.07.2019
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## Relevant history surrounding the site

DM/18/3309 (Northern Arc)	Display of 1 non illuminated advertisement panel on 76 mm posts for new strategic mixed use development	Approved 11/10/18
DM/18/3311 (Northern Arc)	Display of 1 non illuminated advertisement panel on 76 mm posts for new strategic mixed use development	Approved 16/10/18
DM/18/5114 (Northern Arc)	Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.	Approved 04/10/19
DM/19/3313 (Northern Arc – east of Isaacs Lane and west of Freeks Farm)	Construction of a single carriageway link road from Isaacs Lane to Freeks Farm comprising a new all-movements junction on A273 Isaac's Lane, highway comprising 6.1 - 6.5m carriageway with separate 4.5m 'Green Superhighway' and 3m cycle/footway provision on the north side and 2m footway on the south side segregated from the carriageway by	Pending consideration at time of writing report

	landscaped verges, including all-modes bridge across the River Adur, constructed to an adoptable standard, together with, earthworks, surface water and foul drainage infrastructure, utilities corridors, street lighting, landscaping and temporary fencing.	
DM/19/1895 (To the south west of the site, on Fairbridge Way)	Outline application for the development of the former sewage treatment works to provide up to 325 dwellings (Use class C3) with associated access, landscaping and associated infrastructure	Resolution to approve subject to legal agreement
DM/18/1169	Application for Reserved Matters for the layout and detailed design of the inner loop road, associated landscape and foul and surface water drainage to allow for serviced residential parcels to be created. Plus discharge of Planning Conditions 6, 12, 13, 15, 16, 23, 24 and 28 in respect of outline planning approval 08/01644/OUT.	Approved 11/10/2018
08/01644/OUT	Development comprising the redevelopment of the former sewage treatment works to provide up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access and landscaping at Fairbridge Way, Burgess Hill. Such development to include the remediation of the Tip, demolition and excavation of (derelict) existing buildings and infrastructure associated with previous use as a sewage treatment works, and the remodelling and remediation of the remainder of the site to provide for revised ground contours and development platforms; strategic landscape, realigning of existing of service infrastructure (to include the laying out of foul and surface drainage infrastructure and water attenuation), and new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations. Land at and adjacent to the former sewage treatment	Approved 24/06/2014  Partially implemented (see DM/18/1169).

14/03959/REM	<p>Fairbridge Way.</p> <p>Reserved Matters application seeks the approval of details reserved by Condition 1 (Partial Discharge) and details pursuant to Condition 38 of planning permission 08/01644/OUT with regard to the relocation and provision of a gypsy site to accommodate 10 pitches.</p>	Approved 19/12/2014
DM/18/3627 (Land North Of Maple Drive)	The erection of a new Church and Community Facility including all associated external works forming car, motor cycle and cycle parking and associated hard and soft landscaping.	Approved 01/03/2019

## SITE AND SURROUNDINGS

The site extends to approximately 20.65 hectares and is located to the north of Burgess Hill. The site largely comprises agricultural land interspersed with hedgerows and scattered woodland. It is bound by Freeks Lane to the east and Maple Drive to the south east whilst its northern boundary comprises a tributary to the River Adur. Agricultural fields lie to the west, north and northeast.

To the north of the site there is a small area of woodland and then beyond this are agricultural fields. To the east the site is bounded by Freeks Lane, a public right of way. Beyond this there is an area of ancient woodland (Big Wood). Further to the east is Bedelands Nature Reserve. There are pockets of fields to the east that are bounded by woodland, including Ancient Woodland.

To the south there is a field parcel laid to grass that is allocated for residential development in the Burgess Hill Neighbourhood Plan for up to 20 dwellings (possibly self-build homes).

To the west of the northern field parcel there is a belt of woodland and then a fall in levels down to the River Adur. Beyond this are agricultural fields and then further to the west is Isaacs Lane. The area to the west and east of the site is within the area of land allocated for strategic development to the north and west of Burgess Hill under policy DP9 (referred to as the Northern Arc) which now has the benefit of outline planning consent under DM/18/5114. To the west of the southern field parcel there is a site, known as land at and adjacent to the former sewage treatment works on Fairbridge Way, that has had planning permission for up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access (reference 08/01644/OUT with a decision pending under DM/19/1895). Clearance works have taken place on that site.

In terms of planning policy, the whole site is within the area of land allocated for strategic development to the north and west of Burgess Hill under Policy DP9 in the District Plan (DP) and is therefore within the defined built up area boundary. The southern part of the site also lies within the boundary of the Burgess Hill

Neighbourhood Plan area (BHNP). The northern part of the site is outside any Neighbourhood Plan area.

## **APPLICATION DETAILS**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for the erection of 460 dwellings. This follows outline planning approval under DM/18/0509 and as such the principle of the development has been established.

The 460 dwellings comprise of 2, 3 and 4-bedroom houses as well as 1 and 2-bedroom flats. A central spine road will link the site with the Burgess Hill on Maple Drive (with this access approved under the DM/18/0509 outline application) and will run through the site linking in to the Eastern Bridge and Link Road (subject to DM/19/3313) to the north. A shared cycle and pedestrian route runs along the spine road, and pedestrian and cycle links will run across the site to Freeks Lane connecting future Northern Arc phases.

The applicant has described the design approach as follows:

*"Mature trees and existing vegetation along the boundary edge creates an opportunity for pleasant visuals across the site, but also provides a natural green buffer between the development and future phases. The site masterplan is defined by three development parcels of low, medium and high density development. Higher density development (55dph) is located to the south of the development, where it is close to existing residential development off Maple Drive and Fairbridge Way, and close to the existing recycling site. Medium density development is located in the centre of the site, and lower density development is located to the north of the site where it is closest to the countryside. A network of strategic green links are being provided which connect the site to commercial centres, and also provide opportunities for secondary links into the site."*

The development consists of a number of character areas as set out within the Design and Access Statement. The applicant states these help to create an identifiable variation and distinctiveness across the site and helps the site integrate with its surroundings, as it transitions from edge-of-town development at the south to rural edge development to the north. The proposed layout comprises of 2 and 3 storey buildings. 3 storey houses and apartments are located along the spine road and to create a frontage to the northern green park. The remainder of dwellings are at 2 storeys to scale down towards the rural edge.

The proposal will deliver 30 % affordable housing which equates to 138 units with the remaining 322 units being market housing. The housing mix for the site is presented in the table below:

Dwelling Type	Private	Affordable (Intermediate)	Affordable (Rent)
2 bed house	78	10	29
3 bed house	102	2	14
4 bed house	56	-	1
1 bed flat	22	5	32
2 bed flat	64	17	28
Total	322	34	104
		460	

In respect of car parking the proposal adheres to the following parking standard:

- 1 space per 1 bedroom unit
- 2 spaces per 2 and 3 bedroom units, with a minimum of 1 space being an allocated or on-plot space
- 3 spaces per 4 bedroom units, with a minimum of spaces located on-plot

This provides the following provision:

Parking Type	Spaces
Allocated	686
Unallocated	53
Garages	34
Visitor	146
Total	919

The applicant has also stated that on-plot parking will have 3kW charging points together with a ratio of one rapid electric charging point per 10 dwellings provided across the site in order to encourage the uptake of electric vehicle ownership.

The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bedroom dwellings have a provision for 3 cycle spaces and 4 bedroom dwellings have a provision for 4 cycle spaces. For the houses this is usually provided at the rear of driveways to provide easy level access to the street. The applicant has confirmed that driveways have been provided to be wider than standard, approximately 3.3m, to allow easy access to the rear to get passed a parked car. For the flats, communal, secure and covered cycle storage is provided in each block, either in single or double stacked racks.

The application seeks consent for play areas within the site including 1 Neighbourhood Equipped Area for Play (NEAP), 1 Local Equipped Area for Play (LEAP), 3 Local Areas of Play (LAP) and 1 Multi Use Games Area (MUGA).

The applicant has referred to the leisure provision as follows:

*"The NEAP in the southern section of the masterplan is located at the entrance off Maple Drive, where there is an existing LEAP which would be lost due to the proposed development. The NEAP would be a substantial adventure playground accessible for both the existing and proposed communities. It is also adjacent to a large proposed MUGA, providing a valuable leisure space. The LEAP in the northern section of the proposed development is nestled within the open space and off the cycleway route. This play area will use timber play equipment and natural landscape elements to create a playable space."*

The existing trees and hedgerows along the site's perimeter are largely retained and enhanced with additional boundary planting, including native buffer planting, where required. A number of trees are to be removed within the site although the applicant is proposing 2:1 replanting.

Areas of open space are being provided within the application with these being transferred to the District Council as per the terms of the DM/18/0509 outline approval.

## **DEVELOPMENT PLAN**

### **Mid Sussex District Plan 2014-2031 (2018) (District Plan)**

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policies include:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP7 General Principles for Strategic Development at Burgess Hill
- DP9 Strategic allocation to the north and northwest of Burgess Hill
- DP20 Securing Infrastructure
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP23 Communication Infrastructure
- DP26 Character and Design
- DP28 Accessibility
- DP29 Noise, Air and Light Pollution
- DP30 Housing Mix
- DP31 Affordable Housing
- DP34 Listed Buildings and Other Heritage Assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage
- DP42 Water Infrastructure & the Water Environment

## **Burgess Hill Neighbourhood Plan**

As noted in the site and surroundings section, the southern part of the site is within the Burgess Hill Neighbourhood Plan area.

The Burgess Hill Neighbourhood Plan has been 'made' and therefore forms part of the development plan for that southern part of the application site. Relevant policies of the Burgess Hill Neighbourhood Plan for the southern part of the site include:

- S4 Parking Standards For New Developments
- LR1 Improved Recreational Facilities And New Community/Sports Hall At Leylands Park
- LR3 Protect And Improve Existing Leisure And Recreational Facilities
- G1 Areas of Open Space
- G2 The Green Circle Network
- G3 Nature Conservation and Biodiversity
- G6 Footpaths, Rights of Way and Cycle Links

The remaining northern part of the site is not covered by a Neighbourhood Plan area. However, it is a 'made plan' and contains specific policies relevant to this Northern Arc application, their relevance is explained below, even though the northern part of the site falls outside of the BHNP area. Therefore the following policies of the Burgess Hill Neighbourhood Plan are considered to be a material planning consideration in the determination of this Northern Arc application on the northern part of the site:

- LR1 Improved Recreational Facilities and new Community/Sports Hall at Leylands Park (relevant because it states that a public transport and cycle link will be supported between the proposed Northern Arc strategic development and Maple Drive)
- G6 Footpaths, Rights of Way and Cycle Links (relevant because it states that new development will be expected to provide links to the existing network where appropriate)

## **OTHER MATERIAL CONSIDERATIONS AND RELEVANT LEGISLATION**

### **The Ansty, Staplefield & Brook Street Neighbourhood Plan**

The Ansty, Staplefield & Brook Street Neighbourhood Plan has been made. However, the 'plan area' within the Neighbourhood Plan does not extend to the application site. Therefore this Neighbourhood Plan does not form part of the development plan for the consideration of this application.

However, it is a 'made plan' and contains specific policies relevant to this Northern Arc application. Therefore the following policies of the Ansty, Staplefield & Brook Street Neighbourhood Plan are considered to be a material planning consideration in the determination of this Northern Arc application:

- AS13 Traffic Management (relevant because it states that the provision of traffic management solutions to address the impacts of traffic arising from development at north west Burgess Hill will be strongly supported)
- AS14 Walking and Cycling Routes (relevant because it states that the provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported)

### **National Planning Policy Framework (NPPF) (February 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 meet 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 to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

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

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

### **National Planning Policy Guidance (NPPG)**

#### **Northern Arc Masterplan (2018)**

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The Masterplan sets out a vision for the Northern Arc along with the following Strategic Development Principles that are relevant to this application:

- SDP1            Access and Strategic Movement
- SDP2            Northern Arc Avenue
- SDP3            Strategic Green Connections

- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP6 Housing Mix, Density and Capacity
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP9 Built for Life
- SDP10 Integration with Established Communities
- SDP11 Education
- SDP12 Mixed and Balanced Community
- SDP13 Integrating Employment Opportunities
- SDP14 Landscape and Green Infrastructure
- SDP15 A rich variety of open space
- SDP16 Ancient Woodland and Veteran Trees
- SDP17 Sports Facilities
- SDP18 Topography
- SDP19 Visibility
- SDP20 Existing Utility Infrastructure
- SDP21 Climate resilient development
- SDP22 Low carbon energy
- SDP23 Integrated Water Management
- SDP24 Construction and Material Use

### **Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)**

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

### **Burgess Hill Town Wide Strategy (2011)**

The Burgess Hill Town Wide Strategy comprises the Town Council's proposed strategy for Burgess Hill for a 20 year period. The Strategy states that the Town Council was keen to develop a new but realistic and deliverable strategy in order to prevent the town from standing still and potentially going into decline. The Strategy states that:

*"A key part of the development of the strategy was to identify what local people wanted their town to be like. A number of consultation events, strategies and visions have been prepared over the last 6-7 years and each contained a common thread of Burgess Hill being:*

- *a fully sustainable 21st century town focussed around a high quality, vibrant and accessible town centre;*
- *a town that's existing and future population is supported by the necessary community facilities, employment opportunities and access to green open space; and*
- *a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*

*To achieve the above vision, it was considered that the town needs:*

- *a better town centre with a greater range of shops and a more attractive pedestrian environment;*
- *improved public transport, walking and cycling links as well as better roads;*
- *new and improved community and cultural facilities;*
- *additional high quality and suitably located business park development; and,*
- *new, improved and well-connected sports, recreation and open space in and around Burgess Hill."*

To help meet this vision a number of projects are identified within the Strategy including:

- *"improvements to the town centre (to the main routes of Queen Elizabeth Avenue, Civic Way and Church Road/ Church Walk as well as improved buildings and a new public square);*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)*
- *new and improved community and green infrastructure (including a new Centre for Community Sport, management of Ditchling Common, new open space provision in the east of the town, a civic info centre and a new community/ arts centre); and,*
- *improved and new employment development."*

The Strategy identifies that in order to deliver the desired projects, then additional housing developments would be required and subsequently identified the requirement of around 4000 homes, including 500 on land east of Kings Way and 3500 on land to the north and north west of the town.

**Burgess Hill Public Transport Strategy (2016)**

**Developer Infrastructure & Contributions SPD (2018)**

**Affordable Housing SPD (2018)**

**Development Viability SPD (2018)**

**West Sussex Transport Plan 2011-2026 (2011)**

**West Sussex Walking and Cycling Strategy 2016-2026 (2016)**

**West Sussex County Council Guidance on Parking at Developments (May 2019)**

**Ancient woodland, ancient trees and veteran trees: protecting them from development (Natural England and Forestry Commission Standing Advice) 2014**

**Listed Building and Conservation Area (LBCA) Act 1990**

## **Technical Housing Standards**

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

## **National Design Guide and Ministerial Statement**

### **ASSESSMENT**

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

- Principle of Development
- Design, Visual Impact and Landscape
- Trees
- Ecology & Biodiversity
- Transport, Highways and Movement
- Affordable Housing
- Residential Amenity
- Water Resources, Flood Risk & Drainage
- Heritage
- Leisure
- Sustainability
- Other Issues
- EIA Regulations
- Planning Balance and Conclusion

### **Principle of Development**

The principle of the development has been established by the granting of the outline planning application DM/18/0509 in July 2019 which permitted *"up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition."*

Furthermore, it should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill. Policy DP9 is the relevant policy in the District Plan which allocates the strategic development of which this application site forms a part of. Policy DP9 states:

*"Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:*

- *Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*

- 25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;
- Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;
- A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;
- Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and
- A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive."

Policy DP9 further states:

*"Strategic mixed-use development in this location will:*

- *Progress in accordance with an allocation-wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to and approved by the local planning authority. Each planning application to be determined should accord with such approved documents unless otherwise agreed by the local planning authority."*

An allocation wide Masterplan and Infrastructure Delivery Plan and Phasing Strategy were approved on the 24th September 2018 by Cabinet. These documents are therefore material considerations and accordance with these documents will be assessed in the relevant sections of this report.

Policy DP7 of the District Plan sets out general principles for strategic development at Burgess Hill. The Policy states:

*"Strategic development will:*

- *Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- *Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*

- *Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- *Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;*
- *Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;*
- *Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*
- *Provide a range of housing including affordable housing, in accordance with policy DP31: Affordable Housing and housing for older people;*
- *Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity; Provide an effective telecommunications infrastructure, including provision for broadband; and*
- *Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability."*

The compliance of the proposed development with these requirements is discussed in the relevant sections of the remainder of the report.

In addition to the granting of the outline permission and the allocation policies, the site is located within the built up area as defined by the Mid Sussex District Plan with the boundary being formally extended upon the adoption of the District Plan in March 2018. Policy DP6 of the Mid Sussex District Plan states in part that:

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

In light of the above points, it is evident that the principle of the proposal is clearly established.

## Design, Visual Impact and Landscape

Policy DP7 of the District Plan requires strategic development at Burgess Hill to identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan.

DP9 requires land uses and infrastructure delivery to identify and take account of environmental, landscape and ecological constraints appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible.

Policy DP26 states that:

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

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

The Masterplan sets out the following at SDP2:

- "The design and character of Northern Arc avenue will be developed to ensure that it strikes the optimum balance between its place-making role at the heart of*

*the community, uniting the various character areas across the Northern Arc, and its role as a supporting through route."*

The Masterplan sets out the following at SDP6:

- *"Higher density areas will be focused around the three neighbourhood centres and along the western and central sections of Northern Arc Avenue at a density of around 50 dwellings per hectare (dph). Medium densities of around 45 dph will predominate across much of the rest of Northern Arc, with lower density areas of around 35 dph in more sensitive edge locations."*

The Masterplan sets out the following place-making objectives at SDP7:

- *"Creating walkable neighbourhoods with vibrant centres that are accessible to all;*
- *Co-locating schools, community centres and open spaces with the neighbourhood centres to support vitality and community identity;*
- *Designing streets as places that encourage social interaction as well as walking, cycling and public transport;*
- *Ensuring that streets, public realm and open spaces are well overlooked and designed to feel safe and secure;*
- *Creating a place that is easy to find your way around with a clear hierarchy of streets and spaces, landmark features and views;*
- *Setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links;*
- *Incorporating trees, gardens and green spaces throughout the development to provide shade and cooling during extreme heat events and to increase its ability to adapt to climate change;*
- *Supporting health and well-being through opportunities for active lifestyles and living in close contact with nature;*
- *Providing a variety of different character areas which reflect variations in landscape and topography, as well as the role and function of different parts of the community;*
- *Integrating business and employment uses to diversify day time activities;*
- *Accommodating car parking and servicing in ways that are convenient and safe but also unobtrusive."*

The Masterplan sets out the following at SDP8:

- *"Design proposals for the Northern Arc will be assessed against the place-making objectives set out in Design Guide (SDP 8) and Building for Life 12*
- *Maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and the wider District."*

SDP9 of the Masterplan states that design proposals will be assessed against the place-making objectives set out in the Design Guide (SDP8) and Building for Life 12.

SDP14 in the Masterplan seeks to:

*"preserve the established framework of woodland, trees and hedgerows as part of the commitment to create a high quality and distinctive place. Together with the meandering water courses these will define the character of the new community and frame its development."*

SDP15 of the Masterplan sets out that:

*"the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote climate change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and well-being."*

SDP16 of the Masterplan states that:

*"the multiple designated ancient woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient woodlands will be incorporated into the frameworks of green spaces and protected by a buffer zone"*

SDP18 of the Masterplan sets out that:

*"the development will work with the Northern Arc's undulating topography to respect and build on the existing sense of place, as well as reducing the amount of earthworks and levelling required."*

The IDP identifies *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, *"recognising the intrinsic character and beauty of the countryside."*

The Design Guide approved under the DM/18/5114 'Northern Arc' outline application is also relevant. Although the current application is not a reserved matters application pursuant to DM/18/5114, the content of the Design Guide is nevertheless a material planning consideration for this application. The Design Guide sets out *"the key urban design, public realm and place-making principles that will be applied across the whole of the new community."* It is therefore intended to be used as a guide for the forthcoming reserved matters to support the delivery of the overall vision. The relevance to this application is that the Design Guide establishes the broad parameters of the design of the development in relation to the following:

- Place-making
- Northern Arc Neighbourhoods and Centres
- Residential Character Areas
- Employment
- Access, Movement and Street Layout Design

- Car and Cycle Parking
- Landscape and Public Realm

This development has been subject to a number of pre-application meetings where the Urban Designer has inputted into the evolution of the proposal. The Urban Designer, whose full comments are set out in Appendix B, has commented on the scheme overall as follows:

*"This is a well-designed scheme which is supported by the Design Review Panel (DRP). It benefits from diversity of layout and finishes on crisp contemporary styled buildings, that are laid-out in a clear hierarchy with the higher density dwellings facing the spine road and two main squares (in the north and south parcels) while the lower density housing face the attractive trees and spaces at the edges of the site including the existing public right away along Freeks Lane on the eastern boundary."*

The Urban Designer also states that:

*"The exception to this (the above para) is the three apartment blocks facing the site's southern gateway and the three storey terraced housing and apartments facing the northern gateway/parkland which help provide additional natural surveillance respectively across the link to Maple Drive to the south and the bridge link with the Northern Arc development to the west (including the proposed secondary school and neighbourhood centre) and the play areas incorporated in both open spaces. The three storey houses on the northern edge will be particularly distinctive as they benefit from strong rhythm and are sensitively configured as they snake and step with the shape of the existing land."*

Although supportive of the scheme, the Urban Designer has requested additional drawings showing further section details where the land is being re-profiled and of the Freeks Lane crossing. This will be secured by a planning condition as set out in Appendix A. The same condition will also secure detailed 1:20 drawings and re-designed corner flanks on some specific plots.

Reference has also been made by the Urban Designer to the need to secure additional details, by condition, for soft and hard landscaping (including boundary treatment, urban drainage and play areas) as well as facing materials. It should be noted however that details of landscaping and materials are already secured through conditions attached to the outline planning permission so should not be replicated here under the reserved matters submission.

Reference has been made above to the Design Review Panel (DRP) comments with support for the scheme being given by this consultative body. The Panel's comments are set out in full in Appendix B but it is relevant to highlight that the scheme is commended and should be seen as a benchmark for the rest of the Northern Arc development. The DRP commented that:

*"The panel again applauded the presentation and agreed this was a carefully thought through scheme that responds successfully to its attractive context that was especially impressive as it is a tricky sloping site. The architects have also*

*successfully accommodated a higher density development than normal while avoiding making it too urban. The simple crisp clean lines and modular form of the architecture works well, but will be very dependent on the quality of the facing materials. The high quality of the design and level of consideration was such that it should be considered as a benchmark to follow for other urban extensions and especially the other phases of the Northern Arc project."*

Planning officers concur with the assessments made by the Urban Designer and the Design Review Panel and consider that the proposal sets a good standard of design that accords with local and national policy requirements including the recently published national design guide.

Regarding the design of the scheme in respect of public safety, the Sussex Police Designing Out Crime Officer has commented on the proposals with their full comments set out within Appendix B. The Officer originally requested further information from the applicant regarding natural surveillance over parking courts along with some details on landscaping arrangements. The applicant provided additional details on both these points that has satisfied Sussex Police with their officer confirming that:

*"I find these statements reassuring and accept them from a crime prevention perspective and as a result they have removed my previous concerns over these issues. I have no further concerns or comment to make at present from a crime prevention perspective."*

Regarding the landscape and visual amenity impacts of the development, the Council's Landscape Advisor has confirmed that

*There would be some loss of mature trees and hedgerows which it is recognised is unavoidable due to the need to provide the spine road with associated bridges across streams within the site area. The proposed tree planting strategy is supported and should compensate for tree loss in the longer term. It is recommended that the detailed design proposals for the landscape elements of the scheme can be supported. This would ensure that the proposed development can have an acceptable impact on landscape character and views."*

The advisor concludes her comments by stating that:

*"It is recommended that the proposed designs for the landscape elements of the scheme can be supported in principle subject to consideration of the following:*

- i. Detailed hard and soft landscape schemes for all of the areas including the boundary open spaces.*
- ii. A long term management plan for the successful establishment and care of the landscaped areas.*
- iii. Details of tree protection for retained trees in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction."*

In respect of this, it is important to note that whilst this application includes broad details of the landscaping, there are still detailed conditions from the outline consent that secure the detailed information required on landscaping matters. The

Landscape Advisor's comments will therefore be adequately addressed through the discharge of conditions.

To conclude this section, the design of the scheme is of merit and the subsequent landscape and visual effects are considered acceptable. The application complies with Policies DP7, DP9 and DP26 of the District Plan, Principles SDP2, SDP6, SDP7, SDP8, SDP9, SDP14, SDP15, SDP16 and SDP18 of the Northern Arc Masterplan, the Northern Arc IDP, the NPPF and the Northern Arc Design Guide.

## **Trees**

Policy DP37 of the District Plan states:

*"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will*

*normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary."*

SDP14 of the Masterplan relates to landscape and green infrastructure and states that:

*"The development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place."*

SDP16 refers specifically to Ancient Woodland and veteran trees and states that:

*"The multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone."*

SDP21 of the Masterplan sets out that green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions.

The IDP identifies that *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

The applicant's arboricultural submissions indicate the following with regards to tree removal:

Category A - 3  
Category B - 14  
Category C - 392  
Unclassified - 9

Overall the plans show that show that 91% of the high quality (A grade) trees shall be retained, and that 95% of the moderate quality (B grade) trees shall be retained.

As well as the individual trees referenced above, there is also 38,685 m<sup>2</sup> of existing woodland on the site. None of this woodland is Ancient Woodland. The proposals show the removal of 1714 m<sup>2</sup> of woodland necessary to facilitate the development and this equates to 4.4% of the total.

In addition, 894 metres of hedgerow is to be removed within the site.

The Council's Tree Officer has been consulted on the merits of the application and has requested further details on the planting proposals with a request that the replacement planting is carried out on at least on 1:1 basis as per the requirements of the Policy DP37.

It is important to highlight that the applicant has confirmed that tree planting will be carried out on a 2:1 basis, in excess of policy requirements, with 820 trees to be replanted to replace the 418 being removed.

The tree officer has also commented on the effectiveness of providing meadow areas and has indicated that the type of planting within these areas will be important in order to ensure such areas function successfully.

The additional details requested above can be adequately addressed through planning conditions and the tree officer is content with that. In this case there are two relevant conditions attached to the outline consent (DM/18/0509) that need to be addressed by the applicant. Condition 9 requires retention and protection details to be agreed prior to commencement of development. Condition 13 sets out the detailed landscaping requirements to be secured within a landscape management plan including:

- details of extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around ancient woodland
- details of management responsibilities

To summarise, although there are a number of category C trees to be removed these are of low value and the vast majority of higher value category A and B trees are to be retained. No objections have been raised to the loss of these trees or the woodland or hedgerow by the tree officer and planning officers are content that their removal is necessary in order to facilitate the development. Planting on a 2 for 1 basis is to be commended and additional information is required regarding the detailed landscaping and planting proposals but such matters will be adequately addressed through the relevant conditions that are attached to the DM/18/0509 outline consent.

The application therefore accords with Policy DP37 of the District Plan, principles SDP14 and SDP16 of the Masterplan and the IDP.

## **Ecology & Biodiversity**

Policy DP7 states in part that strategic development will: *"Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity;..."*

DP9 also makes clear that *"the relevant land uses and infrastructure delivery for each phase: Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7:*

*General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity..."*

Policy DP38 of the District Plan 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."*

Policy G3 (Nature Conservation and Biodiversity) of the Burgess Hill Neighbourhood Plan states that the Town Council will seek appropriate improvements to the habitat network in development proposals wherever possible.

SDP14 (Landscape and Green Infrastructure) of the Masterplan states that:

*"The Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets. It will also deliver a net gain in biodiversity. This will be achieved by delivering ecological enhancements within the green infrastructure areas, such as ecologically valuable SuDS systems, private and shared garden and amenity space, and passive*

*measures elsewhere such as green and brown roofs and the creation of new habitats through measures to support wildlife such as, for example, bat boxes. The development provides an opportunity to increase the diversity and resilience of tree cover, particularly in relation to climate change, pests and disease, as well as delivering a range of amenity benefits."*

SDP15 of the Masterplan sets out that:

*"the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote climate change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and well-being."*

SDP16 (Ancient Woodland and Veteran Trees) of the Masterplan sets out that:

*"the multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone."*

The IDP identifies that *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

At national level, the NPPF states in part at paragraph 170 that:

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;..."*

Paragraph 175 is also relevant to the determination of planning applications with this stating that:

*"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 reasons 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."*

It is important to highlight that the proposal does not result in the loss of any Ancient Woodland.

In support of the application, the applicant has submitted an 'Ecology Impact Topic Report' that is available to view in full on the planning file.

The Council's ecological advisor has commented on this reserved matters submissions and confirmed that:

*"In my opinion, based on the ecological impact assessment (submitted under the separate application to discharge the pre-commencement requirements of condition 23 as "Ecology Impact Topic Report"), there are no biodiversity policy reasons for refusal or amendment of this reserved matters application."*

It should also be highlighted that the outline consent, DM/18/0509, secured under condition 23 a full ecological impact assessment, a construction and environmental management plan and a landscape and habitat management plan. These mitigation measures have already been provided by the applicant with condition 23 having been approved under application DM/19/3750.

Referring to Burgess Hill Town Council's comments regarding securing a biodiversity net gain it is important to make clear that such an ambition is secured through the legal agreement on the DM/18/5114 outline scheme rather than the outline consent on this application site (DM/18/0509).

In response to the Town Council's comments, the applicant has commented as follows:

*"In terms of ecological enhancement, The layout of the development retains wherever possible the most ecologically valuable habitats within the site, including the broadleaved woodland and the species rich hedgerows. Although there is a requirement for small areas of broadleaved woodland loss and loss of species poor hedgerows (either permanently or temporarily), the habitat proposals in the long term will result in a net increase in both broadleaved woodland and native species rich*

*intact hedgerow. The development is concentrated within areas of amenity grassland, improved grassland and species poor semi-improved grassland, all of low botanical value. Although there will be a net decrease in the total area of grassland habitat, there will be an increase in more ecologically valuable grassland habitat through the creation of floristically diverse wildflower grassland, managed for wildlife value. There will also be a long term increase in wetland habitat within the site. One small pond in poor condition will be lost, along with a dry depression within the site, however there will be creation of four SuDs water bodies, designed to include permanently wet areas of biodiversity value, in addition to retention of a pond within the site. The design of habitat enhancements within the site will provide better connectivity of larger areas of habitat around the western and northern perimeter of the site in particular for hazel dormouse, great crested newts and reptiles."*

The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees. Following this standing advice demonstrates that the developer has adequately avoided negative effects on veteran trees and Ancient Woodland. In this case there is no Ancient Woodland within the site or adjacent to it and no veteran trees have been identified by the tree survey.

The reserved matters submission is therefore considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Policy G3 of the Burgess Hill Neighbourhood Plan, Principles SDP14, SDP15 and SDP16 of the Masterplan, the IDP and the NPPF.

## **Transport, Highways and Movement**

Policy DP21 of the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

Policy DP22 of the District Plan states:

*"Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.*

*Access to the countryside will be encouraged by:*

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders)."*

Policy DP7 states that strategic development will, inter alia:

- *"Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- *Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west*

*traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;..*

- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;..."*

Site specifically Policy DP9 requires:

*"A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive."*

Policy DP28 of the District Plan states:

*"All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily."*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*

*With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised."*

Policy S4 of the Burgess Hill Neighbourhood Plan sets out parking standards for Burgess Hill within the plan area.

Policy G6 of the Burgess Hill Neighbourhood Plan refers to footpath and cycle links and states that new development will be expected to provide links to the existing network where appropriate.

Policy LR1 of the Burgess Hill Neighbourhood Plan states in part that:

*"a public transport and cycle link will be supported between the proposed Northern Arc strategic development and Maple Drive running to the north of The Hawthorns, providing the existing play facilities are relocated to at least the existing standard at the satisfaction of the Council".*

The Masterplan sets out the following at SDP1:

- *"Permeable layout that integrates with the surrounding highway network*
- *Maximise sustainable patterns of movement*
- *Highway design will direct traffic to the A2300 via the A273 and the Northern Arc avenue and minimise movement through the villages to the north of the site*

- Northern Arc avenue to provide a new through connection between A273 Jane Murray Way and A2300 in the west and A273 and Maple Drive in the east
- Priority junctions and traffic signals favoured over roundabouts to support permeability for pedestrians and cyclists
- Two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway
- Network of secondary pedestrian and cycle links will be provided throughout the Northern Arc linking the area to the wider town to provide attractive, convenient and safe routes to facilitate sustainable movement
- Three neighbourhood centres, connected to each other by the Northern Arc avenue, located so people can walk to local facilities and services within 5 to 10 minutes of their home, as well as being accessible by cycle, public transport and car."

SDP2 of the Masterplan refers to the Northern Arc avenue and states that:

*"In accordance with Local Plan policy, the development of the Northern Arc will include the provision of a link road between the A273 Isaac's Lane and the A2300 as described in SDP 1. This new link will be provided by the Northern Arc Avenue and will serve both as a through route (alongside the A273 Sussex Way/Jane Murray Way) and as a development access road."*

SDP3 of the Masterplan states that the Northern Arc will provide two strategic pedestrian and cycle links - an enhancement of the Green Circle and a Green Super Highway.

SDP4 of the Masterplan requires that, alongside the strategic links of SDP3, a network of pedestrian and cycle links will be provided throughout the Northern Arc linking into the existing town.

SDP10 of the Masterplan states that the Northern Arc will seek to maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and wider district.

The approved IDP also sets out the intent of the applicant to deliver appropriate infrastructure within the Northern Arc that would include the following:

- On Site Road Network
- Road and Footbridges
- Highway Access Point Works
- Public Transport Projects
- Sustainable Travel Projects
- Walking and Cycling Projects
- Active Mode Main Access Point Works
- Off-site Highway Works

Policy AS13 of the Ansty, Staplefield and Brook Street Neighbourhood Plan refers to traffic management and states that:

*"The provision of traffic management solutions to address the impacts of traffic arising from development at north west Burgess Hill will be strongly supported. This includes either directly provided solutions or the use of contributions from development to contribute towards the costs of provision."*

Policy AS14 of the states that the provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported.

The Burgess Hill Town Wide Strategy sets out a number of requirements including:

- *"a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*
- *improved public transport, walking and cycling links as well as better roads.*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)"*

In respect of new housing to the north of the town, The Town Wide Strategy requires, amongst other matters:

- *"sustainable transport measures and links into the town centre.*
- *a northern link road taking traffic away from Sussex Way, thus creating a sustainable transport corridor;"*

The NPPF states that:

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

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

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

West Sussex County Council (WSSCC) in their capacity as the local highways authority (LHA) has provided detailed comments on the merits of the application with these set out in full within Appendix B.

Regarding car parking, the applicant has indicated they will be providing the following spaces as already set out within the application details section of this report:

Parking Type	Spaces
Allocated	686
Unallocated	53
Garages	34
Visitor	146
Total	919

This provision is considered acceptable by WSCC with the highways authority confirming that:

*"The applicant has compared the proposed car parking level against the Mid Sussex District Council Car Parking Standards contained within the Development Infrastructure and Contributions SPD; which at the time of submission were still the relevant standards. There is a mixture of allocated and unallocated parking throughout the development. Visitor parking is spread throughout the development and several of the spaces are located along the spine road itself.*

*The proposed level of car parking is considered to be broadly in line with the overall forecast parking demand and not considered to result in significant levels of overspill car parking taking place on-street. The car parking is generally accommodated on driveways and in front of properties. There are however certain areas where rear parking courts are proposed."*

It should be noted that parking provision has been formulated based on detailed discussions with MSDC and WSCC at the pre-application stage having taken into account the requirements of both the MSDC standards (which applied at the time of the submissions), WSCC standards and the Burgess Hill Neighbourhood Plan standards within Policy S4.

As noted previously within this report the applicant is proposing 1 fast electric charging point (7kW) per 10 dwellings and all on-plot parking with 3kW charging points. WSCC has stated that the precise details of the proposed electric vehicle charging points and their location should be secured via condition.

Regarding cycling parking, the applicant is providing in excess of the minimum requirements with WSCC commenting on this provision as follows:

*"Apartments are to be provided with communal cycle storage provided in each block, either in single or double stacked racks. Dwelling houses have private dedicated cycle storage either within garages or in specific storage. The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bed dwellings have a provision for 3 cycle spaces whilst dwellings with four bedrooms have provision for 4 cycle spaces. The level of cycle parking provided is well above the minimum requirements within the parking standards and is welcomed.*

*Visitor cycle spaces have been provided throughout the scheme. These are located at places of public activity such as the MUGA and play areas, but also near to apartment blocks where visitors may not have access to the communal cycle stores. This provision is welcomed by the Highway Authority."*

WSSC has made the following comments on the residential street layout:

*"The width of the main spine road through the site ranges from 6.75m to 6.5m. From Maple Drive the first section is 6.75m this then reduces to 6.5m where the first residential units are proposed. A 1.8m footpath and separate verge is provided on one side and a 3m wide shared pedestrian/cycle path on the other side. Various approaches are taken to the secondary roads which provide access to the residential parcels. The roads range from traditional carriageways with footpaths on both sides to various widths of shared surface roads. The approach taken helps define a hierarchy to the streets."*

Other comments made by WSSC relate to the following points:

- A Road Safety Audit is required
- Bus stop details are required
- Pedestrian crossing details are required
- Side road junction design details are required
- Some side roads, those shared surface roads proposed at 4.1 metres, would not be considered for adoption by WSSC
- Consideration should be given to the location of the cycle route on one side of the carriageway only
- Carriageway treatment details are required

These matters that require further information will be adequately addressed through relevant conditions as set out in Appendix A or through the Section 38 agreement (adoption process).

It is considered that this proposal, which provides pedestrian and cycle routes, is acceptable in respect of accessibility and the aims of Policy DP28 of the District Plan are met.

It is noted that the one third party objection made to this application raises highways matters with concern expressed about the highways implications on Maple Drive. The primary access onto Maple Drive has however already been considered and granted at the outline stage with no objections being raised by the highways authority. It is worth highlighting however that there is a condition attached to the outline planning permission (no. 21) that states that no more than 130 dwellings on the Freeks Farm site shall be occupied until the link road running through the site is extended beyond the site boundary to join Isaacs Lane. This key piece of infrastructure, known as the Eastern Bridge and Link Road, is subject to current application DM/19/3313.

In the absence of any technical objections from WSSC, and subject to the imposition of the conditions requested by the highways authority, there are no sustainable reasons to object to the proposal on highways grounds.

It is evident from the above assessment that the application therefore complies with Policies DP7, DP9, DP21, DP22 and DP28 of the District Plan, Principles SDP1, SDP2, SDP3, SDP4 and SDP10 of the Masterplan, the IDP, Policies LR1 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Burgess Hill Town Wide Strategy and the NPPF.

## **Affordable Housing**

Policy DP31 of the District Plan states:

*The Council will seek:*

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

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

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

SDP12 of the Masterplan and the IDP sets out that the development will provide 30% affordable housing of which 75% will be social or affordable rented and 25% will be intermediate.

In this case the proposal gives rise to an onsite affordable housing requirement of 30% (138 units).

The proposed mix comprises:

*Affordable Rent (AR):*

1 Bed 2 Person Flats: 14  
1 Bed 2 Person Wheelchair Accessible Flats: 1  
2 Bed 4 Person Flats: 25  
2 Bed 4 Person Wheelchair Accessible Flats: 1

Over 55's 1 Bed 2 Person Flats: 17

Over 55's 2 Bed 3 Person Flats: 2

2 Bed 4 Person House: 28  
2 Bed 4 Person Wheelchair Accessible House: 1  
3 Bed 5 Person House: 11  
3 Bed 5 Person WCH Wheelchair Accessible House: 1  
3 Bed 6 Person House: 2  
4 Bed 6 Person House: 1  
Total Affordable Rent: 104 (75%)

*Shared Ownership (SO):*

1 Bed 2 Person Flats: 5  
2 Bed 4 Person Flats: 17  
2 Bed 4 Person Houses: 10  
3 Bed 5 Person Houses: 2  
Total Shared Ownership: 34 (25%)

Total Affordable: 138

The Council's Housing Needs team has confirmed that this mix is acceptable to the Council. Furthermore the provision of one x 1 bed flat, one x 2 bed flat, one x two bed house and one x 3 bed houses as fully accessible wheelchair units in accordance with Cat M 4(3) of the building regulations is welcomed, as is the provision of a block of flats for the over 55's. The tenure split of 75% affordable rent and 25% shared ownership is also in accordance with current policy and the property sizes meet the Council's occupancy requirements.

In respect of clustering and design, the housing team has noted that:

*"With the exception of the high density flatted blocks the affordable dwellings are provided in clusters of no more than 10 units with each cluster distinctly separate from another with private units in between. A tenure blind approach to design and materials is also being taken to assist with social integration and community cohesion."*

Based on the affordable housing provision within this development, it is evident the application complies with Policies DP28 and DP31 of the Mid Sussex District Plan and SDP12 of the Northern Arc Masterplan.

## Residential Amenity

Policy DP26 of the District Plan states:

*"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution."*

The policy test of whether or not an application is acceptable in respect of the impact on residential amenity is therefore down to whether significant harm is demonstrated or not.

Policy DP27 of the District Plan states:

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

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

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

SDP24 of the Masterplan states that buildings will be designed for adaptability with a simple floor plate, good daylighting, generous floor to ceiling heights and adequate space for servicing.

Paragraph 127 of the NPPF requires development to, inter alia:

*"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

In this case, the proposed development has substantial separation gaps from the new dwellings to the boundary with the Fairbridge Way site to the south west (20 metres in the nearest place). In addition there is an internal road and boundary vegetation also located in between the dwellings proposed under this application and the adjoining development. Significant harm will not therefore be demonstrated and this development will not prejudice the Fairbridge Way scheme.

To the east, Lowlands Farm benefits from planning permission secured under DM/18/5114 with part of this adjoining land to be used in the future for residential development.

To the south east, the application site is in close proximity to existing dwellings at The Hawthorns although Freeks Lane separates them where there is also a good level of existing vegetation. The proposed dwellings which are orientated east in this location fronting onto the internal access road, are separated from The Hawthorns dwellings by some 30 metres. Given this substantial separation, which is well in excess of the generally recognised acceptable back to back minimum distance of 21 metres, significant harm will not occur.

Although the MUGA and the NEAP are located close to existing dwellings on The Hawthorns and others on Maple Drive, these uses are not deemed to be incompatible with neighbouring residential use and significant harm to amenity could not therefore be reasonably demonstrated.

To the south, the application site borders some undeveloped land north of Faulkners Way that has been identified by Policy LR1 within the Burgess Hill Neighbourhood Plan for up to 20 new residential units. No planning applications have yet been submitted on this land. A potential access through the application site to this land is provided and the design and layout of the dwellings themselves do not prejudice the future development of this adjoining land.

It is acknowledged that there will be some degree of disruption during construction work but this would not merit a refusal of the application as they will be temporary in nature and are necessary to facilitate the development. The building works will in any event be mitigated as much as possible through working hours restrictions and the Construction Environmental Management Plan that will control various matters such as construction traffic routes, site set up, contractor parking and other mitigation measures. These mitigation issues have already been secured through the conditions attached to the outline planning consent.

In respect of future amenity, all of the proposed dwellings have access to private amenity space, either through private gardens or private balconies and the applicant has confirmed that all of the dwellings meet or exceed the National Floor Space Standards referenced by Policy DP27.

The proposal will not cause significant harm to neighbouring residential amenity and will provide an acceptable standard of accommodation for future residents. The application is therefore considered to be in accordance with Policies DP26 and DP27 of the District Plan, Principle SDP24 of the Masterplan and Paragraph 127 of the NPPF.

### **Water Resources, Flood Risk & Drainage**

Policy DP9 requires the relevant land uses and infrastructure delivery for each phase, to, in part:

- *Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;*
- *Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of*

*the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;..."*

Policy DP41 of the District Plan states:

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

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

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

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

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

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

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

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

Policy DP42 of the District Plan states:

*"New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:*

- *Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- *Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

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

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

*Planning conditions will be used to secure necessary infrastructure provision. Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.*

*The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised."*

SDP20 of the Masterplan states that green infrastructure will help to reduce flood risk and manage storm water through an extensive network of SuDS.

SDP23 of the Masterplan states that the Northern Arc will identify opportunities to reduce potable water demand to below the 110 litres per day through the use of a non-potable water network.

The IDP identifies that the Northern Arc will deliver potable water, surface water and foul water projects to the development.

The Council's drainage officer has been consulted on the merits of this application, having been consulted on the outline planning consent as well the discharge of the drainage condition application. The drainage officer has confirmed the following:

- *"The topographical information and the proposed layout show the SuDS ponds within suitable positioning of the site.*
- *The outfalls from the surface water drainage system are still subject to full agreement and their positioning could change. But this is a consideration for the Discharge of Conditions Application.*
- *The swales and outfall for the Maple Drive access road are also subject to full agreement, and will be considered under the Discharge of Conditions Application.*
- *The technical details for how the drainage arrangements will function will be considered under the Discharge of Conditions Application.*

*I am therefore satisfied that the proposed layout in this reserved matters should not alter the proposed drainage methodology agreed under DM/18/0509."*

In light of the above comments, the proposal is considered to be in accordance with Policies DP9, DP41 and DP42 of the District Plan, Principles SDP20 and SDP23 of the Masterplan, the IDP and the NPPF.

## **Heritage**

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

The LPA is also under a duty by virtue of s.72 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects conservation areas in exercise of planning functions):

*"In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

Case law has stated that:

*"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point:

*"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do*

*so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan states in relation to Listed Buildings:

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;...*
- Special regard is given to protecting the setting of a listed building;"*

Policy DP34 of the District Plan states in relation to other heritage assets:

*"The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic. Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."*

The supporting text to principle SDP14 (Landscape and Green Infrastructure) in the Masterplan states that the Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets.

Paragraph 192 of the NPPF sets out that:

*"in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Paragraph 193 of the NPPF is also particularly relevant with this stating that:

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

Paragraph 196 of the NPF states that:

*"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."*

Paragraph 197 of the NPPF is also relevant with this stating that:

*"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

### Listed Buildings

No Listed Buildings are located within the site boundary. The nearest listed buildings are located in excess of 400m away from the site, the grade II listed Firlands to the west on Cuckfield Road and Chapel Farmhouse on London Road to the south west. Given that these listed buildings are separated from the application site by such distances, coupled with intervening development in between, the proposal does not affect the setting of these listed buildings or any others in the vicinity.

### Conservation Areas

There are no Conservation Areas within the site with the nearest part of the St John's Conservation Area being located approximately 500 metres from the site to the south. Given this distance and the intervening development within Burgess Hill in between, the proposed development will not affect this conservation area or its setting with the impact being negligible.

### Archaeology

It is important to highlight that archaeological matters have been addressed through the outline permission with a condition being used to secure a programme of archaeological work being carried out in accordance with details to be approved by the Local Planning Authority.

### Other Built Non-Designated Heritage Assets

The Council's Conservation Officer has highlighted that the proposal has the potential to impact on Lowlands Farm barn to the east which is deemed to be a non-designated heritage asset. In their original comments the Conservation Officer requested that a heritage statement be provided which the applicant duly submitted.

The Conservation Officer has commented as follows:

*"The barn dates from the 19th century and has been altered, giving it a modest degree of potential historical evidential value (although this is difficult to assess*

*without an internal inspection). I would say also though that the building has historical illustrative value, again modest, in the local context, in terms of illustrating the former agricultural economy of the area, prior to the spread of Burgess Hill during the 20th century. The building also has modest fortuitous aesthetic value, despite some unfortunate modern alterations, which depends on its vernacular form and materials, seen within the existing rural setting. Therefore although I would not argue that the building has a high level of significance I do consider that within the local context it is of moderate significance, rather than the lowest level suggested by the submitted Heritage Statement.*

*The existing rural setting of the building contributes significantly, in my opinion, to both its historical illustrative and its aesthetic value. The site makes up a large part of this setting and makes a strong contribution to the appreciation of these aspects of the NDHA's significance. This includes not only views from the barn towards the site and vice versa, but also the approaches to the barn along the PROW running along Freeks Lane.*

*Therefore although the Heritage Statement provides useful historical background on the site and the barn, it underplays both the significance of the NDHA and the contribution which the site makes to the setting of the asset and the manner in which its significance is appreciated.*

*The Heritage Statement concludes that the proposal will cause a moderate level of harm to the NDHA (again I would consider that this underplays the impact of the proposal), however it does not make any recommendations for amendments to the scheme to mitigate this harm, as would be required under the relevant Historic England guidance, and I am unaware of any response from the applicant to my earlier comments in this respect. These comments therefore still stand, and I continue to consider that the proposal causes less than substantial harm to the NDHA, which the current proposal does not appear to adequately address."*

In response to this the applicant has commented that:

*"The barn is a non-designated heritage asset and therefore in NPPF terms, para 193 requiring great weight to be given to conservation and para 194 requiring clear and convincing justification for any harm, do not apply. Impacts to a non-designated built heritage asset require only a 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset' (para 197, NPPF).*

*Regarding (the conservation officer's) comments on downplaying both the significance and the contribution of the rural setting to that significance - this is a simple and minor difference of professional opinion. Emily recognises that the barn has undergone alteration and has only a modest historical illustrative value but argues the rural setting contributes significantly to its significance, whereas I believe its significance is derived more from the (limited) extent of surviving 19th Century fabric.*

*With respect to (the conservation officer's) suggestion that I would need to make recommendations for alterations to the scheme to mitigate impacts to the barn, I do*

*state that "The position of the vehicle access has been chosen to allow retention of mature trees on the west side of Freeks Lane" and "The proposed landscaping has been designed to limit the inter-visibility of the barn with the Site and retain the enclosed character of Freeks Lane." Proportionate mitigation is therefore embedded to the scheme and I do not believe further revisions would be an appropriate or proportionate response to the significance of the barn."*

As highlighted within this report section DP34 of District Plan states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance. The NPPF (para 197) is clear in how planning applications should be determined when they have an impact on a non-designated heritage asset.

Firstly, the effect of an application on the significance of a non-designated heritage asset should be taken into account. In this case the Council's Conservation Officer considers that within the local context the building is of moderate significance.

Secondly, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the Council's Conservation Officer considers that the impact on the non-designated heritage asset will be less than substantial.

Members should therefore take into account the less than substantial harm to a non-designated heritage asset of moderate significance when coming to a balanced judgement. This should be balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings (DP9 of the Mid Sussex District Plan).

It is also important to take into account that the Lowlands Farm site forms part of the larger strategic allocation that benefits from planning permission (DM/18/5114). This planning permission, although in outline form, identifies within the land use parameter plans approved by the application that the land at and around Lowlands Farm is to be used for residential purposes. It is not known at this stage whether or not the reserved matters that come forward on the Lowlands Farm site will seek to retain the existing building.

To be clear Lowlands Farm barn is not a listed building, nor is it located within a Conservation Area. Planning officers consider therefore that the proposal is acceptable as submitted and no further mitigation is required.

In light of the above analysis on heritage assets, the development accords with Policies DP34 and DP35 of the District Plan, principle SDP14 of the Masterplan, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

## Leisure

Policy DP7 of the District Plan requires strategic development at Burgess Hill to provide new and/or improved and well-connected sports, recreation and open space in and around Burgess Hill.

Policy DP9 of the District plan states that the delivery of 3500 homes, across the strategic allocation, need to be supported by leisure and recreation uses sufficient to meet the day to day needs of the whole development.

Policy DP24 of the District Plan states:

*"Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported. The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document."*

Policy G1 of the Burgess Hill Neighbourhood Plan states that proposed new areas of open space will be supported.

Policy LR3 of the Burgess Hill Neighbourhood Plan states in relation to leisure and recreational facilities that , inter alia, *"Support will be given to allocating new facilities or improving existing ones."*

SDP7 sets out the place-making objectives within the Masterplan and this refers to supporting health and well-being through opportunities for active lifestyles and living in close contact with nature. This principle also states that the place-making objectives will include setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links.

SDP14 states that the development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place. It also states that as well as creating character within the new community, the existing green infrastructure will help to integrate the development into the wider landscape and maintain important habitats.

SDP15 states that the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and wellbeing.

The IDP sets out that the woodlands and natural open space should be provided in the form of ancient woodland, buffer areas, streams and natural open spaces to provide green corridors.

Appendix 2 of the Development, Infrastructure and Contributions SPD sets out requirements for Outdoor playing space, including LEAPs and NEAPs.

Regarding the provisions proposed by the applicant, the Council's Leisure team has commented that:

*"I am broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA.*

*It is noted that the Maple Drive MUGA/ NEAP are in relatively close proximity to neighbouring houses, and would wish to seek reassurances that measures will be put in place to mitigate any negative impact of this.*

*More generally, I am broadly content with the proposals for the open spaces. However, as set out in the s106 agreement, we would want to see much more detailed specifications before signing off. This is particularly pertinent for the areas that are due to be transferred to MSDC."*

The provision of the leisure facilities and the open space is therefore deemed acceptable by the leisure team. In respect of the comment regarding the proximity of the residential units, this is addressed in the residential amenity section of the report with it being concluded that such uses are compatible with neighbouring residential properties meaning the threshold of 'significant harm' from Policy DP26 would not be met.

In their comments, set out in full in appendix B, the Leisure team make reference to the detailed design of the play areas. As part of the obligations within the legal agreement attached to the DM/18/0509 approval, as well as condition 17 of that consent, the applicant has to agree the exact specification of play areas and open space with the District Council.

At this stage therefore, it can be concluded that the locations of the plays areas and open space areas are acceptable, although the detailed design and specification of the equipment within them will be assessed through the discharge of the obligations of the legal agreement and the conditions with the applicant expected to carry out local consultation to determine the final proposals.

The reserved matters application therefore accords with Policies DP7, DP9 and Dp24 of the District Plan, Policies G1 and LR3 of the Burgess Hill Neighbourhood Plan, principles SDP7, SDP14 and SDP15 of the Masterplan, the IDP and the Development, Infrastructure and Contributions SPD.

## Sustainability

Policy DP39 of the District Plan states:

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

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

SDP21 (Climate Resilient Development) of the Masterplan states that:

*"Development within the Northern Arc will seek to make best possible use of passive design approaches to optimise the internal comfort of buildings. Coupled with extensive green infrastructure, these will in turn help to manage external comfort by managing air flows, temperature and shade.*

*Green infrastructure will also help to reduce flood risk and manage storm water through an extensive network of biodiverse SuDS. Evidence of response to future climate projections (i.e. UKCP18) will be required for all future development.*

*Green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions of the south east, in order to respond to the hotter, drier summers and the colder winters. Additionally, a wide palette of species will be used to enhance the existing species range on site in order to improve resilience to pests and diseases."*

SDP22 (Low Carbon Energy) of the Masterplan states that:

*"Development at the Northern Arc will promote low carbon energy technologies, meeting criterion 1 of Part L of Building Regulations through passive design and embracing the transition to electric vehicles.*

*Buildings will be oriented for solar gain, alongside fabric efficiency measures. The development will also incorporate low carbon energy generation/distribution to ensure that energy performance delivers a meaningful reduction in carbon emissions from the baseline. This could include the use of emerging technologies, such as waste heat networks and local electricity storage and aggregation.*

*All properties with off- street parking will include charging points. For properties with on-street parking, there will be sufficient charging points to be ahead of the emerging electric vehicle market. The development will also include rapid charging points for taxis and buses and will provide electric car clubs to help reduce congestion and overall vehicle movement."*

SDP23 (Integrated Water Management) of the Masterplan states that:

*"Responding to the challenge of water stress across the South East, the Northern Arc will identify opportunities to reduce potable water demand to below the 110 litres per day required by Part G of the Building Regulations.*

*To deliver this, a non-potable water network will be required, building on the existing commitment to an extensive network of natural SuDS which, as well as mitigating flood risk, will provide an alternative source of water and allow for the potential reuse of waste water."*

SDP24 (Construction and Material Use) of the Masterplan states that:

*The development will take into consideration the whole life cost and embodied carbon of all building materials to encourage innovated and sustainable use of natural resources. This will include the principles of 'Long life/loose fit' - buildings designed for adaptability with a simple floor plate, good daylighting, generous floor to ceiling heights and adequate space for servicing that enables easy reconfiguration of internal space as well as design for disassembly.*

*Homes England has an ambition to deliver homes at the Northern Arc at an accelerated pace, including through the use of Modern Methods of Construction (MMC). These comprise use of volumetric systems, panelised systems and systems which use pre-manufactured components."*

The IDP also sets out a number of Sustainable Travel Projects including walking and cycling projects and travel plans which have been referenced in the highways and access section of this report.

Paragraph 150 of the NPPF seeks to ensure new development helps, *"to reduce greenhouse gas emissions, such as through its location, orientation and design."* Paragraphs 153 expects new development to, *"take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

The applicant has provided a sustainability statement at both the outline stage and this reserved matters stage.

The statement submitted with this reserved matters application states the following:

*"The overall approach outlined in the Sustainability Statement (January 2018) is to reduce demand through fabric thermal efficiency and to use renewable energy systems to reduce further carbon emissions. The fabric first approach remains valid for the Reserved Matters Application; however the use of renewable energy systems*

*was not required as the carbon targets were achievable through fabric energy efficiency alone."*

The document also confirms that:

- The main strategy was to optimise building orientation to increase daylighting and passive solar gain, and to avoid the overheating risk.
- Energy efficiency measures mean that while the roof U-values are lower than the targets in the (outline) sustainability statement, all other values are either the same or better meaning the overall fabric performance would be consistent with the approach for the original outline statement.
- Building regulations do not mandate the use of renewable energy technology and the fabric first approach is sufficient to meet building regulations.
- The daily potable water use will be calculated to not exceed 110 litres per day.
- Sustainable drainage systems are to be used.
- Low flow fixtures and fittings will be used together with other efficient measures.
- A construction environmental management plan and ecological mitigation are secured by condition.

The Council's Sustainability Officer, whose comments are set out in full in Appendix B, has stated that there is a good and comprehensive approach and strategy for provision of cycle storage. In addition, the officer states that it is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. It should be highlighted that a 3m wide cycle path and 1.8m pedestrian path are provided along the spine road and a 3m wide shared cycle/footway is to be provided along Maple Drive as secured under the outline approval.

The applicant has confirmed their intention to deliver electric charging points as already highlighted within the application details and highways section of this report, the provision of which are secured via planning condition.

Whilst the Sustainability Officer has also requested the use of renewable technologies, as has Burgess Hill Town Council, the applicant has reiterated that adopting a fabric first approach to reduce carbon emissions is sufficient to comply with the outline planning consent. Planning officers consider that the application as it stands is policy compliant.

It should also be recognised within this sustainability section that the road itself will be able to support bus stop infrastructure (secured by condition) and this development also includes pedestrian and cycle links. As such the development will encourage sustainable modal choice with alternatives ways of travel other than the private car.

In light of the above it is reasonable to conclude that the proposal will not result in significant environmental effects in relation to sustainability and is therefore considered to be in accordance with Policy DP39 of the District Plan, Principles SDP21, SDP22, SDP23 and SDP24 of the Masterplan, the IDP and paragraphs 150 and 153 of the NPPF.

## **Other Issues**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation, have been addressed through the DM/18/0509 outline consent or are not even material planning considerations.

The third party concern regarding water supply is noted. However this application is a reserved matters application with the principle of the development having already been established by the granting of the outline planning consent. It will nevertheless be for the water company to provide the development with a water supply.

Burgess Hill Town Council has raised the issue about the condition of Freeks Lane. Most of Freeks Lane falls outside of this application site but it will be upgraded within this site boundary where the new spine road and cycle and footway cross over it. It should be noted however that Freeks Lane is to be upgraded as part of the works secured under the larger DM/18/5114 application with Freeks Lane forming part of the extended Green Circle.

It is important to note that issues related to land contamination, noise protection and air quality have all been addressed at the outline stage and are subject to conditions attached to the DM/18/0509 consent.

## **EIA Regulations**

The outline planning permission, DM/18/0509, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. In this case the local planning authority considers that the environmental information already before the Council is adequate to assess the significant effects of the development on the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement submitted under that application remain relevant.

## **Planning Balance and Conclusion**

DM/18/0509 granted consent in July 2019 for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from maple drive). In terms of the principle of the development of up to 460 dwellings, this has therefore been established through the granting of the outline planning permission DM/18/0509. It should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill for approximately 3500 homes and other infrastructure.

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

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. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the visual impact with the design being supported by both the Council's Urban Designer and the Design Review Panel. A condition is however recommended securing 1:20 details and further section drawings to ensure that the development proceeds in an appropriate way. The impact of the scheme on the surrounding landscape and the trees is also deemed acceptable although such matters are to be addressed in more detail under the discharge of planning conditions attached to the outline planning consent.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters. In this case adequate levels of car and cycle parking are provided although additional conditions securing further details on matters such as cycle parking, electric vehicle charging, bus stops, crossing facilities and road treatments are an appropriate way of addressing the outstanding points raised by the local highway authority.

The affordable housing provision of 138 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal also provides a good level of play space and open space in accordance with District Plan policy.

Whilst the proposal will cause less than substantial harm to a non-designated heritage asset of moderate significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings. It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage asset.

The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP4, DP6, DP7, DP9, DP20, DP21, DP22, DP23, DP26, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies LR1, LR3, G1, G2, G3 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Notwithstanding any information submitted to the contrary, no development shall take place unless and until the following details have been submitted to and approved in writing by the local planning authority:
  - Additional section drawings where the land is being re-profiled including the attenuation ponds and the approach to the Worlds End stream and River Adur bridges.
  - Additional drawings of the southern approach to the site where it crosses Freeks Lane
  - 1:20 scale front/street elevation and section drawings of typical apartment block and houses including front entrance and canopy, roof and eaves detail, balconies, projecting brick detailing and vertically grouped windows (as applicable).
  - Re-designed corner flanks incorporating additional fenestration on plots 15, 19, 20, 24, 25, 26, 29, 38, 173, 441 and block 12's west flank and block 14's east flank.

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP7, DP9 and DP26 of the District Plan.

2. No dwelling shall be occupied until the vehicular access, roads, car parking/garaging, footway and turning areas serving that dwelling have been constructed in accordance with the approved plans

Reason: In the interest of road safety and to accord with Policy DP21 of the District Plan.

3. No dwelling shall 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 serve that dwelling, 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.

4. No dwelling shall be occupied unless and until the following details, which shall include a timetable for their implementation, have been submitted to and approved in writing by the local planning authority:

- Bus Stops; details of the location and nature of bus stop facilities.
- Crossing facilities; details of the location and nature of pedestrian crossing facilities, especially where the cycle superhighway crosses the spine road and the Freeks Lane PROW crosses the spine road.
- Electric vehicles; details including locations of electric vehicle charging provision
- Side road treatments; details of the Spine Road's side road treatments
- Road treatments and features; details of the specific nature of treatments and features as proposed on the site layout plan.

The development shall proceed in accordance with the approved details.

Reason: In the interests of sustainability and road safety and to accord with Policy DP21 of the District Plan.

### 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
Other	AA7888-2016		06.11.2019
Proposed Elevations	AA7888 2020		17.09.2019
Proposed Visual	AA7888 2025		17.09.2019
Proposed Visual	AA7888 2031		17.09.2019
Location Plan	AA7888 2001		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2128 B	V09	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2130 B	V11	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2142 A	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2103 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2122 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2124 B	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2125 B	V06	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2127 B	V08	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2129 B	V10	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2101 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2102 A	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2121 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2123 B	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2301 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2099		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2100		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2194 A	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2202 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2311 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2193 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2198 A	V08	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2211 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2212 C	V02	17.09.2019

Proposed Floor and Elevations Plan	AA7888 2221 D	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2181 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2191 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2195 A	V05	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2196 A	V06	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2201 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2151 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2171 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2172 D	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2197 A	V07	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2145 A	V05	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2152 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2161 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2173 D	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2029		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2143 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2144 A	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2146 A	V06	17.09.2019
Proposed Elevations	AA7888 2021		17.09.2019
Proposed Elevations	AA7888 2027		17.09.2019
Proposed Elevations	AA7888 2028		17.09.2019
Proposed Elevations	AA7888 2032		17.09.2019
Proposed Elevations	AA7888 2024		17.09.2019
Proposed Elevations	AA7888 2026		17.09.2019
Proposed Elevations	AA7888 2022		17.09.2019
Proposed Elevations	AA7888 2023		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2460 7		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2461 7		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2430 4		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2431 4		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2445 5		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2450 6		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2451 6		17.09.2019
Proposed Elevations	AA7888 2405 1		17.09.2019
Proposed Elevations	AA7888 2415 2		17.09.2019
Proposed Floor Plans	AA7888 2530 14		17.09.2019
Proposed Floor Plans	AA7888 2510 12		17.09.2019
Proposed Floor Plans	AA7888 2511 12		17.09.2019
Proposed Floor Plans	AA7888 2520 13		17.09.2019
Proposed Floor Plans	AA7888 2521 13		17.09.2019
Proposed Floor Plans	AA7888 2531 14		17.09.2019
Proposed Floor Plans	AA7888 2490 10		17.09.2019
Proposed Floor Plans	AA7888 2491 10		17.09.2019
Proposed Floor Plans	AA7888 2500 11		17.09.2019
Proposed Floor Plans	AA7888 2501 11		17.09.2019
Proposed Elevations	AA7888 2435 4		17.09.2019
Proposed Floor Plans	AA7888 2443 5		17.09.2019
Proposed Floor Plans	AA7888 2470 8		17.09.2019
Proposed Elevations	AA7888 2425 3		17.09.2019
Proposed Floor Plans	AA7888 2441 5		17.09.2019
Proposed Elevations	AA7888 2455 6		17.09.2019
Proposed Elevations	AA7888 2465 7		17.09.2019
Proposed Elevations	AA7888 2426 3		17.09.2019
Proposed Elevations	AA7888 2475 8		17.09.2019
Proposed Elevations	AA7888 2476 8		17.09.2019

Proposed Floor Plans	AA7888 2423 3		17.09.2019
Proposed Floor Plans	AA7888 2471 8		17.09.2019
Proposed Floor Plans	AA7888 2472 8		17.09.2019
Proposed Floor Plans	AA7888 2482 9		17.09.2019
Proposed Floor Plans	AA7888 2411 2		17.09.2019
Proposed Elevations	AA7888 2446 5		17.09.2019
Proposed Floor Plans	AA7888 2483 9		17.09.2019
Proposed Floor Plans	AA7888 2403 1		17.09.2019
Proposed Floor Plans	AA7888 2473 8		17.09.2019
Proposed Floor Plans	AA7888 2480 9		17.09.2019
Proposed Floor Plans	AA7888 2481 9		17.09.2019
Proposed Elevations	AA7888 2416 2		17.09.2019
Proposed Floor Plans	AA7888 2440 5		17.09.2019
Proposed Floor Plans	AA7888 2442 5		17.09.2019
Proposed Elevations	AA7888 2535 14		17.09.2019
Proposed Floor Plans	AA7888 2410 2		17.09.2019
Proposed Floor Plans	AA7888 2412 2		17.09.2019
Proposed Floor Plans	AA7888 2420 3		17.09.2019
Proposed Floor Plans	AA7888 2421 3		17.09.2019
Proposed Floor Plans	AA7888 2422 3		17.09.2019
Proposed Elevations	AA7888 2406 1		17.09.2019
Proposed Floor Plans	AA7888 2413 2		17.09.2019
Proposed Elevations	AA7888 2515 12		17.09.2019
Proposed Floor Plans	AA7888 2401 1		17.09.2019
Proposed Floor Plans	AA7888 2402 1		17.09.2019
Proposed Elevations	AA7888 2495 10		17.09.2019
Proposed Floor Plans	AA7888 2400 1		17.09.2019
Proposed Elevations	AA7888 2505 11		17.09.2019
Proposed Elevations	AA7888 2525 13		17.09.2019
Survey	AA7888 2002		17.09.2019
Proposed Elevations	AA7888 2485 9		17.09.2019
Proposed Elevations	AA7888 2486 9		17.09.2019
Proposed Site Plan	AA7888 2008		17.09.2019
Proposed Site Plan	AA7888 2006		17.09.2019
Proposed Site Plan	AA7888 2007		17.09.2019
Proposed Site Plan	AA7888 2009		17.09.2019
General	AA7888 2014		17.09.2019
Proposed Site Plan	AA7888 2015		17.09.2019
Proposed Site Plan	AA7888 2010		17.09.2019
Parking Layout	AA7888 2011		17.09.2019
Proposed Site Plan	AA7888 2012		17.09.2019
Proposed Site Plan	AA7888 2013		17.09.2019
Landscaping	1543-010	E	17.09.2019
Tree Survey	1543-003	E	17.09.2019
Illustration	1543-005	G	17.09.2019
Illustration	1543-007	C	17.09.2019
Illustration	1543-008	E	17.09.2019
Illustration	1543-011	B	17.09.2019
Illustration	1543-006	E	17.09.2019
Illustration	1543-009	C	17.09.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The following comments were made:

The Committee raised concerns about Freeks Lane itself, as there was not a clear responsibility for maintenance and upkeep of the lane. The Lane was swamped and waterlogged from the vehicles already. The Committee wished to ensure a public right of way continues as Freeks Lane was not currently fit for pedestrian access.

The Committee suggested that the application's consideration for the environment could go further. They suggested ensuring photovoltaic roof tiles were built into the design from the start as they would be difficult to add after. The Committee wished the applicant to adhere to District Plan Policy DP7 as it was a greenfield site, and DP9. There was no mention of renewable energy in the application.

It was noted that this development was a flagship of the Northern Arc development, and the Committee would expect the highest standard. The programme as a whole was aiming to increase net biodiversity. The Committee asked how would this be increased and measured. The Committee wished the applicant to adhere to District Plan Policy DP38.

The Committee wished to reiterate their previous statement:

'Burgess Hill Town Council will encourage Mid Sussex District Council to ensure that applicants comply with DP39 of the District Plan and that this is reinforced in any subsequent supplementary design and access statement documents on sustainable development.'

### **Parks And Landscapes Team**

Thank you for giving us the opportunity to comment on the planning application DM/19/3845.

I had a look at all the files related to Landscapes. Please see my comments below.

- Variety of trees for the front garden is very limited.
- Density of the planned trees is larger in some areas than other ( Cluster of houses with 1 or 2 trees and other areas with more than 5). Research in this field concluded that avenues of trees decreases the stress levels for the residents, reduce number of road accidents as the drivers drive slower. Also having different density of trees in the area would suggest that some areas are better than others.
- Some trees planned for the back gardens are not recommended as they are thorny (Crataegus monogyna and Ilex aquifolium). Ilex trees will shed many prickly leaves all year round, and Crataegus thorns are known for getting people into hospitals.
- In order to have a clear idea of what is planned for the Soft landscape -planting plans and Maintenance management plans should be provided in order to have a clear idea about the functionality of all the swales planned in the area- planting plans and Maintenance management plans should be provided oMUGA and the play area are located in close proximity of the existing houses. This will increase the noise volume and create future problems. I would suggest to relocate the MUGA and the play area on the opposite site of the road where there is no housing.

## **MSDC - Sustainability Officer**

### **Sustainability Comments**

Cycling - Good comprehensive approach and strategy for provision of cycle storage. (DP21/National Planning Policy Framework (NPPF) 110)

Cycling and Walking Routes - It is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. However consideration should be given to segregated cycle provision at the gateway into the development and this could be a pinch point given the location of the Play Park and increased pedestrian traffic. Consideration should be given to potential impacts on cycle safety accessing Maple Drive. (DP21/NPPF 110)

Electric vehicle Charging Infrastructure - In line with AECOM proposals would like to see the provision of EV charging.

All buildings with off-street parking should have provision for EV charging in 3kW or 7kW charging points. Community EV charging provision should be made for apartment blocks in the form of standalone 7kW charging points. (DP21/NPPF 21)

Energy - Given the increased moves to decarbonising energy provision and the move to electrification of heat from gas it would be good to consider the use of non-gas provision through heat-pumps or other electric sources especially in the apartment blocks. (DP39/NPPF 151)

I would like to see provision of solar photovoltaic and thermal systems on available and appropriately orientated roof space. (DP39/NPPF 151)

Biodiversity - Whilst it is good that some existing mature trees are retained and a well thought-out tree planting strategy has been proposed I would like more clarity on how biodiversity will be increased and how this will be measured. (DP38/NPPF 175)

Adapting to climate change - Consideration has been paid to the orientation of buildings and resultant impacts on natural lighting and passive solar gain. Consideration should also be paid to the increased potential of overheating and what shading strategies will be in place to mitigate this.

## **MSDC Urban Designer**

This application follows several pre-application meetings where the layout and the elevations have been evolved and finessed. This is a well-designed scheme which is supported by the Design Review Panel (DRP). It benefits from diversity of layout and finishes on crisp contemporary styled buildings, that are laid-out in a clear hierarchy with the higher density dwellings facing the spine road and two main squares (in the north and south parcels) while the lower density housing face the attractive trees and spaces at the edges of the site including the existing public right away along Freeks Lane on the eastern boundary. The exception to this is the three apartment blocks facing the site's southern gateway and the three storey terraced housing and apartments facing the northern gateway/parkland which help provide additional natural surveillance respectively across the link to Maple Drive to the south and the bridge link with the Northern Arc development to the west (including the proposed secondary school and neighbourhood centre) and the play areas incorporated in both open spaces. The three storey houses on the northern edge will be particularly distinctive as they benefit from strong rhythm and are sensitively configured as they snake and step with the shape of the existing land.

Additional section drawings have been requested that show more detail where the land is being re-profiled so that a full assessment can be made where the topography needs to be significantly changed. This includes the attenuation ponds and the approach to the Worlds End stream and River Adur bridges. The DRP have also questioned the perspective image of the southern approach to the site as it does not show the level changes or convincingly indicate how Freeks Lane will be crossed, so further drawings have been requested that show this properly. It will also be necessary to demonstrate in the landscape drawings how natural surveillance can be achieved across the southern entrance approach from Maple Drive including the play areas.

In conclusion, I raise no objections but would recommend that conditions are included requiring the approval of further drawings / information that cover: (a) the above paragraph (if further submissions are considered necessary); (b) soft and hard landscaping (including boundary treatment, urban drainage and play areas); (c) facing materials; and (d) the building design in the following respects:

- 1:20 scale front/street elevation and section drawings of typical apartment block and houses including front entrance and canopy, roof and eaves detail, balconies, projecting brick detailing and vertically grouped windows (as applicable).
- Re-designed corner flanks incorporating additional fenestration on plots 15, 19, 20, 24, 25, 26, 29, 38, 173, 441 and block 12's west flank and block 14's east flank.

### **MSDC Design Review Panel**

The panel again applauded the presentation and agreed this was a carefully thought through scheme that responds successfully to its attractive context that was especially impressive as it is a tricky sloping site. The architects have also successfully accommodated a higher density development than normal while avoiding making it too urban. The simple crisp clean lines and modular form of the architecture works well, but will be very dependent on the quality of the facing materials. The high quality of the design and level of consideration was such that it should be considered as a benchmark to follow for other urban extensions and especially the other phases of the Northern Arc project.

The perspective image of the southern approach to the site was nevertheless questioned because the drawing does not show the level changes or convincingly indicate how Freeks Lane will be crossed, and there was consequently a concern how the existing rural character of the existing public right of way may be affected by the scheme.

### Overall Assessment

The panel support the scheme but would recommend that 1:20 scale drawings are submitted to secure the detailed finish that underscores the quality of the scheme.

### **MSDC Drainage**

The Outline Application DM/18/0509 was able to demonstrate the proposed development was able to be adequately drained without creating or exacerbating flood risk. I am viewing this Reserved Matters Application to ensure that the proposed layout does not conflict with the principally agreed drainage arrangement for this site.

- The topographical information and the proposed layout show the SuDS ponds within suitable positioning of the site.
- The outfalls from the surface water drainage system are still subject to full agreement and their positioning could change. But this is a consideration for the Discharge of Conditions Application.

- The swales and outfall for the Maple Drive access road are also subject to full agreement, and will be considered under the Discharge of Conditions Application.
- The technical details for how the drainage arrangements will function will be considered under the Discharge of Conditions Application.

I am therefore satisfied that the proposed layout in this reserved matters should not alter the proposed drainage methodology agreed under DM/18/0509.

### **MSDC Trees**

I cannot appear to find a document which summarises the number of replacement trees to be planted, although I note the loss of a large number of trees.

It would normally be expected that replacement should take place on at least a 1 : 1 basis. Could a document be submitted with these figures?

I note a large number of oaks and ash to be lost, and, whilst oaks can be replaced, at this stage, we are unable to replace ash. I would therefore request some further native planting, perhaps to replace some of the *Acer platanoides* in open spaces. Whilst the trees, after discussion, are now much more appropriate, I think there is scope for further native tree planting.

I have also raised the point previously about meadow areas. There appear to be a number of proposed meadow areas. These are almost impossible to enforce, require careful maintenance and, usually do not meet people's expectations of a 'meadow'. Furthermore the soil in this area is a heavy wet clay, so there needs to be a careful selection of plants. In some areas, I would suggest replacement with low native shrubs which will require much less maintenance and provide some structure.

I am happy for details of trees / meadows etc to be conditioned.

### **MSDC Conservation - original**

Initial comments in respect of the above site. Please read these in conjunction with my previous comments on development on this site, repeated again below.

The proposed development site is within the setting of a non-designated heritage asset at Lowlands Farm (Lowlands Farm barn), which was identified at pre-application stage. Notwithstanding this it does not appear that a Heritage Statement has been submitted with the application and it is unclear to what if any extent the proposed site layout etc. have been developed with the protection of the setting of this NDHA in mind. I would suggest the following:

- That a properly detailed Heritage Statement is submitted bearing in mind the guidance contained within Historic England's Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets' and their Advice Note 12 Statements of Heritage Significance.
- That following on from this (and in accordance with GPA Note 3) it should be demonstrated that appropriate mitigation measures will form part of the development. These should include consideration of the impact on the setting of the NDHA of the form and layout of the parts of the development nearest to Lowlands Farm, as well as of appropriate landscape buffer and/or screening measures.
- In considering the site layout as submitted it is apparent that development is placed very close to the boundary of the site adjacent to Lowlands Farm. This will require

reconsideration, to provide a greater buffer between the new development and the farmstead.

- It is also noted that what appears to be vehicular access from the site onto Freeks Lane is placed directly opposite Lowlands Farm. This will also require reconsideration as this arrangement will exacerbate rather than mitigate the impact of the development on the setting of the NDHA.
- Further details of planted screening along Freeks Lane and in particular in the area opposite Lowlands Farm should be submitted. At present the layout proposed would appear to allow for only very little natural screening along this part of the site boundary.

As it stands I would consider that the proposal causes less than substantial harm to the setting of the NDHA under the terms of the NPPF, however I would hope to have the above further information and amendments before me before offering final comments.

Previous (pre-application) comments dated 10/06/2019:

*The non-designated heritage asset in question is Lowlands Farm (formerly Frick Farm, then Freeks Farm), Freeks Lane, Burgess Hill RH15 8DQ. It is a small farmstead, now in use as kennels, and is listed in the West Sussex Historic Farmsteads and Landscape Character Assessment as 19th century. The farm's surviving barn, together with a small outbuilding to the south east of this, appear to date from the mid-19th century or earlier. There are a number of other buildings around the courtyard which are more recent- the original farmhouse appears from historic mapping to have been located to the south west of the farm courtyard but appears to have been demolished by the mid-20th century, having been possibly made redundant by a new dwelling constructed just to the south of the courtyard c.1900 (this house is still extant).*

*To the west of the NDHA is a potential development site (known as Land to the West of Freeks Farm), the subject of a current outline application for 460 new houses (DM/18/0509). To the east the land forms part of the proposed Northern Arc Development (DM/18/3683). As part of these development proposals, a new access would be necessary linking the Freeks Farm development with the Northern Arc site, cutting across Freeks Lane, which is a PROW.*

*Clearly, both the developments at Freeks Farm and the Northern Arc will have a fundamental impact on the setting of Lowlands Farm, which is currently rural (albeit that current edge of Burgess Hill is a short distance to the south). As a former farmstead, the rurality of this setting makes a positive contribution to the manner in which its special interest as an NDHA is appreciated, as does the approach to the farmstead along the PROW running along Freeks Lane, which is heavily treed to both sides with glimpses of the open spaces beyond. The development at Freeks Farm (as for the development at the Northern Arc) will therefore be harmful to the setting of the NDHA. In terms of the NPPF I would consider the level of harm caused to be less than substantial- this harm would therefore stand to be weighed against the public benefits of the proposal as required by paragraph 196.*

*In terms of potential mitigation measures which should be adopted to reduce the level of this less than substantial harm I would suggest the following would be appropriate:*

- *Positioning the link between the two sites as far as practicable from the NDHA, in a position where minimal damage to/loss of the existing trees and vegetation to either side of Freeks Lane is necessitated.*

- *Retaining and enhancing the existing trees and vegetation to either side of Freeks Lane, to reduce the visibility of the new development and retain something of the currently rural nature of the approach to Lowlands Farm along the PROW.*

*Similar considerations will apply in terms of the proposed Northern Arc development to the east of the NDHA but as this is a separate application with other heritage considerations I will comment on this in a further email in due course.*

## **MSDC Conservation - further**

Further comments on this application in light of the Heritage Statement which has now been received.

Although the Heritage Statement makes an assessment of the development of the site and of the farmstead at Lowlands (formerly Fricks and then Freeks) Farm, it underplays both the significance of the non-designated heritage asset (Lowlands Farm Barn) and the contribution which the site makes to this significance.

The barn dates from the 19th century and has been altered, giving it a modest degree of potential historical evidential value (although this is difficult to assess without an internal inspection). I would say also though that the building has historical illustrative value, again modest, in the local context, in terms of illustrating the former agricultural economy of the area, prior to the spread of Burgess Hill during the 20th century. The building also has modest fortuitous aesthetic value, despite some unfortunate modern alterations, which depends on its vernacular form and materials, seen within the existing rural setting. Therefore although I would not argue that the building has a high level of significance I do consider that within the local context it is of moderate significance, rather than the lowest level suggested by the submitted Heritage Statement.

The existing rural setting of the building contributes significantly, in my opinion, to both its historical illustrative and its aesthetic value. The site makes up a large part of this setting and makes a strong contribution to the appreciation of these aspects of the NDHA's significance. This includes not only views from the barn towards the site and vice versa, but also the approaches to the barn along the PROW running along Freeks Lane.

Therefore although the Heritage Statement provides useful historical background on the site and the barn, it underplays both the significance of the NDHA and the contribution which the site makes to the setting of the asset and the manner in which its significance is appreciated.

The Heritage Statement concludes that the proposal will cause a moderate level of harm to the NDHA (again I would consider that this underplays the impact of the proposal), however it does not make any recommendations for amendments to the scheme to mitigate this harm, as would be required under the relevant Historic England guidance (Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets), and I am unaware of any response from the applicant to my earlier comments in this respect. These comments therefore still stand, and I continue to consider that the proposal causes less than substantial harm to the NDHA, which the current proposal does not appear to adequately address.

## **MSDC Housing**

The applicant is proposing a development of up to 460 dwellings which gives rise to an onsite affordable housing requirement of 30% (138 units).

The proposed mix comprises:

*Affordable Rent (AR):*

1 Bed 2 Person Flats: 14  
1 Bed 2 Person Wheelchair Accessible Flats: 1  
2 Bed 4 Person Flats: 25  
2 Bed 4 Person Wheelchair Accessible Flats: 1

Over 55's 1 Bed 2 Person Flats: 17  
Over 55's 2 Bed 3 Person Flats: 2

2 Bed 4 Person House: 28  
2 Bed 4 Person Wheelchair Accessible House: 1  
3 Bed 5 Person House: 11  
3 Bed 5 Person WCH Wheelchair Accessible House: 1  
3 Bed 6 Person House: 2  
4 Bed 6 Person House: 1  
Total Affordable Rent: 104 (75%)

*Shared Ownership (SO):*

1 Bed 2 Person Flats: 5  
2 Bed 4 Person Flats: 17  
2 Bed 4 Person Houses: 10  
3 Bed 5 Person Houses: 2  
Total Shared Ownership: 34 (25%)

Total Affordable: 138

This mix is acceptable to the Council and the provision of one x 1 bed flat, one x 2 bed flat, one x two bed house and one x 3 bed houses as fully accessible wheelchair units in accordance with Cat M 4(3) of the building regulations is welcomed, as is the provision of a block of flats for the over 55's.

The tenure split of 75% affordable rent and 25% shared ownership is also in accordance with current policy and the property sizes meet our occupancy requirements.

With the exception of the high density flatted blocks the affordable dwellings are provided in clusters of no more than 10 units with each cluster distinctly separate from another with private units in between.

A tenure blind approach to design and materials is also being taken to assist with social integration and community cohesion.

## **MSDC Leisure**

I am broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA.

I note the commitment to consult with local schools on the design of the play area, and would certainly encourage this; however I believe more needs to be done to engage with the local community. As you know, there is a good degree of local interest in this facility, and we gave an undertaking that we would undertake extensive local consultation to inform the final design. This needs to extend beyond the local schools, into the wider community and needs to include local (town and district) Ward Councillors.

It is noted that the Maple Drive MUGA/ NEAP are in relatively close proximity to neighbouring houses, and would wish to seek reassurances that measures will be put in place to mitigate any negative impact of this.

More generally, I am broadly content with the proposals for the open spaces. However, as set out in the s106 agreement, we would want to see much more detailed specifications before signing off. This is particularly pertinent for the areas that are due to be transferred to MSDC.

### **MSDC Sustainability Officer**

Cycling - Good comprehensive approach and strategy for provision of cycle storage. (DP21/ National Planning Policy Framework (NPPF) 110)

Cycling and Walking Routes - It is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. However consideration should be given to segregated cycle provision at the gateway into the development and this could be a pinch point given the location of the Play Park and increased pedestrian traffic. Consideration should be given to potential impacts on cycle safety accessing Maple Drive. (DP21/NPPF 110)

Electric vehicle Charging Infrastructure - In line with AECOM proposals would like to see the provision of EV charging. All buildings with off-street parking should have provision for EV charging in 3kW or 7kW charging points. Community EV charging provision should be made for apartment blocks in the form of standalone 7kW charging points. (DP21/NPPF 21)

Energy - Given the increased moves to decarbonising energy provision and the move to electrification of heat from gas it would be good to consider the use of non-gas provision through heat-pumps or other electric sources especially in the apartment blocks. (DP39/NPPF 151)

I would like to see provision of solar photovoltaic and thermal systems on available and appropriately orientated roof space. (DP39/NPPF 151)

Biodiversity - Whilst it is good that some existing mature trees are retained and a well thought-out tree planting strategy has been proposed I would like more clarity on how biodiversity will be increased and how this will be measured. (DP38/NPPF 175)

Adapting to climate change - Consideration has been paid to the orientation of buildings and resultant impacts on natural lighting and passive solar gain. Consideration should also be paid to the increased potential of overheating and what shading strategies will be in place to mitigate this.

### **MSDC Ecological Consultant**

#### **Recommendation**

In my opinion, based on the ecological impact assessment (submitted under the separate application to discharge the pre-commencement requirements of condition 23 as "Ecology Impact Topic Report"), there are no biodiversity policy reasons for refusal or amendment of this reserved matters application.

## **MSDC Landscape Consultant**

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

1. The application has been informed by a detailed Northern Arc Design Guide which has been developed in consultation with the local planning authority and other agencies.
2. There would be some loss of mature trees and hedgerows which it is recognised is unavoidable due to the need to provide the spine road with associated bridges across streams within the site area.
3. The proposed tree planting strategy is supported and should compensate for tree loss in the longer term.
4. It is recommended that the detailed design proposals for the landscape elements of the scheme can be supported. This would ensure that the proposed development can have an acceptable impact on landscape character and views.
5. It is recommended that the proposed designs for the landscape elements of the scheme can be supported in principle subject to consideration of the following:
  - i. Detailed hard and soft landscape schemes for all of the areas including the boundary open spaces.
  - ii. A long term management plan for the successful establishment and care of the landscaped areas.
  - iii. Details of tree protection for retained trees in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

## **WSCC Highways**

### **Introduction**

West Sussex County Council (WSCC) as Highway Authority have been consulted upon this reserved matters application for 460 residential units relating to outline planning permission DM/18/0509 on the Freeks Farm development that forms part of the wider Northern Arc strategic development site. The Highway Authority have the following comments to make upon the application.

### **Car Parking**

The applicant is proposing a total of 918 car parking spaces. This comprises of:

- 1 and 2 bed dwellings (285 dwellings) - 1 car space per dwelling (285 spaces)
- 3 bed dwellings (118 dwellings) - 2 car parking space per dwelling (236 spaces)
- 4 bed dwellings (57 dwellings) - 2 spaces per dwelling (114 spaces)

The applicant has compared the proposed car parking level against the Mid Sussex District Council Car Parking Standards contained within the Development Infrastructure and Contributions SPD; which at the time of submission were still the relevant standards. There is a mixture of allocated and unallocated parking throughout the development. Visitor parking is spread throughout the development and several of the spaces are located along the spine road itself.

The proposed level of car parking is considered to be broadly in line with the overall forecast parking demand and not considered to result in significant levels of overspill car parking taking place on-street. The car parking is generally accommodated on driveways and in front of properties. There are however certain areas where rear parking courts are proposed.

### Cycle Parking

Apartments are to be provided with communal cycle storage provided in each block, either in single or double stacked racks. Dwelling houses have private dedicated cycle storage either within garages or in specific storage. The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bed dwellings have a provision for 3 cycle spaces whilst dwellings with four bedrooms have provision for 4 cycle spaces. The level of cycle parking provided is well above the minimum requirements within the parking standards and is welcomed.

Visitor cycle spaces have been provided throughout the scheme. These are located at places of public activity such as the MUGA and play areas, but also near to apartment blocks where visitors may not have access to the communal cycle stores. This provision is welcomed by the Highway Authority.

The specific detail of the proposed cycle parking has not been provided. Therefore a suitably worded condition should be included on any permission granted that requires detail of the specific design and layout of the cycle parking to be provided.

### Electric Vehicle Charging

The applicant is proposing 1 fast electric charging point (7kW) per 10 dwellings and all on-plot parking with 3kW charging points. Details of the proposed electric vehicle charging points and their location should be secured via condition.

### Road Safety Audit

The WSCC Road Safety Audit Policy states that a Stage 1 Road Safety Audit should have been undertaken for the spine road as it is proposed to serve as a bus route and is a through route. The applicant has not submitted an audit as part of this application.

### Residential Street Layout

The width of the main spine road through the site ranges from 6.75m to 6.5m. From Maple Drive the first section is 6.75m this then reduces to 6.5m where the first residential units are proposed. A 1.8m footpath and separate verge is provided on one side and a 3m wide shared pedestrian/cycle path on the other side. Various approaches are taken to the secondary roads which provide access to the residential parcels. The roads range from traditional carriageways with footpaths on both sides to various widths of shared surface roads. The approach taken helps define a hierarchy to the streets. The Highway Authority wishes to make the following comments in relation to street layout:

- Bus Stops - no details of the location and nature of bus stop facilities have been submitted. Further details of the specific location of the bus stops and the infrastructure that they shall include such as shelter, flagpole, Real Time Passenger Information sign should be secured via condition and details provided.
- Pedestrian Crossing facilities - there are several points along the spine road where there is a desire line to cross. These locations include but are not limited to the point where the Cycle Superhighway bisects the spine road and where Freeks Lane PROW meets the spine road. No details are submitted of the proposed crossing points or their nature.

Therefore further details of the proposed crossing points at these and other locations should be secured via condition. Appropriate dropped kerbs and tactile paving at the crossing points in the residential parcels can be secured at the detailed design stage through the S38 agreement.

- Side road treatments - from the submission it is not apparent as to the nature of the side roads with the spine road. Some appear to be standard bell mouth junctions whilst others appear to be vehicle crossovers that provide a greater degree of priority for pedestrians. Details of the nature and design of the junction side roads should be secured via condition.
- S38 extent of adoption - whilst the adoption of roads is not a material planning consideration the applicant should note that shared surface roads proposed at 4.1m would not be considered for adoption by WSCC.
- Cycle Route along Spine Road - A 3m wide cycle route is proposed along the spine road. This route changes which side of the road it is on through the site. Ideally the Highway Authority would have looked for it to be located on the same side of the road to provide the most convenient and direct route. From Maple Drive the route starts to the north east of the spine road and it then changes to the south west where it meets Freeks Lane. Consideration should be given as to whether the cycle route could be provided on one side of the carriageway and whether this could be secured via condition.
- Carriageway treatments - from the site layout plan there are various road treatments proposed but it is not fully apparent from the drawing as to the exact nature of these. A square is proposed at the corner outside block 4, there are other treatments on the spine road for example outside blocks 10 and 11 and there are what appear to be raised features on the street that runs from plot 179 to 194. The details of these treatments and features should be secured via condition with further details submitted to the LPA for approval.

## Summary

Should Mid-Sussex District Council as Local Planning Authority be minded to approve this application WSCC as Highway Authority would look for suitably worded conditions on the following matters to be included on any permission granted.

- Vehicular access & roads - No dwelling to be occupied until the vehicular access, roads, car parking/garaging, footway and turning areas serving that dwelling have been constructed.
- Cycle Parking - Further details of the design and layout of cycle parking and that no dwelling shall be occupied until the cycle parking serving that dwelling has been constructed.
- Bus Stops - details of the location and nature of bus stop facilities.
- Crossing facilities - details of the location and nature of pedestrian crossing facilities, especially where the cycle superhighway crosses the spine road and the Freeks Lane PROW crosses the spine road.
- Electric vehicle - details of electric vehicle charging provision.
- Side road treatments - details of the Spine Road's side road treatments should be provided.
- Road treatments and features - details of the specific nature of treatments and features as proposed on the site layout plan.

## WSCC Drainage

No comments received

## **Environment Agency**

No comments received

## **Sussex Police Crime Prevention - original**

Thank you for your correspondence of 15th October 2019, advising me of a planning application for the approval of reserved matters pursuant to Condition 1 of DM/18/0509 for the erection of 460 dwellings, including public open space, play areas, associated infrastructure including roads, surface water attenuation and associated demolition 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 UK 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 at [www.securedbydesign.com](http://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 and site specific requirements should be considered.

The Design and Access Statement (DAS) submitted in support of this application states; The site comprises the south-eastern end of the Burgess Hill Northern Arc strategic development site and is known from here on as Northern Arc Phase 1, Land at Freeks Farm.

I could find no crime prevention chapter within the DAS, outlining the security measures that are to be incorporated into the development. However, I was pleased to note that the illustrative master plan has clearly demonstrated the applicant's agents understanding of the Secured by Design scheme and its requirements; back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing and overlooked streets with natural surveillance have all been incorporated into the development.

Parking within the development has been provided with garage, on-curtilage and overlooked parking bays and some unobserved parking courts. 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.

I have concerns regarding some elements of the development's parking. For instance, the DAS mentions that the Linear Park apartment parking court is hidden by a wall. Provided that there are active rooms from within the apartment block to observe the vehicles parked there, my concerns will be allayed. If active rooms are not available then this design has the potential to create a vulnerable rear parking court, with the vehicles open to unobserved attack from would-be offenders. I recommend gated parking courts where active rooms are absent throughout the development.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. These may often be referred to as:

- Local Areas of Play (LAP) - primarily for the under 6 year olds;
- Local Equipped Area for Play (LEAP) - primarily for children who are starting to play independently;
- Neighbourhood Equipped Area of Play (NEAP) - primarily for older children;
- Multi-Use Games Areas (MUGA) - primarily for older children.

SBD states; they should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The DAS states the MUGA at the Maple Drive NEAP Play area will have as its perimeter, hedge and buffer tree planting to partially screen the MUGA from the surrounding properties, whilst being open to the road side and footway for natural surveillance. I ask that sympathetic planting is used and there is a maintenance policy that ensures that natural surveillance is maintained at all times. Ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This applies to all of the proposed public open spaces, NEAPs, LAPs and MUGA and area adjacent to the attenuation basin.

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.

### **Sussex Police Crime Prevention - final**

Thank you for your recent email correspondence of 14th November 2019, advising me of information received in relation to the above planning application from the applicant in order to address the comments raised within my previous correspondence of PE/MID/19/28/A dated 05th November 2019.

The applicant has responded to my concern of lack of observation from active rooms within the dwellings over the parking courts. The applicant has provided evidence that there are a total of 05 active rooms providing observation over the parking court for block 1 and the are 05 active rooms providing observation over the parking court for block 2. I would like to remind the applicant that the term 'active room' applies to; *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.*

I had previously asked for a planting maintenance policy to be considered in my following comments; *The DAS states the MUGA at the Maple Drive NEAP Play area will have as its perimeter, hedge and buffer tree planting to partially screen the MUGA from the surrounding properties, whilst being open to the road side and footway for natural surveillance. I ask that sympathetic planting is used and there is a maintenance policy that ensures that natural*

*surveillance is maintained at all times. Ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This applies to all of the proposed public open spaces, NEAPs, NAP's LAPs and MUGA and area adjacent to the attenuation basin.*

Their applicant's response is; Hedge and planting to play spaces - Murdoch Wickham (Landscape consultant) has confirmed that the request to limit the height of the planting and tree canopies can be accommodated, so this can be included as a compliance condition.

I find these statements reassuring and accept them from a crime prevention perspective and as a result they have removed my previous concerns over these issues. I have no further concerns or comment to make at present from a crime prevention perspective.

I thank you for allowing me the opportunity to view and comment on the latest revision to the application from a crime prevention perspective.

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.