

MID SUSSEX DISTRICT COUNCIL

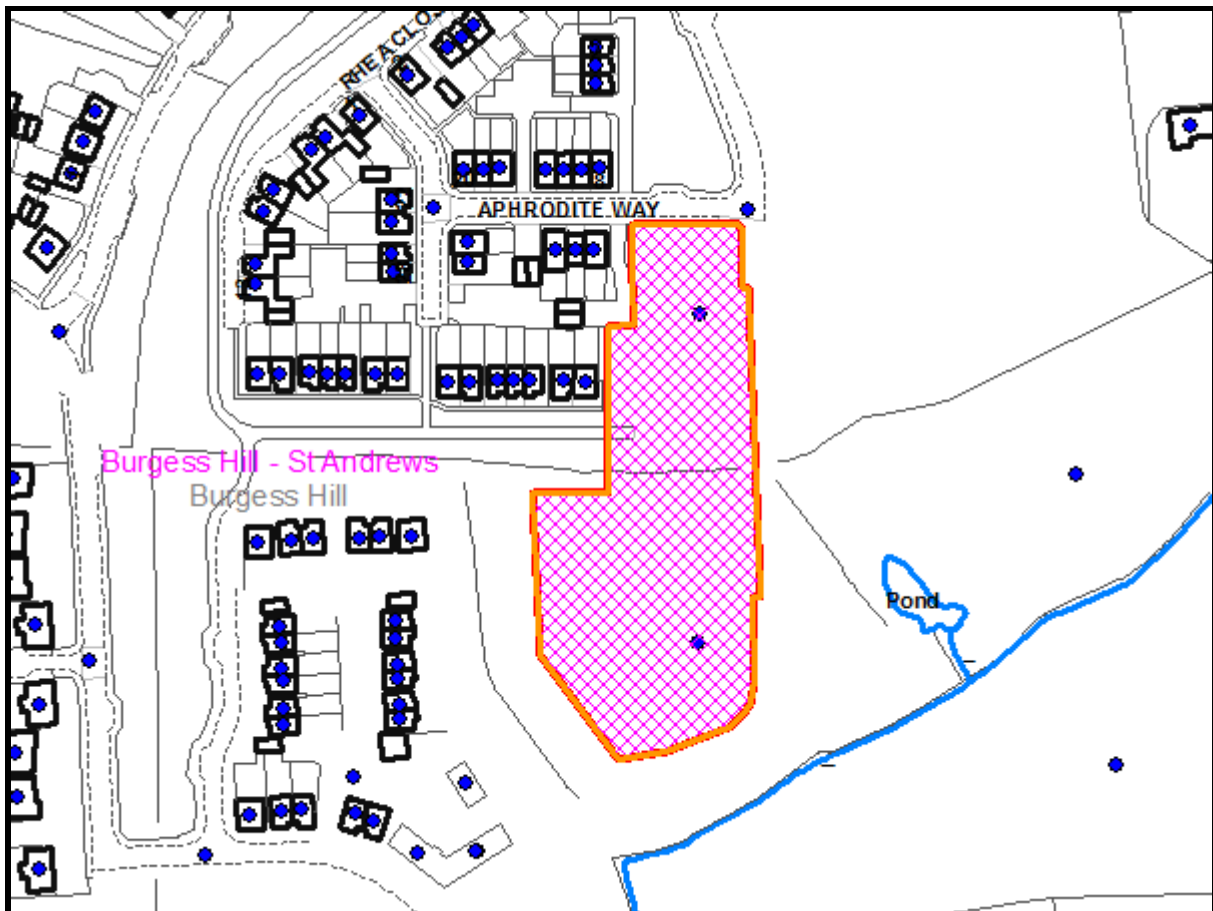
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/3144



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**LAND EAST OF KINGS WAY BURGESS HILL WEST SUSSEX
FULL APPLICATION FOR 39 NEW DWELLINGS (INCLUDING THE
PROVISION OF 23 ON-SITE AFFORDABLE HOMES) A NEW COMMUNITY
CENTRE AND RETAIL FLOOR SPACE TO THE GROUND FLOOR OF
BLOCK B, INCLUDING THE PROVISION OF ASSOCIATED PARKING AND
LANDSCAPING.**

CHARLES CHURCH (THAMES VALLEY)

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Gap / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 4th November 2019

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Susan Dubberley

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

The application seeks full planning permission for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

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 NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In respect of the principle of the development, the site is part of a larger site allocated in the District Plan as a strategic housing site for 480 units under DP8. Furthermore the principle of a housing development across the Kings Way site has also already been established through the granting of outline planning permission (12/01532/OUT) for 480 units on the site.

The proposed design, layout, mix and scale of the development are considered

acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

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

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the neighbourhood community centre planning permission should be granted.

RECOMMENDATIONS

Recommendation A

It is recommended that, subject to the completion of a satisfactory deed of variation of the S106 planning obligation relating to outline planning permission 12/01532/OUT, as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

It is recommended that if the applicants have not completed a satisfactory signed planning obligation by the 19th March 2019, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal deed of variation of the S106 planning obligation relating to outline planning permission 12/01532/OUT the development as such conflicts with Policies DP20 and of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTATIONS

West Sussex County Council Highways

No objection.

WSSC - Flood risk;

No objection.

Sussex Police

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

MSDC Leisure

No objection.

MSDC Environmental Health - Contaminated Land

No objection, subject to conditions.

MSDC Environmental Health - Protection

No objection, subject to conditions.

MSDC Urban Designer

No objection subject to conditions.

MSDC Housing

No objection.

MSDC Street Naming and Numbering

Request informative regarding street naming and numbering.

Burgess Hill Town Council

OBSERVATIONS: The Committee raised concerns over transport and access. It was noted that the police statement had recommendations on the design which the Committee supported.

The Committee wished to reiterate their previous statement:

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

In accordance with District Plan Policy DP42, the development should incorporate grey water recycling and water harvesting.

INFRASTRUCTURE REQUIREMENTS: Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follow:

Funds be allocated to real time bus services available on the bus stops in the immediate vicinity of the application site.

Introduction

The application is a full application for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

Relevant Planning History

DM/19/2076 Approval of Reserved Matters following Outline consent (Ref. 12/01532/OUT) relating to appearance, landscaping, layout and scale, for phase 3B for 39 new dwellings (including the provision of 22 on-site affordable housing dwellings) a new community centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping pursuant to the approved Outline consent. Withdrawn 10.07.2019

DM/18/27471 Reserved Matters (phase 3) approval for 64 residential units as part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities. Approved 20 December 2018.

DM/17/3047 Reserved matters application for the erection of 38 dwellings and neighbourhood centre comprising of retail, community and health resource centre with associated car parking and landscaping. Phase 3B. Withdrawn 23 July 2018.

DM/16/2204 Reserved matters application for the approval of the appearance, landscaping, layout and scale for the proposed development of Kings Way (phase 2

erection of 95 dwellings) following outline application 12/01532/out. Approved on 9 February 2016.

14/03208/REM Application for approval of appearance, landscaping, layout and scale details for phases 1a, 1b and 1c of previous outline application 12/01532/OUT. Approved on 26 February 2015.

Outline planning permission (12/01532/OUT) was granted on 10 May 2013 for 480 dwellings, new access from Kings Way, a neighbourhood centre, high quality and accessible informal open space including a new park, landscape buffer and pedestrian/cycle green routes and ancillary works. Access was approved, with appearance, layout, scale and landscaping forming reserved matters. A Section 106 agreement was completed, which secures 30% affordable housing and contributions towards community buildings, leisure, education and health provision, transport improvements and other community infrastructure.

Site and Surroundings

The overall development site (approximately 31.5 hectares) lies on the eastern side of Kings Way adjacent to the built up area of Burgess Hill. It previously comprised of a series of grazed pasture fields, subdivided by mature hedgerows containing a significant number of trees. To the south-west is a railway line and to the east there are a small number of detached residential properties and Ditchling Common Country Park.

The Phase 1 of the development which consists of 78 houses lies at the northern end of the Kings Way site is complete and phase 2 which lies to the south of phase 1 and contains a total of 95 houses is also completed and occupied.

The third phase of the development for 64 units, split into two land parcels, one containing 29 units to the south of phase 2 and the other site with 35 units to the south of phase 1 is currently at an advanced stage of construction.

The current application is the second stage of phase 3 and covers an area of approximately 0.65 hectares and is located near the centre of the site opposite the site's country park.

Application details

The application is a full application for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The previous phases of the development have been dealt with as reserved matters application following the approval of outline planning permission (12/01532/OUT) for 480 units on the site. However the time limit for the submission of reserved matters has now lapsed so therefore this phase and any subsequent phases are now required to submit a planning application.

The proposed development features four separate blocks, a community centre and 2 flats over garages (FOGS) in the parking area:

Block A - This a three storey block of 15 flats with drive through for access to the rear parking core. On the ground floor three flats are proposed, five covered car ports are also provided as allocated parking spaces, along with cycle and refuse store. The first and second floors mirror each other with their layouts, providing six flats per floor. The proposed flats would provide a mix of 1 and 2 bed units with 5 affordable units for rent and 10 units for market housing.

Block B - This a three storey block with a retail unit at ground floor and two floors of 10 residential flats above, 5 units per floor and all of these units would be affordable for rent.

Block C - This is a three storey building which has been split into two separate parts, with a 1.5 metre gap between them.

Block C1 consists of six flats (2 per floor) served by an internal ground floor bin store and central stairwell and lift core.

Block C2 has a slightly different footprint with a crank in the block allowing it to front the open space and curve with the road alignment. Six flats are again proposed served by an internal ground floor bin store and central stairwell and lift core The 6 flats in block C2 would be affordable units for rent and the 6 flats in block C1 would be market units.

Two one bed FOGS are situated to the west of the phase within the car park area and would provide 2 Shared Ownership units. At ground floor bins store and cycle stores are shown along with four covered car parking spaces.

All of the blocks are of a contemporary design all with semi-hipped roofs and Juliette balconies on some of the side and front elevations. The materials proposed are a red facing brick and grey weatherboarding for the elevations and dark roof tiles, which has been used elsewhere on the site.

The Community Centre is located to the west of block B adjacent to the proposed community square and features a gable end roof. The majority of the space would be double height with a two storey section above the entrance hall where a viewing gallery and changing areas are proposed at first floor and kitchen, toilets and storage at ground floor. Brick and cladding are again the proposed materials but there would be a slight contrast in finish to provide some differentiation from blocks A-C.

LIST OF POLICIES

District Plan)

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

Relevant policies include;

DP6: Settlement hierarchy
DP8: Strategic Allocation to the east of Burgess Hill at Kings Way
DP17: Ashdown Forest
DP20: Securing Infrastructure
DP21: Transport
DP25: Community Facilities and Local Services
DP26: Character and Design
DP27: Dwellings Space Standards
DP29: Noise, Air and Light Pollution
DP30: Housing Mix
DP31: Affordable Housing
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Burgess Hill Neighbourhood Plan (Made 2016)

Policy S4 Parking Standards for new developments
Policy LR3 Protect and improve existing leisure and recreational facilities

National Policy and Legislation

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 overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is *"significantly boosting the supply of homes"*.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

"For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Planning Practice Guidance

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

ASSESSMENT

Principle

Planning permission is sought for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

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

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and Burgess Hill Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

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

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

The Kings Way site is also a strategic allocation as set out in policy DP8 of the District Plan:

Strategic development, as shown on the inset map, is allocated to the east of Burgess Hill at Kings Way for:

- *Up to 480 new homes;*
- *High quality and accessible informal public open space;*
- *A local hub serving the site and the wider community;*

The strategic development in this location will:

- *Provide infrastructure, as set out in the Burgess Hill Town Wide Strategy and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. This will include financial contributions to the provision of education facilities for all ages;*
- *Address the limitations of east-west traffic movements across Burgess Hill;*
- *Implement long-term management of the Ditchling Common Site of Special Scientific Interest (SSSI) and protect and enhance this adjoining area from the impacts of strategic development (on site provision together with appropriate mitigation measures);*
- *Consider the close proximity of the South Downs National Park;*
- *Consider the opportunities with the Keymer Tile Works site and other developments in the vicinity to ensure complementary provision of infrastructure and facilities for the east side of Burgess Hill;*
- *Provide additional informal open space on site; and*
- *Avoid unnecessary damage to the characteristic field pattern and historic hedgerow and tree lines.*

It is clear that the principle of a residential development within the built up area is acceptable. Furthermore the principle of a housing development across the Kings Way site has also been established through the granting of outline planning permission 12/01532/OUT) for 480 units on the site.

Layout and design

DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *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 scheme has been carefully considered by MSDC Urban Designer and the scheme has also been the subject of negotiations following the withdrawal of an earlier application and further amendments have been made to the layout and design during the assessment of this application.

The Urban Designer has commented:

Phase 3B is the neighbourhood centre and focal point of the Kings Way development; it is therefore especially important that it is well designed. There have been several design iterations, starting with the decision to depart from the outline layout by re-routing the spine road to the east of the development thus removing awkward corners and enabling a bus route; this also delivered a pedestrianised area between blocks A and B. There were nevertheless a number of issues with the 2017 planning application that resulted in its withdrawal. Since then, a series of iterations have resulted in improvements that now address my main concerns. In particular, the building frontages define and overlook both the central space (between blocks A and B) and the country park. The elevations are well-ordered and benefit from contemporary detailing and vertical articulation; they also address the topography by stepping down the slope. Furthermore, the additional scale of the three storey frontages together with their formal composition help denote the neighbourhood centre which also incorporates a local shop and community centre. The relatively high density together with the retail and community requirements generates a large

number of parking spaces, most of which do not impose upon the main public realm because they are positioned at the rear of the buildings.

In conclusion, I raise no objections to this application but to secure the quality of the design, I would recommend conditions requiring additional drawings and information.

Officers agree with this assessment and it is considered that the development is acceptable in design terms.

In light of the above it is therefore considered that the layout and design of the scheme is acceptable and complies with policy DP26 of the District Plan.

Mix of unit sizes and affordable housing

Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

The existing legal agreement requires that each phase will incorporate 30% affordable housing units; in this case the actual affordable housing provision on this Phase is for 23 units, which equates to 59% of the total dwellings. This reflects an agreement with the applicant that they would compensate on this Phase for the reduction in affordable housing on Phase 2 (DM/16/2204).

The mix for Phase 3B is as follows:

Affordable rent: 21

Shared Ownership: 2 x 1 bed flats

The Council's Housing Services team have commented on the application stating that:

The submitted scheme did not meet affordable housing requirements in terms of numbers, tenure or layout. The applicant has subsequently submitted a revised scheme which proposes 23 dwellings for affordable housing. Two 1-bed flats over garages are for shared ownership and 21 flats (8 x 1bed and 13 x 2 bed) are for affordable rent. The revised scheme addresses an imbalance in numbers and tenure split on previous phases and ensures that at this stage the policy requirement of 75% rented and 25% shared ownership across the site is met. The flats are split across three blocks with clusters of no more than 10 affordable dwellings.

The application is therefore considered acceptable in terms of mix of unit size and affordable housing provision.

Policy DP27 requires all new dwellings to meet minimum nationally described space 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.

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

The applicant has confirmed that the proposed houses would achieve the Council's required dwelling space standards.

In view of the above it is considered that the application would comply with policies DP30, DP31 and DP27 of the District Plan.

Infrastructure contributions and affordable housing

The necessary infrastructure contributions for this development are secured by the section 106 legal agreement that was attached to the original planning permission granted under reference 12/01532/OUT and included the provision of 30 per cent affordable housing and contributions to, Education; libraries; highways improvements; Community Transport Improvements; Pedestrian/Cycleway/Equestrian Improvements; Leisure contributions; Local Community Infrastructure contribution; Ditchling Common Management contribution and Primary Care Trust contribution, with total contributions exceeding £8,000,000.

The S106 also included a clause requiring the applicant to transfer land in the northern section of the site (where block A and part of the community square are shown on the current application) to MSDC together with a financial contribution of £209,107 towards the build cost of a community building on the land. However as the proposal now is for the applicant to fully fund, physically construct and fit out the proposed community building before handing it over to MSDC, a deed of variation is required for this application. This is considered to be preferable to the previously agreed arrangement as additional funds would have been needed to construct a building and there was no certainty that the building would ever be delivered. The deed of variation will ensure that the development will have the facility of a community building on the site for current and future residents to use.

In view of the above it is considered that the application would comply with policies DP20 and DP31 of the District Plan.

Residential Amenity

Policy DP26 of the Mid Sussex District Plan stipulates 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.

In this case the site faces onto the country park to the east, while the southern section of the site is separated from existing residential properties by a mature trees belt and access road. The only block adjacent to existing residential properties is block A, in the northern section of the site, where residential houses in phase 2 lie to

the west, however the separating distances are between 13m and 32m which is considered acceptable on this urban site.

It is considered that the proposed layout is such that there are acceptable separating distances between the blocks themselves. The proposed buildings are also located at a sufficient distance from existing trees to avoid being overshadowed.

Overall, the layout is acceptable in terms of protecting the residential amenity of existing and future residents. The application therefore complies with Policy DP26 of the Mid Sussex District Plan.

Parking and Highways issues

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Transport and highways issues were addressed in detail at outline application stage. The Section 106 agreement secures around £3.3 million towards a variety of transport and highways improvements through the construction period. Access to the site from Kings Way was also approved in detail as part of the outline approval.

The transport statement and travel plan along with the plans and other documents submitted with the application have been considered by WSCC highways and no objections have been raised. The Highways Engineer has commented:

Car parking provision is consistent with that estimated through the demand calculator and there is sufficient parking for bicycles. Car parking space for the commercial and community uses is below that expected, however we accept that local use will predominate.

The applicant has demonstrated that cars, refuse collection vehicles and a fire tender will be able to manoeuvre round the site.

The trip generation has already been accounted for within the transport assessment for the wider development. The transport statement repeats the exercise for the current application, and the document's conclusions do not contradict the assessment of the wider development's impact on the transport network.

The TPS includes a commitment to delivering measures to promote sustainable modes of transport.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

Landscaping issues

Policy DP37 of the Mid Sussex District Plan states that:

"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."

As shown at the outline stage, the layout is designed to accommodate most of the existing trees on the site which tend to form field boundaries and are helpful in subdividing the site in urban design terms. The trees provide a positive backdrop and enhance the character and appearance of the overall development. The site currently has no trees subject to TPO and is not within a Conservation Area.

The proposed buildings are also located at a sufficient distance from existing trees, in particular the mature tree belt to the south western edge of the site, to avoid being overshadowed and thereby reducing any potential pressure from future residents for lopping or felling in the future.

The landscaping shown on the plans also includes additional tree planting mostly within the car parking areas and a condition requiring further details of both hard and soft landscaping forms part of the recommendation.

In light of the above it is considered that the application complies with Policy DP37 of the Mid Sussex District Plan.

Sustainability

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

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

The development is situated in a sustainable town location with good access to public transport alternatives to the private car. It is also within walking distance of a wide range of local services and amenities.

MSDP Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The application site is in a sustainable location being within the built-up boundary of Burgess Hill , a Category 1 settlement.

The applicant advises that the scheme would incorporate the following measures:

- It is intended that where possible locally sourced materials will be sourced.
- Recycled materials such as crushed concrete waste to be used for hard-standings.
- Windows and insulation will be thermally efficient.
- Water saving low/dual flush toilets, reduced flow taps and showers
- Low energy efficient lighting
- Time and temperature zone controls for heating system
- Airtight construction

The proposal is in overall terms considered to be acceptable in sustainability terms.

It is considered that the proposal satisfactorily complies with the requirements of policy DP39.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

While the Drainage Engineer has not commented on the application a condition requiring details of the drainage for each phase formed part of the outline approval

and it is therefore considered this matter can also be suitably dealt with by condition, so there should be no conflict with these policies.

In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the District Plan, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Planning Balance and Conclusion

The application seeks full planning permission for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

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 NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In respect of the principle of the development, the site is part of a larger site allocated in the District Plan as a strategic housing site for 480 units under DP8. Furthermore the principle of a housing development across the Kings Way site has also already been established through the granting of outline planning permission (12/01532/OUT) for 480 units on the site.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

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

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the neighbourhood community centre planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below:

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

3. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and the proposed boundary treatments. These works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

6. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. No development shall be carried out above ground slab level until detailed 1:20 scale section drawings of:
 - i. typical residential frontages showing the full height of the building and including entrance canopy, grouped windows, Juliet balconies and roof;
 - ii. the community building entrance showing the full height of the building including the upper floor and roof.
 - iii. Position of the rainwater downpipes on all the elevations; have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

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

Monday – Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan.

9. No part of the development shall be first occupied until the vehicle parking has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

10. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the plans and details approved by the Local Planning Authority.

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

11. No development shall be carried out above ground slab level until details of proposed boundary walls/fences, retaining walls and external staircase railings for the development have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these works have been carried out as approved.

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

INFORMATIVES

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

Accordingly, you are requested that:

- No burning of demolition/construction waste materials shall take place on site.

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

2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Planning Layout	P1538/01	A	05.08.2019
Location Plan	P1538/08	A	05.08.2019
Street Scene	P1538.SS.01	H	11.11.2019
Street Scene	P1538.SS.02	C	11.11.2019
Landscaping Details	P1152_11	A	05.08.2019
Landscaping	P1152_12		05.08.2019
Illustration	P1538.PV.01		11.11.2019
Levels	P1538/09	E	11.11.2019
Sections	P1538.SEC.01		11.11.2019
Proposed Floor Plans	P1538.BLKA.01	C	11.11.2019
Proposed Floor Plans	P1538.BLKA.02	B	11.11.2019
Proposed Floor Plans	P1538.BLKA.03	B	11.11.2019
Proposed Roof Plan	P1538.BLKA.04	B	11.11.2019
Proposed Elevations	P1538.BLKA.05	B	05.08.2019
Proposed Elevations	P1538.BLKA.06	B	05.08.2019
Proposed Floor Plans	P1538.BLKB.01	B	11.11.2019
Proposed Floor Plans	P1538.BLKB.02	A	11.11.2019
Proposed Floor Plans	P1538.BLKB.03	A	11.11.2019
Proposed Roof Plan	P1538.BLKB.04	B	11.11.2019
Proposed Elevations	P1538.BLKB.05	C	11.11.2019
Proposed Elevations	P1538.BLKB.06	C	11.11.2019
Proposed Elevations	P1538.BLKB.07	C	11.11.2019
Proposed Elevations	P1538.BLKB.08	C	11.11.2019
Proposed Floor Plans	P1538.BLKC1.01		11.11.2019
Proposed Floor Plans	P1538.BLKC1.02		11.11.2019
Proposed Roof Plan	P1538.BLKC1.02		11.11.2019
Proposed Elevations	P1538.BLKC1.03	C	11.11.2019
Proposed Elevations	P1538.BLKC1.04	A	11.11.2019
Proposed Elevations	P1538.BLKC1.05	B	11.11.2019
Proposed Elevations	P1538.BLKC1.06	A	11.11.2019
Proposed Floor Plans	P1538.BLKC2.01		11.11.2019
Proposed Floor Plans	P1538.BLKC2.02		11.11.2019
Proposed Floor Plans	P1538.BLKC2.03		11.11.2019
Proposed Roof Plan	P1538.BLKC2.04		11.11.2019
Proposed Elevations	P1538.BLKC2.05	D	11.11.2019
Proposed Elevations	P1538.BLKC2.06	B	11.11.2019
Proposed Elevations	P1538.BLKC2.07	B	11.11.2019
Proposed Elevations	P1538.BLKC2.08	D	11.11.2019
Proposed Floor Plans	P1538.BLKC2.		05.08.2019
Proposed Floor Plans	P1538.F2.01		11.11.2019
Proposed Roof Plan	P1538.F2.02		11.11.2019
Proposed Elevations	P1538.F2.03		11.11.2019
Proposed Elevations	P1538.F2.04		11.11.2019
Proposed Floor Plans	P1538.Comm.01	C	11.11.2019
Proposed Floor Plans	P1538.Comm.02	C	11.11.2019
Proposed Roof Plan	P1538.Comm.03	B	11.11.2019
Proposed Elevations	P1538.Comm.04	C	11.11.2019
Proposed Elevations	P1538.Comm.05	C	11.11.2019
Proposed Elevations	P1538.Comm.06	C	11.11.2019
General	P1538.DET/01		11.11.2019
General	P1538.DET/02		11.11.2019

General	P1538.DET/03		11.11.2019
General	P1538.DET/04		11.11.2019
General	P1538.DET/05		11.11.2019
General	P1538.DET/06		11.11.2019
General	P1538.DET/07		11.11.2019
Drainage Details	11036/PH3B-PL106	A	05.08.2019
Levels	1136/PH3-PL102	C	05.08.2019
Levels	11036/PH3-PL103	C	05.08.2019
General	11036/PH3-ATR01	A	05.08.2019
General	11036/PH3-ATR02	A	05.08.2019
General	11036/PH3-ATR03	A	05.08.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: The Committee raised concerns over transport and access. It was noted that the police statement had recommendations on the design which the Committee supported.

The Committee wished to reiterate their previous statement:

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

In accordance with District Plan Policy DP42, the development should incorporate grey water recycling and water harvesting.

INFRASTRUCTURE REQUIREMENTS: Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follow:

Funds to be allocated to real time bus services available on the bus stops in the immediate vicinity of the application site.

MSDC Environmental Health - Contaminated Land

The application looks to construct 29 residential dwellings on land that has historically been used for agricultural use.

Agricultural land may have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc.

Given the above, the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached.

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

Recommendation: Approve with conditions

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
 - a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details

MSDC Environmental Health - Protection

This application has outline permission as part of a larger site. There are existing conditions to control noise and dust from construction.

Conditions:

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

Monday – Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- Air Quality: Prior to the commencement of any construction work hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings
- All gas-fired boilers to meet a minimum emissions standard of <40 mgNO_x/kWh

Reason: To preserve the amenity of local residents regarding air quality and emissions.

MSDC Housing

Outline planning consent (12/01532/OUT) for 480 dwellings was granted on 10th May 2013. Phases 1 (14/03208/REM) and 2 (DM/16/2204) have been delivered and Phase 3a (DM/18/2747) has been approved.

This application for Phase 3b of the development is a full application which seeks to vary the mix stipulated in the s106 agreement for the outline permission.

The submitted scheme did not meet affordable housing requirements in terms of numbers, tenure or layout. The applicant has subsequently submitted a revised scheme which proposes 23 dwellings for affordable housing. Two 1-bed flats over garages are for shared ownership and 21 flats (8 x 1bed and 13 x 2 bed) are for affordable rent. The revised scheme addresses an imbalance in numbers and tenure split on previous phases and ensures that at this stage the policy requirement of 75% rented and 25% shared ownership across the site is met.

The flats are split across three blocks with clusters of no more than 10 affordable dwellings.

MSDC Urban Designer

Summary and Overall Assessment.

Phase 3B is the neighbourhood centre and focal point of the Kings Way development; it is therefore especially important that it is well designed. There have been several design iterations, starting with the decision to depart from the outline layout by re-routing the spine road to the east of the development thus removing awkward corners and enabling a bus route; this also delivered a pedestrianised area between blocks A and B. There were nevertheless a number of issues with the 2017 planning application that resulted in its withdrawal. Since then, a series of iterations have resulted in improvements that now address my main concerns. In particular, the building frontages define and overlook both the central space (between blocks A and B) and the country park. The elevations are well-ordered and benefit from contemporary detailing and vertical articulation; they also address the topography by stepping down the slope. Furthermore, the additional scale of the three storey frontages together with their formal composition help denote the neighbourhood centre which also incorporates a local shop and community centre. The relatively high density together with the retail and community requirements generates a large number of

parking spaces, most of which do not impose upon the main public realm because they are positioned at the rear of the buildings.

In conclusion, I raise no objections to this application but to secure the quality of the design, I would recommend conditions requiring additional drawings and information in respect of the following:

- Hard and soft landscaping including treatment of boundaries, retaining walls and staircase railings.
- 1:20 scale section drawings of: (i) typical residential frontages showing the full height of the building and including entrance canopy, grouped windows, Juliet balconies and roof; (ii) community building entrance showing the full height of the building including the upper floor and roof.
- Position of the rainwater downpipes on all the elevations
- Facing materials

Layout

The building frontages feature consistent building lines and return frontages that successfully define and address the streets and spaces despite the awkward slope on the main spine road. A series of section drawings have now been received which demonstrate how the difference in levels has been handled on all sides of the buildings including the car park.

The shop frontage has been re-positioned with its entrance facing the central space (between blocks A and B) and together with the adjacent community centre should help animate and activate this area. It is hoped the fenestration on the return east side of the shop facing the country park will also be kept open to maximise the visual connection of the shop with the surrounds.

The large car park at the rear of blocks B and C has been divided-up by the FOG building (flats over garages) that is positioned in the middle so that it defines and overlooks the parking. The tree belt along the west boundary also helps by providing additional enclosure and, together with the proposed trees, provides the necessary softening of this large hard surfaced area.

Unfortunately there is no strong vision / strategy for the central open space with the submitted drawings showing inconsistencies in the landscaping. As the design of this space is key to the scheme's success, a condition is needed that covers this and the rest of the landscaping including the external staircase railings and retaining walls.

Elevations

The elevations have been the subject of several iterations. The latest set of revisions show blocks of flats that satisfactorily address the awkward slope and corner while also providing frontages that are suitably articulated.

The consistent order of the vertically grouped windows and projecting bays give the street elevations underlying order and architectural interest that was missing in previous proposals. Splitting block C into two buildings (C1 and C2) has especially helped in dealing with the topography and reducing the scale. The bin and cycle stores are now neatly integrated within the building envelopes, rather than bolted-on afterthoughts and the return frontages feature windows that suitably address all the key corners. As the rear elevations will be very visible from the car park, they have been re-designed to provide suitably ordered facades.

All the building frontages feature brick and dark grey boarding that will contribute to giving the neighbourhood centre a distinct character, and the Juliet balconies provide additional articulation. The rainwater downpipes are not though shown on the elevations, and as they are key elements that have the capacity to undermine or enhance a façade, a condition is recommended to control their positioning.

The provision of the detailed drawings is helpful, but I would like further information submitted and subject to a condition to allow the windows, Juliet balconies, gutters and canopies to be shown in the context of the full façade. The traditional "gallows" bracket design of the entrance canopies looks incongruous in relation to the contemporary designed facades, and a more modern design would work better.

The community centre has been fully fenestrated as a 2 storey building even though it is mostly a single storey building, albeit with a large double height hall. This helps it sit more comfortably with its 3 storey neighbours.

MSDC Leisure

This application has been considered alongside the delivery of the outline application 12/01532/OUT for 480 homes which will provide contributions toward leisure infrastructure through the existing s106 agreement so no additional financial contributions are required in this instance.

I have had a constructive exchange with Persimmon Homes regarding the internal layout of the community building and am pleased with the design. It will be necessary to ensure the facility is fully fitted out to an agreed specification and ready for public use before it is handed over to the Council. I note the car park includes dedicated spaces for the community building users which is welcome.

West Sussex County Council Highways

Having reviewed the transport statement (TS), travel plan statement (TPS) and other plans and documents sent in with the application, the highway authority has no objection to the application.

Car parking provision is consistent with that estimated through the demand calculator and there is sufficient parking for bicycles. Car parking space for the commercial and community uses is below that expected, however we accept that local use will predominate.

The applicant has demonstrated that cars, refuse collection vehicles and a fire tender will be able to manoeuvre round the site.

The trip generation has already been accounted for within the transport assessment for the wider development. The TS repeats the exercise for the current application, and the document's conclusions do not contradict the assessment of the wider development's impact on the transport network.

The TPS includes a commitment to delivering measures to promote sustainable modes of transport. The authority expects the developer to implement these measures.

Condition

PARKING AND TURNING

No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: The above condition is required in order that the development should not prejudice highway safety or cause inconvenience to other highway users.

Street Naming and Numbering Officer

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

Informative (Info29)

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

Planning applications requiring SNN informative

- DM/19/3028
- DM/19/2764
- DM/19/2777
- DM/19/2942
- DM/19/2129
- DM/19/2900
- DM/19/3121
- DM/19/2990
- DM/19/3085
- DM/19/2961
- DM/19/3138
- DM/19/3144
- DM/19/2938
- DM/19/3170

WEST SUSSEX COUNTY COUNCIL- Flood risk

RECOMMENDATION: No Objection

Thank you for consulting us with regards to the above application.

The Drainage Strategy for the whole site has been previously agreed with the District Drainage Engineer; therefore we have no objection to this application.

Kevin Brook
Flood Risk Management Team

Sussex Police

Thank you for your correspondence of 09th August 2019, advising me of a full planning application for 39 new dwellings (including the provision of 22 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping 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 on 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 development consists of 4x apartment blocks, one with retail space on ground floor and two flats over garage (FOG) with four carports below. Parking is provided to the rear of the blocks. From a crime prevention perspective, it will very important that access control is implemented into the design and layout of the communal blocks to ensure control of entry is for authorised persons only. SBD recommends that all communal dwellings should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system (see para 27.20 SBD Homes 2019). It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. The main entrance door, external and internal cycle store doors are to be certificated. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door sets. Trades buttons must never be used.

I recommend the postal arrangements for the flats are through the wall, or external mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

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. Block A is shown to have under-croft parking, this will need to be illuminated using low energy vandal resistant PIR lighting. Given the existence of under-croft parking I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. A parking management system will have to be implemented to control parking spaces where they are shared by residents and visitors to the community centre and retail outlets.

I have concerns over the FOGs given there are cycle stores and refuse stores (mixed not recommended) beneath them. The cycle stores are directly below the flats bedroom. This

has the potential to impact directly upon the resident's amenity from noise and footfall. Additionally the parking beneath is proposed as carports, these can encourage loitering and the dumping of rubbish within them to the detriment of the residents above. There is also the potential of arson attack within the carports which puts the residents of the FOG's at risk. I recommend that these carports are changed to secure garages.

The commercial element of block A will require certificated door and windows and I recommend a monitored intruder alarm for out of hours protection is fitted. I direct the applicant of their agent to SBD commercial Development 2015 for further crime prevention advice for the retail and community centre aspects of the application. No opening hours were disclosed within the application, therefore I ask that consideration is given to the immediate resident's amenity to protect them from noise and footfall from users to the retail / commercial unit, traffic and delivery vehicles.

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.