

MID SUSSEX DISTRICT COUNCIL

District Wide Committee

**16 MAR 2017**

RECOMMENDED FOR Permission

**Ansty And Staplefield**

**DM/16/4496**

**ROOKERY FARM ROCKY LANE HAYWARDS HEATH WEST SUSSEX  
OUTLINE APPLICATION FOR THE ERECTION OF 320 NEW DWELLINGS,  
INCLUDING 30% AFFORDABLE HOUSING, THE PROVISION OF PUBLIC  
OPEN SPACE, AND VEHICULAR ACCESS FROM ROCKY LANE. ALL  
MATTERS TO BE RESERVED EXCEPT FOR ACCESS. (PLEASE NOTE  
AMENDED DESCRIPTION. ADDITIONAL INFORMATION RECEIVED ON  
HIGHWAY MATTERS ALONG WITH ILLUSTRATIVE LAYOUT AND  
PARAMETERS PLAN)**

**MR J BALL**

POLICY: Ancient Woodland / Ancient Woodland / Ancient Woodland / Ancient  
Woodland / Ancient Woodland / Ancient Woodland / Areas of  
Special Control for Adverts / Areas of Townscape Character / Built  
Up Areas / Countryside Area of Dev. Restraint / Classified Roads -  
20m buffer / District Plan Policy / District Plan Policy / Planning  
Agreement / Planning Obligation / Planning Agreement / Planning  
Obligation / Strategic Gaps /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 24th January 2017

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Mr Stephen Ashdown

**PURPOSE OF REPORT**

To consider the recommendation of the Interim Head of Economic Promotion and  
Planning on the application for planning permission as detailed above.

**EXECUTIVE SUMMARY**

Outline planning permission is sought the erection of 320 dwellings on land at

Rookery Farm, Rocky Lane, Haywards Heath. The only detailed matter for determination as part of this application is the means of access. The site is located within the built up area of Haywards Heath, as defined by the Haywards Heath Neighbourhood Plan (HHNP), and the majority of it also allocated for housing within the Development Plan.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the Development Plan in Mid Sussex consists of the Small Scale Housing Allocations Document (SSHAD) (2008), the Mid Sussex Local Plan (MSLP) (2004) and the Haywards Heath Neighbourhood Plan (HHNP).

The site is located within the built up area of Haywards Heath, as defined by the HHNP, and a large proportion of it is allocated under policy HH11 of the SSHAD and Policy H2 of the HHNP. Policies H3 of the MSLP and H8 of the HHNP deal with development in the built up area and are relevant to the proportion of the site that is not currently allocated as part of the Development Plan. Other Development Plan policies are relevant relating to matters such as transport, ecology, and drainage and infrastructure provision.

As the scheme is in outline form, with only the matter of access being determined at this stage, the level of detail submitted is limited as the applicants only need to establish the principle of development, for 320 dwellings, in association with the relevant identified issues.

Notwithstanding any supporting/illustrative material submitted with the application, matters relating to layout, scale, appearance and landscaping of the development are not for determination as part of this application and will require careful consideration at any future Reserved Matters stage

Having regard to the policies within the Development Plan it is considered that the applicants have demonstrated that the site is capable of accommodating 320 dwellings and that the proposed access arrangements, along with development's impact on surrounding highway network, are acceptable. There are no objections to the proposed development from a drainage or ecology perspective, although it is recognised that additional work at the Reserved Matters stage on these issues is required. While the Council's Landscape Consultant has raised an objection, the points raised mainly relate to detailed matters that will be considered at a later date as part of a Reserved Matter submission. As such it is considered that the application complies with policies G3, C5, B4, B6, B7, H4, T4 and CS13 of the MSLP, policies E7, E8, E11, H2, H8, T1 and T2 of the HHNP and policies DP18, DP19, DP24, DP26, DP27, DP29, DP36, DP38 and DP41 of the Submission Version District Plan.

In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means approving development proposals that accord with the development plan without delay.

It is appropriate to consider whether there are any material circumstances that

indicate that different decision should be taken to that outlined above. It has been indicated that the proposal may result in the loss of some 'irreplaceable habitat' (in respect to Dormouse) and that under paragraph 118 of NPPF such a loss is represented as a restrictive policy where development should be refused unless the need for, and the benefits of, the development in that location clearly outweigh the loss.

Given that this is an outline application, the overall impact on this habitat (which consists of two hedgerows) will not be known to its full extent until the layout is finalised. In such circumstances it can be considered reasonable to apply such a test to any subject Reserved Matters application however, for the sake of completeness it is considered prudent to address the point as part of this application.

The proposed development will provide for 320 dwellings, 96 of which will be secured as affordable units, at a time where there is a significant need for housing. The site is located within the built up area and the majority of it is allocated for residential development within the Development Plan and as such the site's location for the use of housing has been deemed appropriate. There is the potential to compensate for any habitat loss within the site and it is considered that the need for the development clearly outweighs any, limited, loss of habitat in these instances. In such circumstances the NPPF states that permission should be granted.

It is clear that this outline planning application is acceptable and should be approved.

## **RECOMMENDATION**

Permission is approved subject to the completion of a S106 Legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

In total, 53 letters of representation have been received to the scheme, encompassing the original and amended submission, raising the following objections/concerns;

- Proposed density of development too high;
- Contrary to recently made Neighbourhood Plan;
- Impact on the character and appearance of the area;
- Insufficient infrastructure in the town to cope with additional population;
- Traffic network cannot cope with additional vehicles;
- Increase in noise and disturbance;
- New development architecture is very bland;
- Concerned about the introduction of 3 storey buildings;
- Significant impact on existing residents' amenity;
- Loss of outlook;
- Loss of privacy;
- The proposed access is not safe;
- It is impossible to turn out of existing developments on Rocky Lane;

- Development will erode the green corridor between Haywards Heath and Burgess Hill;
- Proposed development will be overbearing;
- Car headlights will cause light pollution;
- Proposed layout lacks much open space;
- Affordable housing should be integrated seamlessly;
- There is no buffer to the east side of development next to Sandrocks development;
- Impact on ecology;
- Development in the countryside area is contrary to the Mid Sussex Local Plan;
- Increase in flood risk;
- Development has been designed for those with cars. Unlikely residents will use public transport;
- Loss of trees and habitats;
- Economic benefits of the proposal are short sighted;
- What is the evidence to support the increase in numbers for this site;
- TPO's should be applied to all strategically important trees;
- Development site is boggy with and various springs result in overland flow during periods of prolonged rainfall;
- Ancient woodland will not survive once surrounded by residential properties.

#### *Fox Hill Residents Association*

We strongly urge the Council to refuse permission for this development. We are fully supportive of the letter of objection and the points contained therein submitted by Virginia Pullan, County Landscape Architect at East Sussex Council. We share her opinion that the scale and density of the revised scheme does not adequately address the concerns raised previously. Likewise the Woodland Trust has re-stated its objection to the proposal even in its revised form, and we also take the view that any loss of ancient woodland and associated hedgerows is unacceptable.

We do not see that the revised plans improve the sustainability of the site in respect of transport/communication with the centre of town. Also the close proximity of the access on Rocky Lane to the Sandrocks access point (which in highway planning terms is sub-standard) is a safety hazard. The roundabout at the Fox Hill junction with Rocky Lane (the A272) is not fit for purpose as there is insufficient space for 2 traffic lanes around the whole of the roundabout.

We are very surprised that, given the topography of the site, in particular the steep slope to the site (although this is not made clear by the plans and maps submitted) the developer has given insufficient thought to the drainage problems associated with this site, and the siting of mitigation works, i.e. balancing ponds which disfigure so many recent developments in the area.

#### *Sandrocks Residents Association*

The proposed development, together with existing, underway and proposed development in the immediate Rocky Lane / Fox Hill area, represents an excessive and unsupportable strain on local roads.

The proposed development exceeds the area zoned for development in the Haywards Heath Neighbourhood Plan and also substantially exceeds the number of houses proposed for this site in the Neighbourhood Plan.

The proposed development would unreasonably impact on the quality of the life of Cedar Avenue residents due to the proximity and height of some of the proposed housing to existing house on Cedar Avenue.

The proposed development will add further demand at a time when local public services lack the capability to serve the existing population.

*Haywards Heath Society*

No further comment to that made previously.

*Woodland Trust*

The trust objects to this planning application as it will result in the deterioration of the ancient woodland. It is recommended that a 50m zone be provided and the buffer's composition should be made up of at least 50 per cent native tree cover. The applicant's proposed drainage ponds should be located outside of the buffer zone. There is a missed opportunity to reverse fragmentation of ancient woodland areas by removing the proposed emergency access between the two woodlands and instead carrying out planting between the two sites.

## **SUMMARY OF CONSULTATIONS**

### **MSDC Urban Designer**

This is an outline scheme in which appearance, landscaping, layout and scale are reserved matters. Being an outline proposal, the scheme is short of information, with only a site layout and site section drawings being supplied. This makes it difficult to assess its design merits in detail. The observations are therefore initial comments.

### **MSDC Environmental Health**

As a large development adjacent to an "A" road, this proposal raises several areas of potential concern to Environmental Protection - including noise affecting future occupants, additional air pollution from construction and from future residents' vehicles, and construction noise affecting existing residents as well as future occupiers of early phases of development.

The applicants have submitted air quality and noise reports, the contents of which are accepted. It is agreed that potential noise and air pollution issues can be dealt with by way of planning condition. Accordingly, should the development receive approval, Environmental Protection recommends conditions.

### **MSDC Drainage Officer**

No objection to subject to conditions however further work is required in terms of drainage design and ecology and the result of this will determine the final layout of the development

### **MSDC Housing Officer**

No objection. Affordable housing to be secured as part of any S106 Legal Agreement.

### **MSDC Community Leisure Officer**

No objection subject to the conditions and infrastructure contributions.

### **MSDC Landscape Consultant**

A sensitively designed development on this site could have acceptable impacts on landscape and views. The scale and density of the revised scheme does not adequately address concerns raised previously. It is recommended that the proposal for is not supported as it would not allow for the retention and integration of adequate green infrastructure as mitigation for impacts on local landscape character and visual amenity.

### **MSDC Ecology Consultant**

Following review of amended illustrative layout (Dwg ref 1609/PL.03 Rev - B), I am satisfied that it has now been demonstrated that it would be feasible to achieve the minimum 15m buffers recommended by Natural England in their standing advice. My comments on hedgerow impacts remain and will need to be weighed as part of the planning balance. I am satisfied that the other issues I raised could be dealt with at the reserved matters stage if outline consent is granted. Therefore, if MSDC are minded to grant consent, I would recommend conditions.

### **MSDC Archaeology Consultant**

No objection subject to condition.

### **West Sussex County Council - Highway Authority**

No objection subject conditions and S106 Legal Agreement to secure infrastructure works.

### **West Sussex County Council - Lead Local Flood Authority**

No objection.

## **Southern Water**

The results of an initial desk top study indicate that Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

No objection subject to conditions.

## **NHS Sussex**

No objection. Infrastructure contribution requested.

The final consultation comments are set out in full in appendix B of this report and are also available to view, along with any initial comments, on the planning file.

## **ANSTY AND STAPELFIELD PARISH COUNCIL**

The Parish Council considered the amended plans but do not wish to change their comment from the made on 15th November:

'The Parish Council do not object to this development and would like see S106 money allocated to the Ansty Village Centre. The Parish Council would like to discuss this with MSDC before any agreements are reached so that pooling restrictions are taken into account.'

## **HAYWARDS HEATH TOWN COUNCIL**

Haywards Heath Town Council notes the latest amendments to this application and the additional information received regarding highway matters. In light of these, Members have reviewed the submission that was made originally (at the meeting of the Town Council's Planning Committee held on 5 December 2016) and although its content remains largely unchanged, they have made a number of revisions in order to reflect current proposals. Therefore, it would be appreciated if Mid Sussex District Council (MSDC) could treat the submission below as the up to date version.

Given that a significant part of this site has already been allocated for housing under Policy H2 of the Haywards Heath Neighbourhood Plan, Haywards Heath Town Council has no objections to this outline application. However, Members of the Town Council's Planning Committee request that the following comments and observations be taken into consideration as the application progresses:

- the Town Council notes that the proposed number of dwellings has been reduced from 333 to 320. However, at MSDC's request, the (illustrative) number of flats has been increased from 27 to 48 and whilst the Town Council would have preferred this to remain unchanged (i.e. at 27) in order to roughly maintain the number of houses, it is acknowledged that there is now a greater provision of open space;

- the Town Council would support the scattered or 'pepper pot' distribution of affordable housing within the development as opposed to it being grouped together;
- the Town Council supports the proposed layout of the development which largely follows existing land forms and hedgerows, and includes green buffer zones to protect the areas of ancient woodland;
- the Town Council supports the intention that all landscape buffer zones, especially those round the perimeter of the site, would be readily accessible for the purpose of carrying out periodic maintenance works;
- the Town Council notes that West Sussex County Council (WSCC) Highways does not advocate the proposal that for vehicles leaving the development, it would be a left turn only junction. The Town Council had viewed this as essential since it would have encouraged westbound traffic to use the Haywards Heath relief road instead of going through the town centre. Looking ahead, it is inevitable that the volume of traffic using the relief road will increase and this would make it more difficult and hazardous for those vehicles making a right turn out of the development. It is requested, therefore, that adequate provision be made now to 'future-proof' the junction so that it could be reconfigured to left turn only should the need arise;
- the Town Council requests that an effective means of 'junction protection' be incorporated into the development. The purpose of this would be:
  - a) to prevent the indiscriminate parking of vehicles on or near points where one road meets another,
  - b) to maintain visibility splays and facilitate the safe flow of traffic within the development;
- acknowledging that there is an element of flood risk at the bottom (southern) end of the site, the Town Council supports the provision of green buffer zones to keep the housing away from the risk area;
- the Town Council supports the plan that the width of the 'arterial' roads within the development would be more than adequate to easily accommodate refuse lorries, emergency services vehicles, etc. and potentially buses at some point in the future. It is understood that all roads would be of a WSCC Highways adoptable standard;
- the Town Council supports the retention of the public right of way through the site and regards this as a valuable means by which connectivity with other existing, new and potential development sites in the area could be enhanced/established; the absence of a designated cycle path, which is desirable, is noted;
- as regards the retained ancient woodland areas, the Town Council supports the proposal that they would be edged with green buffer zones and that there would be no houses backing on to the zones, thereby discouraging the tipping of residents' garden refuse and other rubbish;
- the Town Council requests that right from the outset, a robust management plan be established for the woodland areas. This could be in the form of a management



company or woodland trust but must include sufficient start-up and ongoing maintenance funding for the longer term, say ten to fifteen years. Mandatory householder contributions may be an option to ensure the financial viability of any management arrangements;

- taking into account the size of the site and the fact that it would be developed from the top down, i.e. from north to south, the Town Council requests that an all-encompassing construction management plan be drawn up and implemented. In particular, this would incorporate:

- a) a wheel washing facility of the highest standard to ensure that roads are kept 'surgically' clean;
- b) a requirement for all site-related lorries carrying loose materials to cover their cargoes with tarpaulins. This would prevent the materials from being accidentally jettisoned whilst in transit;

- whilst recognising that the site falls within the parish of Ansty and Staplefield, it goes without saying that residents from the development would have at their disposal all the services and facilities provided by the town of Haywards Heath. It is respectfully requested, therefore, that the Town Council be consulted upon and involved in the allocation of Section 106 monies;

- the Town Council expects all of those involved in the ongoing development of proposals to have due regard to relevant policies contained within the made Haywards Heath Neighbourhood Plan, particularly those concerning the environment.

Finally, in view of this and other significant housing developments that are in the pipeline to the south of Haywards Heath, the Town Council is advocating a traffic management plan for this entire area and has asked West Sussex County Council, in its capacity as highways authority, to undertake a review of the road network in the south and east of the town.

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## **INTRODUCTION**

This is an outline planning application, with all matters reserved except for access, for the development of the site for 320 dwellings on land at Rookery Farm, Rocky Lane, Haywards Heath.

## **RELEVANT PLANNING HISTORY**

An application for the development of 90 dwellings on the northern part of the Rookery Farm site was considered under reference 08/03727/FUL and refused for a total of eleven reasons, including layout, design and impacts on residential amenity. The red line of the application site took in site allocation HH11 and the Rookery Farm buildings.

## **SITE AND SURROUNDINGS**

The application site is located on the southern side of Rocky Lane and covers approximately 15.4 hectares in size.

The site is bounded to the east by residential properties within Rookery Way, Wychwood, Weald Rise and Fox Hill Village, with properties in Cedar Avenue to the west. At the southern extreme of the site are Kiln Wood and Furze Wood, both of which are designated ancient woodlands.

The site falls away to the south from its high point adjacent to Rocky Lane to its low point at the woodland edge of Furze Wood. In total the site falls is approximately 44m. The site comprises of areas of pasture, consisting of seven fields divided by tree and hedgerow belts. Two large woodland copses (known as Kiln Rough Wood and Coal Pit Wood) are located in the centre of the site and are also designated ancient woodland.

There is a Public Right Of Way (PROW) that crosses the site (No. 104CR) that provides a route from Rocky Lane through Rockery Way and diagonally across the site to the west boundary. It then follows the southwestern boundary of the site, through Kiln Wood and connects to the further footpath network to the south.

## **APPLICATION DETAILS**

The application seeks outline planning permission for the development of the site for 320 dwellings, 30 per cent of which would be affordable. Matters in relation layout, scale, appearance and landscaping are reserved for consideration at a later date and do not form part of this application, however, the applicant has requested that the matter of access is considered at this stage.

The submitted details show that the proposed development will be served by a new vehicular access onto Rocky Lane. In addition, the proposed development will result in the demolition of the existing buildings associated with the farm.

An illustrative layout has been submitted with the application to potentially demonstrate how the proposed number of units can be accommodated on the site. Furthermore, a parameter plan has also been submitted to show the extent of the developable area as well as the following;

- Ancient woodland buffer zones
- Landscape buffer zone
- Flood zone

The application is supported by a number of documents including a Transport Assessment, Ecology Assessment, Landscape Assessment, Flood Risk Assessment and an Ecology Assessment. All these documents, along with all the other supporting information and reports can be found on the planning file.

## **LIST OF POLICIES**

### **Mid Sussex Local Plan**

G2 (Sustainable Development)  
G3 (Infrastructure Requirements)  
C1 (Countryside Area of Development Restraint)  
C2 (Strategic Gap)  
C5 (Nature Conservation)  
B4 (Energy and Water Conservation)  
B6 (Trees, Hedgerows and Woodlands)  
B7 (Trees and Development)  
H4 (Affordable Housing)  
T4 (Transport Requirements in New Developments)  
CS13 (Land Drainage)

Development and Infrastructure Supplementary Planning Document (Feb 2006)

### **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan has been made and is now part of the Development Plan for the District and should be given full weight in the determination of development proposals.

Relevant policies include;

E7 (Sustainable Urban Drainage)  
E8 (Sustainable Major Developments)  
E11 (Major Developments)  
H2 (Land South of Rocky Lane)  
H8 (Windfall sites)  
T1 (Pedestrian and Cycle Connections)  
T2 (Contribution towards Cycle Routes)

### **Mid Sussex District Plan**

The Submission District Plan 2014 - 2031 was submitted for Examination on the 17 August 2016. The first of the Examination hearings have taken place. The Plan is a material planning consideration. Weight will be given to relevant policies in accordance with paragraph 216 of the NPPF. Relevant policies include.

DP18 (Securing Infrastructure)  
DP19 (Transport)  
DP24 (Character and Design)  
DP26 (Accessibility)  
DP27 (Noise, Air and Light Pollution)  
DP29 (Affordable Housing)  
DP36 (Trees, Woodland and Hedgerows)  
DP37 (Biodiversity)  
DP38 (Green Infrastructure)

## **National Policy**

### **National Planning Policy Framework (Mar 2012)**

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. 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.

With specific reference to decision-taking the document provides the following advice:

*187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.*

*Para 197. States that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.*

## **ASSESSMENT (Consideration of Key Issues)**

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

- Principle of Development
- Landscape and Visual Impact
- Access and Transport
- Ecology / Biodiversity
- Drainage / Flooding
- Affordable Housing
- Infrastructure

There are other issues that have been identified through the representations that have been received and these will also be addressed.

## **Principle of Development**

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (SSHAD) (2008), the Mid Sussex Local Plan (MSLP) (2004) and the Haywards Heath Neighbourhood Plan (HHNP).

Parts of the site are allocated under the Development Plan, namely the northern field adjacent to the Rocky Lane (policy HH11 of the SSHAD) for approximately 45 dwellings and field to the south of Rockery Way / west of Weald Rise and Fox Hill for approximately 190 dwellings (policy H2 of HHNP). The latter states the following;

*Policy H2: land South of Rocky Lane and West of Weald Rise and Fox Hill Village. Land is allocated for a housing development for approximately 190 additional homes together with informal open space. The new development will:*

- Be progressed in accordance with a Master Plan, infrastructure delivery strategy and phasing strategy prepared in collaboration with Haywards Heath Town Council and other stakeholders.*
- Provide infrastructure as set out in the Mid Sussex District Council Infrastructure Delivery Plan.*
- Deliver safe and satisfactory access to the site and sustainable transport measures and other infrastructure requirements identified in the technical assessments of transport impact, including measures to mitigate impact upon the local road network in the vicinity of the site.*
- Identify and take account of environmental, landscape and ecological constraints.*
- Be informed by archaeological investigation undertaking according to a written scheme of investigation agreed in writing the District Council's archaeological advisor and will seek to retain archaeological remains, and particularly those of national importance, in-situ. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present a suitable programme of recording and publication of those remains will be required.*
- Take account of onsite water features and comply with SUD policy E7.*

*To be acceptable the planning application(s) must be accompanied by a Master Plan and delivery statement that sets out:*

- Site specific infrastructure requirements*
- Details of the phasing of the proposed development*
- Identification of the housing mix and location of affordable housing element of the development.*

- *Details of the delivery of the informal open space*
- *Details on how the proposed publicly accessible spaces and facilities would be managed and maintained.*

There is a part of the application site that is not allocated for development that includes the area of the existing farm buildings and the paddock immediately to the south and west of the currently allocated area of policy H2 of HHNP. This area is approximately 1.8 hectares in size and is located within the built up area boundary of Haywards Heath, as defined by the HHNP. The matter was raised at the Examination into the HHNP where the Independent Examiner stated the following;

*6.9.23 As discussed elsewhere in this report to increase the extent of an allocated area or to add additional sites at this stage in the neighbourhood plan process leaves no opportunity for consultation on the revised proposals. Thus, although at the hearing HHTC indicated that the omission of these areas were simply a drafting error, their inclusion now would establish the principle of development closer to residents particularly in Cedar Avenue without them having the opportunity to make their views known. In order that neighbouring residents can express their views about this proposal before the principle of development is established it is best left to be dealt with through the mechanism of the Masterplan required by policy H2 and by future planning applications'.*

The areas of two defined ancient woodland within the proposed development site also fall outside the area allocated for development within HHNP policy H2.

Given that the whole site, regardless of whether it is allocated for development or not, is within the built up area boundary as defined within the HHNP and policies H3 of the MSLP and H8 of HHNP are of relevance as they deal with development within the such areas.

Policy H3 states:

*within defined built-up areas permission will be given to proposals for residential development where the following criteria are met:*

- a) the development does not involve the significant loss of an area of nature conservation or an open or wooded area of land which in its own right makes an important contribution to the urban environment and cannot be satisfactorily replaced or compensated for;*
- b) the land or building is not within an established business area and is not allocated for any other use in this Local Plan;*
- c) efficient use is made of the land in terms of density and as general guidance residential development should be provided at average net densities of at least 30 dwellings per hectare;*
- d) the character and form, respects that of the locality (a detailed site and landscape appraisal together with a design statement will be required);*
- e) includes a high quality environment for prospective occupiers including appropriate landscaping and open space;*
- f) the provision for car parking and vehicle manoeuvring does not significantly reduce garden areas, including front gardens, or adversely affect adjoining property; and*

*g) the requirements of design policies B1 and B2.*

*In Conservation Areas and Areas of Townscape Character infill and redevelopment proposals will be carefully controlled to ensure that the specific character of the area is preserved.*

Policy H8 of the HHNP states;

*Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:*

- The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- Spacing between buildings would respect the character of the street scene.*
- Gaps which provide views out of the Town to surrounding countryside are maintained.*
- Materials are compatible with the materials of the existing building.*
- The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded*

It could be argued that both policy H3 of MSLP and policy H8 of the HHNP are a criteria based policies that are concerned with housing provision (namely permitting housing subject to various criteria being met) and that these policies are not up to date because of the absence of a 5 year housing land supply as required by the NPPF. However it is considered that the various criteria that are set out in the above two policies is reflective of the aims of the NPPF. As such it is still relevant to assess the application against these policies.

The National Planning Policy Framework (NPPF), which was issued in March 2012, is a material consideration which shall be afforded significant weight. Para 49 of the NPPF states:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites."*

This Council cannot currently demonstrate a five-year housing land supply for the District. The housing requirement set out in the now revoked South East Plan is no longer relevant. However, the objectively assessed housing need figure for the district is yet to be tested through the District Plan examination. As such the Council

is unable at present to demonstrate the five year supply of deliverable sites, since it does not have an agreed requirement to calculate this supply against.

The above approach has been confirmed correct by Counsel and has been found to be the case in numerous housing appeals in Mid Sussex.

In those circumstances paragraph 14 of the NPPF applies which states in part:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - 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; or*
  - specific policies in this Framework indicate development should be restricted"*

Given the location of the site within the HHNP, and the allocated status of a large proportion of it, the principle of development is acceptable. In such circumstances the first bullet of the 'decision taking' section of paragraph 14 is relevant in this instance. In the event of any conflict with the identified policies within the Development Plan, or where material circumstances indicate otherwise, it would be appropriate to consider the application in light of the second bullet point.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan, including the HHNP, and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

## **Landscape and Visual Amenity Impact**

As the site is located within the built up area of Haywards Heath, as defined by the HHNP, and given that a significant proportion of it is allocated for residential development in the Development Plan, certain assumptions have been taken regarding the sites contribution to the wider landscape character of this part of Haywards Heath and the contribution it makes to the gap between settlements. Indeed, the independent examiner into the HHNP made the following comments;

*'6.9.20 The MSLP identifies both strategic and local gaps with the intention of ensuring that development does not result in the coalescence of settlements. The policy H2 site is part of an area identified as a strategic gap in MSLP policy C2. However there has been a material change on circumstance since the adoption of the MSLP in 2004 whereby major development to the west of the H2 site has been permitted in order to help meet the requirements for a 5 year housing land supply*



*and is now under construction. The result of this is that the H2 site now forms an indent in the settlement form of Haywards Heath between South of Rocky Lane phase 2 and Fox Hill development such that the H2 site can no longer be taken to be part of a strategic gap. Even with the development at South of Rocky Lane Phase 2 and the H2 site there would remain sufficient of a break between Haywards Heath and Burgess Hill for coalescence to be avoided.'*

With regard to the policy context policy H2 of the HHNP requires development to identify and take account of landscape constraints, while policy H8 requires gaps that provide views from the town to be maintained. Policy H3 of the MSLP seeks to protect the significant loss of open land that in its own right make a contribution to the urban environment. One of the core planning principles set out in para 17 of the NPPF states that planning should *"contribute to conserving and enhancing the natural environment."*, moreover paragraphs 126 to 141 deal with development making a positive contribution to local character and distinctiveness.

The Council's landscape consultant has commented to the application and their full comments are set in full in appendix B to this report and it is noted that a full landscape and visual assessment has not been submitted in support of the application. In terms of landscape character and visual context they state;

*'The most notable and valued features of the site are the ancient woodlands within the site and on the boundaries. Mature trees and hedges which define the historic field boundaries within the site are also significant landscape features worthy of retention.'*

In terms of site visibility they have stated;

*'There are some long views from the higher parts of the site to the low weald and distant South Downs. There are views into the area from the new residential development of 'Sandricks'. Distant and local views into the site are largely screened by boundary trees and woodland.'*

It is your Officers opinion that the site is well contained from longer views and the main visual impact falls on those existing properties that bound the site in Rockery Way, Weald Rise, Fox Hill Village and Cedar Avenue. With regard to these local views, the fact that the site is located within the built up area and allocated (in part) for development, it is not appropriate to take an in principle objection on landscape and visual amenity matters. The acceptability of the development on the visual amenity will be dependent on details associated with the layout, appearance, scale and landscaping, which are Reserved Matters and due for consideration at a later date, in the event that permission is granted.

While it is noted that the Council's Landscape Consultant has raised an objection to the current application, this is largely based upon the illustrative layout that the applicants have submitted to demonstrate that the proposed number of units can be accommodated on the site in a potentially acceptable way. In general terms they have stated;

*'A sensitively designed development on this site could have acceptable impacts on landscape and views....If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and soft landscaping.'*

Within the supporting information submitted with the application the applicants have provided a parameters plan that outlines amongst other things, a landscape buffer between the proposed development and the existing properties within Rockery Way and Weald Rise (in part). The requirement of such a buffer would be advantageous in limiting the visual impact of the development. In order to comply with the parameter plan, this detail will need to be shown at the Reserved Matter submission, where a suitably worded condition can then be used to control it.

It is further noted the comments from the Council's Landscape Consultant regarding the treatment of retained field boundaries and associated trees and hedgerows, in respect of how they are incorporated into the final layout, and officers expect that the applicants makes adequate provision for them, in an acceptable manner, in any future Reserved Matters submission.

In conclusion on this matter, while it is recognised that the supporting illustrative layout fails to adequately address some specific landscape matters, these are matters that can, and should, be considered in detail when the final layout and landscaping of the proposed development is considered at a later stage. The Council's Landscape Consultant has indicated that a sensitively design development could have acceptable impacts and given the sites location and status within the Development Plan your officers are content that at this stage the proposed development, in landscape terms, is acceptable and complies with the relevant policies within MSLP, HHNP and the aims and objectives of the NPPF.

## **Access and Transport**

Paragraph 32 of the NPPF states in respect of transport matters;

*Plans and decisions should take account of whether:*

- The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- Safe and suitable to the site can be achieved for all people; and*
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

This is reflected within Policy T4 of the MSLP where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the

Local Plan it is considered that the relevant test in this case is of 'severe' impact, and in these circumstances the Local Plan Policy has diminished weight in this respect.

Policy H2 of the HHNP requires development proposals on the site to deliver safe and satisfactory access to the site, along with any sustainable transport measures other infrastructure requirements identified in the technical assessments supporting any application. This infrastructure may reflect the pedestrian and cycle links reflected in policies T and T2 of the HHNP.

There are several strands that need to be considered as part of this aspect of the scheme and they can broadly be categorised as follows; access arrangements, surrounding highway network and accessibility. The application has been supported by the by a Transport Assessment (TA) and additional information has been submitted during the course of the application at the request the Local Highway Authority (LHA). All these matters have been carefully considered by the Local Highway Authority (LHA) and will be each dealt with in turn.

### *Access Arrangements*

The proposed access design has been subject to change during the course of the application as the LHA had raised a number of points both in relation to the principle and detailed design of the arrangement initially shown. As now proposed the access will take the form of a simple all movement priority junction with a ghosted right hand turning lane and as noted by the LHA this reflects what is place at the A272/Boldings Way junction a short distance to the north of the proposed site.

As confirmed in the LHA comments, which are set out in the full in Appendix B to this report, the detailed design of the access has been considered and with the exception of one point (the widening of a traffic island which can be dealt with as part of the technical approval process) the design is considered acceptable. The access has been subject to a further Stage One Road Safety Audit and the LHA are satisfied that adequate visibility at the access can be achieved. Furthermore, the LHA are content that the proposed access will operate well within theoretical capacity with very limited queuing and delays to traffic exiting the development or through traffic on the A272.

In conclusion on this matter the LHA have stated;

*'..the LHA are satisfied that the proposed junction arrangement would not give rise to any severe highway or capacity impacts. In the absence of any other suitable access, the proposed junction arrangement should be constructed prior to any other development commencing on the site.'*

In light of the advice of the LHA your officers are satisfied with the access arrangements proposed.

### *Surrounding Highway Network*

As with the access detail, the LHA required the submission of additional information in order that the proposed impact on the surrounding highway network could properly

be assessed. This additional information covered matters such as traffic growth/committed development, future year assessment scenarios and the extent of the study area (existing junctions that should be modelled due to potential impact). As a result of the additional information the LHA have made the following comments in conclusion on this matter;

*'The National Planning Policy Framework states that development should only be prevented or refused where the residual cumulative impacts of the development are severe. In terms of capacity, it is necessary to review the increases of queues and delays with the development traffic flows against those that would occur if the development does not come forward.*

*Taking account of the above and the revised methodology, the LHA accept that the proposed development would have minimal impacts upon the majority of the junctions modelled. Capacity issues are forecast in the Am and PM network peak periods 2023 scenario at the Fox Hill/Wivelsfield Road Roundabout, Butlers Green Roundabout, and at the Sussex Road Roundabout. It should be noted that all of these junctions, the modelling is forecasting capacity issues without including the proposed development. The development therefore is adding to these issues but is not the sole cause of them. For the modelled network peak times and the worst performing junction arms, the development would respectively result in increased queues and delays of 4 vehicles/11 seconds (Fox Hill), 26 vehicles/60 seconds (Sussex Square), and 13 vehicles/24 seconds (Butlers Green).*

*The LHA are satisfied that the increases at Fox Hill and Butlers Green are not severe. At Sussex Square, the impacts of the with development traffic flows are more notable. This junction along with a number of others are included in the WSCC Haywards Heath Town Centre Study. This Study includes a number of improvement schemes planned to improve transport infrastructure within Haywards Heath following the opening of the relief road. These works will be in part aid traffic flow in and around the town centre. The implementation of the measures within the Study would assist in mitigating the impact of the development. A contribution should therefore be sought towards measures as set out within the HHTC Study.*

*On the basis that a contribution is secured to the measures within the HHTC Study, the LHA are satisfied that the proposed development would not give rise to any severe residual cumulative impacts.'*

Again, in light of the technical advice from the LHA your officers are satisfied that the proposed development is acceptable having regard to the impact on the surrounding highway network.

### *Accessibility*

The fact that a large proportion of the site is allocated within the Development Plan for residential development indicates that the assumptions regarding the accessibility of the site have already been made in the preparation of those policy documents. Nevertheless, the issue is still relevant to this planning application.

Routes for pedestrians and cyclists are proposed from the development to connect to the existing highway network, which includes the existing signalised crossing over the A272. A short length of footway will be required to link to this existing crossing but the LHA have confirmed that this can be achieved within the existing public highway.

The nearest bus stops are located in Bolding Way and Wivelsfield Road and the LHA have noted that the walking distances are comparable to those accepted at the consented developments adjacent to the site. Contrary to comments contained in submitted TA, the LHA do not consider that Haywards Heath railway station is within a reasonable walking distance of the development, when a correct point from the centre of the site is taken (the TA takes a point from the site access into the A272). No specific public transport improvements are proposed as part of the proposed development or have been requested by the LHA.

A travel plan is proposed which will encourage reduced dependency upon the use of the private car and encourage more movements by pedestrians, cyclists as well as by passenger transport. This will be secured via an appropriately worded condition.

The LHA considers the development in principle is comparable in terms of location to the consented schemes adjacent (namely Sandrocks (Cedar Avenue) and land south of Rocky Lane (The Beeches)) and therefore accessibility towards local services is also comparable.

No objection is raised with regard to the overall accessibility of the site

In summary to all of these issues, the LHA, having reviewed the highway safety and capacity implications of this current proposal and do not consider that there are any grounds to resist this application, subject to the suitable conditions and the completion of S106 agreement to secure a contribution towards the HHTC Study. No objection has been raised. It is therefore considered that the proposal complies with the relevant Development Policies and the principle and objectives of the NPPF with regard to this matter.

## **Ecology and Biodiversity**

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

Policy C5 of the MSLP, that states development will only be permitted where the proposals minimise the impact on features of nature conservation importance and that the weight attached to nature conservation interests will reflect the relative significance of the designation. Policy E6 of the HHNP requires new development to

promote green infrastructure links within the site and in the immediate vicinity of the site.

In respect of the national context, paragraph 109 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, paragraph 118 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity.

A key consideration of this application is the impact of the proposed development on the ancient semi-natural woodland that is within and adjacent to the application site, particularly the two copses within the site that will be exposed to indirect impacts of development on multiple sides. The two copses are identified as Coal Pit wood and Kiln Rough Wood.

As originally submitted, while it was the applicant's intention to provide a minimum of a 15m buffer to all ancient woodland, the illustrative layout showed a number of instances where this was not achieved. Revised details have been received that demonstrate that a 15m buffer can be achieved between built development (including possible gardens) and the edge of the ancient woodland and the Council's Ecology Consultant is satisfied on this point.

Consideration of this matter does not end there as the applicants are seeking to construct Sustainable Urban Drainage Systems (SUD's) features (such as drainage swales) generally within the identified ancient woodland buffers as well as placing an emergency access road between the two identified ancient woodland copses. In considering this issue the Council's Ecology Consultant has stated;

*'In principle, I am not against having swales within buffer zones where they are compatible with the primary objective of conserving woodland biodiversity, are appropriate for the site in question and can be created without impinging of root protection zones of edge trees. In the case of this site, I am of the firm view that between Coal Pit Wood and Kiln Rough Wood Woods the intervening land should contain substantial woodland planting to link them, both to achieve appropriate enhancement and offset impacts elsewhere on the site such as the loss of and fragmentation of dormouse habitat.'*

The applicants have submitted the revised details that show a very narrow corridor of woodland planting between the two wooded copses in question which falls short of the substantial woodland planting area that the Council's Ecology Consultant was seeking, although it is acknowledged that it will have some benefit. The issue of integrating the proposed SUD's features is also a complicated issue and the Council's Ecology Consultant has identified *'their compatibility will depend upon the frequency and duration of time that they will hold water (very occasional inundation would not preclude woodland establishment) and whether desilting is likely to be needed to maintain their hydrological function - which would obviously have implication for any vegetation growing in them'*. On considering the revised details the Council's Ecology Consultant is of the view that this matter can be addressed

further at in a Reserved Matters application but is of the opinion that *'woodland establishment between the two copses should be a major aim of landscaping / habitat proposals'* and this is something that the applicants should take careful note of in any future submissions.

With regard to the emergency access, the applicants have indicated in their revised submission that this would be constructed using a geotextile system and while the Council's Ecology Consultant advises consideration of a cellular confinement system (to provide structural support whilst minimising environment impacts), rather than just a geotextile membrane, this detail can be secured through a suitably worded condition.

The proposed development will have an impact on the current hedgerows and two in the southeast of the site are described within the supporting information as being of high quality with an interesting range of non-woody plant species and annotated on drawings as historic hedgerows. The Council's Ecology Consultant has identified these as 'irreplaceable habitats'. The supporting illustrative layout shows that these hedgerows will be breached and remnant sections are not sensitively incorporated and this will need to be addressed at the detailed design stage. Given that Dormice have been recorded using these hedgerows, any isolated remnants are likely to be of little value and therefore compensation habitat will be required. Moreover, as they represent 'irreplaceable habitat' the Council's Ecology Consultant has advised that *'in accordance with paragraph 118 of the NPPF, the Council need to be satisfied that the need for, and benefits of, development in this location clearly outweigh the loss and likely deterioration of the isolated remnants'*. Given that layout is a Reserved Matter, the applicants still have an opportunity to address this issue and it is not felt at this stage that test under paragraph 118 of the NPPF is of direct relevance, although further comment on this will be made later.

With regard to protected species, it has been noted above the Dormouse has been recorded in the site and use some of the existing hedgerows and that there is likely to be some loss of habitat that could, and should, be compensated by infill planting between Coal Pit Wood and Kiln Rough Wood. The Council in discharging its duties under the Habitats Directive and associated Conservation of Habitats and Species Regulations 2010 must consider whether a licence would be obtainable from Natural England to prevent offences from being committed. A licence for development purposes can only be granted where there is an imperative reason of overriding public interest and, provided that this purpose is met, where there is no satisfactory alternative and no detrimental effect on favourable conservation status. The Council's Ecology Consultant has commented;

*'I am satisfied that sufficient compensatory habitat creation is feasible. Therefore, in my opinion, if MSDC is of the view that there is an imperative reason of overriding public interest for development of this site and that there is no satisfactory alternative that would avoid the impacts on dormouse habitat, then a licence is likely to be obtainable'.*

Given that the location and status of the site in relation to the Development Plan and the need for housing within the District your officers are content that there is

overriding public interest for the development and that there are no satisfactory alternatives.

The comments of the Woodland Trust are noted however, Officers accept the views of the Council's Ecology Consultant on these matters.

Having due regard for the above, there are no overriding ecology issues that would prevent the site from being brought forward and the proposal's impact on the ecological/biodiversity value of the site can be appropriately mitigated (and controlled with conditions at the appropriate time). There are no objections to the proposed development from the Council's Ecology Consultant. As a result it is considered that the proposed development complies with policy C5 of MSLP, policies E6 and H2 of the HHNP and relevant policies of the emerging District Plan.

### **Drainage/Flooding**

With regard to the policy context, policy CS13 of the MSLP states that planning permission will not be granted for development unless it can be satisfied that the site can be adequately drained. Policy E7 of the HHNP requires new development to incorporate SUD's, where practical while site specific policy H2 requires the development of the site to take account of onsite water features in addition to the requirements of policy E7. Paragraph 100 of the NPPF states that where development is necessary it should be made safe without increasing the flood risk elsewhere and opportunities should be taken by new development to reduce the causes and impacts of flooding. Para 103 reaffirms the need to ensure that flood risk is not increased elsewhere.

The site is largely located on Flood Zone 1 (low probability of flooding) but there is also an identified zone of indicative flood risk at the southern end of the site associated with the watercourses flowing down to the main river. This area needs to be kept free of development and the applicant has submitted revised details to show that all built form, including a proposed pumping station, will be located outside of this area.

To deal with surface water discharge, the details submitted to date show that a series of SUD's features, made of permeable paving, balancing ponds and swales. The latter are to be primarily located in the ancient woodland buffers in the southern part of the site and will have potential implications on ecological value of the site. There are five proposed discharge points proposed into the existing watercourse to deal with the disposal of surface water from the site and given that the design assumes no infiltration on the site, the total discharge rates should not exceed the equivalent Greenfield runoff rate for the 1 to 1 year storm.

In terms of foul water, given the constraints of the ancient woodland to the south a gravity connection to the public sewer is not viable and as a consequence it is proposed that a pumping station pumps up to Rocky Lane. The Southern Water comments relating to the capacity are noted and they will need to agree the network improvements required to serve the site, along with the allowable discharge rate, with the applicants and these matters can be controlled by condition, as indicated in Southern Waters consultation response.



Your Drainage Officer has carefully considered the application, following the receipt of additional information from the applicants and is satisfied that this outline planning application can be supported and drainage details can be controlled through conditions. However, it should be pointed out that in making adopting this view they have stated;

*'..there is still some work that needs to be done in terms of drainage design and how this interacts with the ecology issues on the site. Due to this the layout is not at all fixed and will need to be changed. The drainage will need to be designed at the Reserved Matters stage for this development as if the drainage has not been designed then the layout cannot be fixed.*

*As stated in my previous email there is now some permeable paving being provided in the northern part of the site and also an additional pond in this area. Greenfield discharge rates should be carefully considered as a reduction to the 1 in 1 year rate for all storms would benefit the overloading of the downstream river system and this meets the principle within the NPPF of taking opportunities with new development to reduce the causes and impact of flooding. Such discharge rates would also mean that there would likely be the creation of wet pond habitats within the site to facilitate long term storage of surface water.'*

It is clear that in formulating the any Reserved Matter submission the applicant, or alternative developer, will need carefully consider issues of drainage and how they relate to ecology of the site in order to arrive at a final layout that address all the constraints and opportunities. As layout is not being approved at this stage, the Council still have control with regard to these matters.

Despite the Southern Water comments, there are no statutory objections to the proposed development in relation to drainage or flood issues and as such officers are content, subject to suitably worded conditions that the application complies with relevant identified Development Plan policies with regard to these issues.

### **Affordable Housing**

In line with the Council's adopted policy, H4 of the Mid Sussex Local Plan, the applicants are proposing to provide 30 per cent affordable housing, which would equate to 96 units, and following mix has been agreed with your housing officer;

12 x one bed flats  
30 x two bed flats  
40 x two bed houses  
14 x three bed houses

It is considered that the above mix will meet a broad range of housing need.

The Council's standard affordable housing tenure split will apply in this case requiring 25 per cent of the units to be provided as shared ownership and 75 per cent as affordable rented housing.

Any reserved matters application must comply with our clustering policy of no more than 10 affordable units per cluster, with each cluster distinctly separate from the next so as to achieve satisfactory levels of social integration.

The affordable housing will be secured through the S106 Legal Agreement.

## **Infrastructure**

The NPPF sets out the Government's policy on planning obligations in paragraphs 203 and 204. Respectively these paragraphs state;

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

and;

'Planning obligations should only be sought where they meet all the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development ; and
- Fairly and reasonably related in scale and kind to the development.'

Policy G3 of the local plan requires applicants' to provide the costs of additional infrastructure required to service their development and mitigate their impact. These are usually through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are set above as part of the paragraph 204 of the NPPF.

The applicant is progressing a Section 106 Legal Agreement to secure contributions, as well as affordable housing. The following heads of terms are being pursued:

- The provision of 30 per cent affordable housing, which equates to 96 units.
- Primary Education contribution to WSCC to be calculated by formula for a primary school in Haywards Heath
- Secondary Education contribution to WSCC to be calculated by formula for new secondary within Warden Park School
- Library contribution to WSCC to be calculated by formula for Haywards Heath library
- TAD contribution to be calculated by formula towards measures identified with the Haywards Town Centre Transport Study.
- Formal Sport contribution to MSDC of £318,594 to increase the capacity of formal sports facilities at the St Francis Sports Ground
- Community Building contribution to MSDC of £138,394 towards the redevelopment and improvements to the Ansty Village Hall and / or sports pavilion
- Local Community Infrastructure contribution to MSDC of £180,224 on projects to be confirmed
- Health contribution to MSDC of £200,472 towards improvements at The Vale Primary Care Centre, in Bolding Way, and the Haywards Heath Health Centre.

Officers are satisfied that the above heads of terms and contributions have been calculated in accordance with the Council's adopted Supplementary Planning Document 'Infrastructure and Development' and comply with the tests set out in the CIL Regulations and comply with the principles set out in the NPPF and policies G3 and H4 of the MSLP.

## **Other Matters**

Many comments that have been received both from consultees and within the representations relating to matters of detail, particular to the layout, appearance and scale of the development. As this is an outline application, where these matters have been reserved, it is not appropriate to consider these issues as part of this application. Furthermore, while an illustrative layout has been submitted to support the application, this does not mean that such a layout is supported in the event that permission is granted. It is clear from some of the consultation responses that the illustrative layout is not supported at this stage and your officers are also of this mind. These issues, which include matters associated with the impact on existing residential amenities and connections to adjacent sites/footpaths will need to be carefully considered as part of any Reserved Matter submission.

It is implicit within the description of the application that the Council are considering the acceptability of the application site to accommodate a total of 320 dwellings. In accordance with policy H2 of the HHNP the applicants have submitted a schedule of accommodation however, given that such matters impact on the layout of the scheme (which is not for consideration at this stage), then such information is only indicative. It is noted from the various comments received (consultations and representations) that there are concerns over the suitability of the site to accommodate the level of development proposed, based upon the mix of dwellings demonstrated on the illustrative layout. Particularly due to the lack of open space. It should be remembered that ancient woodland and their buffers are not areas that should be used for informal recreation purposes and such matters will be controlled through conditions. Officers accept that the site is capable of accommodating 320 dwellings, however, it is likely in order to address issues identified elsewhere in this report, and to achieve a layout that it is acceptable in general planning terms, that the final mix put forward in any Reserved Matter submission may need to include proportionally more flats, as this will free up more space within the site. Ultimately, the Council have control over these matters through the Reserved Matters process, however, it is considered important to flag it up at this stage.

As this is a large major development adjacent to an 'A' Road the proposal does give rise to potential issue relating to noise pollution (affecting future residents), additional air pollution (duration and post construction) and construction noise. Your Environmental Protection Officers have considered the air quality and noise reports submitted in support of the application and accept that such matters can be controlled through the use of planning conditions. In these respects the proposal complies with the relevant Development Plan policies.

## **Whether the proposal would be Sustainable Development**

The NPPF, which is a material planning consideration of significant weight, describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitute the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

### **THE ECONOMIC ROLE**

Part 6 of the Localism Act was enacted on the 16th January 2012. This requires the LPA to have regard to local finance considerations (as far as material to the application) as well as the provision of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is a material planning consideration and if permitted the local planning authority would receive a New Homes Bonus for each of the units proposed. There would be direct and indirect boosts to the local economy during the construction phase. These are factors that would weigh in favour of the scheme.

### **SOCIAL ROLE**

The NPPF seeks to promote a "strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being." The provision of 320 dwellings will make a positive contribution to the district's housing supply and the 96 affordable units contained within scheme will help meet a specific identified need for housing. The site is in a sustainable and accessible location for access to services and will make provision for on-site play provision. These measures would support community health and well-being.

### **ENVIRONMENTAL ROLE**

Given that the site is within the built up area of Haywards Heath and the majority of it is allocated for residential development the proposals will contribute to protecting the built environment as defined in the HHNP. While there will be the loss of Dormouse habitat, there is the opportunity to compensate and the overall ecology and biodiversity, which includes the protection of ancient woodland, can be maintained and enhanced.

Having regard for all of the above, it is considered that the application can be considered to represent a sustainable form of development.

## PLANNING BALANCE AND CONCLUSION

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the Development Plan in Mid Sussex consists of the Small Scale Housing Allocations Document (SSHAD) (2008), the Mid Sussex Local Plan (MSLP) (2004) and the Haywards Heath Neighbourhood Plan (HHNP).

The site is located within the built up area of Haywards Heath, as defined by the HHNP, and a large proportion of it is allocated under policy HH11 of the SSHAD and Policy H2 of the HHNP. Policies H3 of the MSLP and H8 of the HHNP deal with development in the built up area and are relevant to the proportion of the site that is not currently allocated as part of the Development Plan. Other Development Plan policies are relevant relating to matters such as transport, ecology, drainage and infrastructure provision.

As the scheme is in outline form, with only the matter of access being determined at this stage, the level of detail submitted is limited as the applicants only need to establish the principle of development, for 320 dwellings, in association with the relevant identified issues.

Notwithstanding any supporting/illustrative material submitted with the application, matters relating to layout, scale, appearance and landscaping of the development are not for determination as part of this application and will require carefully consideration at any future Reserved Matters stage

Having regard to the policies within the Development Plan it is considered that the applicants have demonstrated that the site is capable of accommodating 320 dwellings and that the proposed access arrangements, along with development's impact on surrounding highway network, are acceptable. There are no objections to the proposed development from a drainage or ecology perspective, although it is recognised that additional work at the Reserved Matters stage on these issues is required. While the Council's Landscape Consultant has raised an objection, the points raised mainly relate to detailed matters that will be considered at a later date as part of a Reserved Matter submission. As such it is considered that the application complies with policies G3, C5, B4, B6, B7, H4, T4 and CS13 of the MSLP, policies E7, E8, E11, H2, H8, T1 and T2 of the HHNP and policies DP18, DP19, DP24, DP26, DP27, DP29, DP36, DP38 and DP41 of the Submission Version District Plan.

In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means approving development proposals that accord with the development plan without delay.

It is appropriate to consider whether there are any material circumstances that indicate that different decision should be taken to that outlined above. It has been indicated that the proposal may result in the loss of some 'irreplaceable habitat' (in respect to Dormouse) and that under paragraph 118 of NPPF such a loss is represented as a restrictive policy where development should be refused unless the

need for, and the benefits of, the development in that location clearly outweigh the loss.

Given that this is an outline application, the overall impact on this habitat (which consists of two hedgerows) will not be known to its full extent until the layout is finalised. In such circumstances it can be considered reasonable to apply such a test to any subject Reserved Matters application however, for the sake of completeness it is considered prudent to address the point as part of this application.

The proposed development will provide for 320 dwellings, 96 of which will be secured as affordable units, at a time where there is a significant need for housing. The site is located within the built up area and the majority of it is allocated for residential development within the Development Plan and as such the site's location for the use of housing has been deemed appropriate. There is the potential to compensate for any habitat loss within the site and it is considered that the need for the development clearly outweighs any, limited, loss of habitat in these instances. In such circumstances the NPPF states that permission should be granted.

It is clear that this outline planning application is acceptable and should be approved.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

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

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

2. The Reserved Matters submission shall be in accordance with details set out on the Parameters Plan, drawing no. 1609/PL.02 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning and to accord with policies C5 and T4 of the Mid Sussex Local Plan, Policy H2 of the Haywards Heath Neighbourhood Plan and policies DP14, DP19, DP37 of the District Plan Submission Version 2014 - 2031.

3. Prior to the commencement of any development or enabling works, a site-wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority setting out the practical measures to be taken during construction to avoid or mitigate harm to wildlife habitats or protected / notable species. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To protect the ecological value of the site and to accord with policies C5 and C6 of the Mid Sussex Local Plan, Policy H2 of the Haywards Heath

Neighbourhood Plan, policy DP37 of the District Plan Submission Version 2014 - 2031 and para's 109 and 118 of the NPPF.

4. Prior to the commencement of any construction works associated with the dwellings hereby approved, vehicular access and the proposed footways along Rocky Lane serving the development shall be constructed in accordance with the details shown on drawings numbered SK21629-12B and SK21629-12A, or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety and to accord with policyT4 of the Mid Sussex Local Plan, Policy H2 of the Haywards Heath Neighbourhood Plan and policy DP19 of District Plan Submission Version 2014-2031.

5. No part of the development shall be first occupied until visibility splays of 3 metres by 90 metres have been provided at the proposed site vehicular access onto A272 Rocky Lane in accordance with the details indicatively shown on drawings numbered SK21629-12B and SK21629-12A. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with policyT4 of the Mid Sussex Local Plan, Policy H2 of the Haywards Heath Neighbourhood Plan and policy DP19 of District Plan Submission Version 2014-2031.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- a scheme for community liaison and public engagement both before and during construction,
- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan (as per Section 6 of the submitted Hilsen Moran Air Quality Assessment Nov 2016);
- contact details of site operations manager in case of complaints.
- the construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area and to accord with policies T4 and B3 of the Mid Sussex Local Plan, policy H2 of the

Haywards Heath Neighbourhood Plan and policy DP19 of the District Plan Submission Version 2014-2031.

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

Reason: To encourage and promote sustainable transport and to accord with policy T4 of the Mid Sussex Local Plan, Policy H2 of the Haywards Heath Neighbourhood Plan and policy DP19 of District Plan Submission Version 2014-2031.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with policy B18 of the Mid Sussex Local Plan, policy DP35 of the District Plan 2014 - 2031 Submission Version and Policy H2 of the Haywards Heath Neighbourhood Plan.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).



This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

Unless otherwise agreed in writing, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: In the interests of health of future occupiers and to accord with Policy CS20 of the Mid Sussex Local Plan and Policy DP1 of the Submission Version District Plan 2014-2031.

10. A detailed scheme of Air Quality mitigation measures, to minimise the long-term impact upon local air quality and to mitigate emissions, incorporating the measures submitted by Hilson Moran in their Air Quality Assessment, ref 21998/S/AQA01/00, as part of the application and dated November 2016, shall be submitted and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme to be implemented before occupation of the development.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy B3 of the Mid Sussex Local Plan, Policy H2 of

the Haywards Heath Neighbourhood Plan and policy DP24 of Submission Version District Plan 2014-2031.

11. Prior to the commencement of the development hereby permitted, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 6 of the submitted Hilson Moran Noise Assessment ref 21998/A/NS01/02 dated October 2016 include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4.1 of the submitted Hilson Moran Noise Assessment ref 21998/A/NS01/02 dated October 2016. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate cooling of the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to accord with policy B3 of the Mid Sussex Local Plan, policy H2 of the Haywards Heath Neighbourhood Plan and policy DP24 of Submission Version District Plan 2014-2031.

12. The development hereby permitted shall not commence unless and until details of the proposed foul drainage and means of disposal have been submitted to and approved in writing by the local planning authority in conjunction with Southern Water Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The drainage scheme shall be maintained thereafter in accordance with the approved Drainage Management & Maintenance Plan for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with policy CS13 of the Mid Sussex Local Plan and Policy DP41 and the District Plan Submission Version 2014-2031.

13. The development hereby permitted shall not commence unless and until details of the proposed 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 drainage scheme shall be maintained thereafter in accordance with the approved Drainage Management & Maintenance Plan for the lifetime of the development. The submitted details shall include a timetable for the implementation of the drainage, and details of the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters and/or groundwater.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with policy CS13 of the Mid Sussex Local Plan and Policy DP41 and the District Plan Submission Version 2014-2031.

14. The development hereby permitted shall not commence unless and until a Drainage Management & Maintenance Plan for the lifetime of the development has been

submitted to and approved in writing by the local planning authority. The submitted details shall include details of how the sustainable drainage systems work and the importance of maintaining them, including the arrangements for adoption by any public authority or statutory undertaker and any other arrangements (including financial) to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with policy CS13 of the Mid Sussex Local Plan and Policy DP41 and the District Plan Submission Version 2014-2031.

15. No development shall take place within any phase until details of existing and proposed site levels for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with policy B1 of the Mid Sussex Local Plan, policy H2 of Haywards Heath Neighbourhood Plan and Policy DP24 of the District Plan Submission version 2014-2031.

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

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

#### INFORMATIVES

1. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
2. The applicant /developer should enter into a formal agreement with Southern Water to provide the necessary sewerage required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible. If you carry out works prior to a predevelopment condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. 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 [ww.midsussex.gov.uk/streetnaming](http://ww.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

5. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application(as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
6. The applicants should note that the following ecology information should be provided to support any Reserved Matters submission;

An ecological constraints plan demonstrating that the submitted layout achieves a minimum 15m buffer between the edge of ancient woodland and any development, including private gardens;

An updated ecological impact assessment covering all reserved matters, including any drainage impacts on ghyll woodland to the south;

Comprehensive proposals for habitat creation and enhancement, including woodland creation to link Coal Pit Wood and Kiln Rough Wood;

A long-term landscape and habitat management plan setting, including provision of funding, monitoring, updating, and identification of the organisation or other body responsible for its delivery. The plan shall include proposals for monitoring and managing any impacts from the development on ancient woodland and be informed by more detailed surveys to ensure that the management is appropriate to woodland community types, features and species present.

A wildlife sensitive lighting plan showing measures to be used to minimise light pollution of wildlife habitats and impacts on nocturnal wildlife. This should be supported by modelled lux levels to show areas of light spill.
7. The applicants are asked to note the comments from the Council's Drainage Engineer in the email dated the 28th February 2017 in relation Infiltration testing and the submission of post construction drawings.
8. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
9. You are advised that the District Council determined this application on the basis of the following drawings:

### Plans Referred to in Consideration of this Application

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

| Plan Type         | Reference    | Version | Submitted Date |
|-------------------|--------------|---------|----------------|
| Location Plan     | HED.1230.007 |         | 21.10.2016     |
| Landscaping       | HED.1230.101 | A       | 21.10.2016     |
| Photographs       | HED 1230-201 |         | 21.10.2016     |
| Photographs       | HED 1230-202 |         | 21.10.2016     |
| Photographs       | HED 1230-203 |         | 21.10.2016     |
| Photographs       | HED 1230-204 |         | 21.10.2016     |
| Photographs       | HED 1230-205 |         | 21.10.2016     |
| Photographs       | HED 1230-206 |         | 21.10.2016     |
| Photographs       | HED 1230-208 |         | 21.10.2016     |
| Photographs       | HED 1230-209 |         | 21.10.2016     |
| Proposed Sections | HED.1230.102 |         | 21.10.2016     |
| Proposed Sections | HED.1230.103 |         | 21.10.2016     |
| Other             | 1609/PL.08   |         | 21.10.2016     |
| Other             | 1609/PL.07   | A       | 21.10.2016     |
| Other             | 1609/PL.06   |         | 21.10.2016     |
| Other             | 1609/PL.05   |         | 21.10.2016     |
| Other             | 1609/PL.04   |         | 21.10.2016     |
| Other             | 1609/PL.03   | B       | 14.02.2017     |
| Other             | 1609/PL.02   | B       | 21.10.2016     |
| Location Plan     | 1609/PL.01   | A       | 22.01.2017     |
| Location Plan     | HED.1230.005 |         | 21.10.2016     |
| Location Plan     | HED.1230.006 |         | 21.10.2016     |
| Site Plan         | HED.1230.001 |         | 21.10.2016     |
| Site Plan         | HED.1230.002 |         | 21.10.2016     |
| Site Plan         | HED.1230.003 |         | 21.10.2016     |
| Site Plan         | HED.1230.004 |         | 21.10.2016     |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Parish Council considered the amended plans but do not wish to change their comment from that made on 15th November:

"The Parish Council do not object to this development and would like to see s106 money allocated to the Ansty Village Centre. The Parish Council would like to discuss this with MSDC before any agreements are reached so that pooling restrictions are taken into account."

### Heritage Consultations - Surrey County Council

The Desk-Based Archaeological Assessment produced by the applicants archaeological contractor Archaeology South-East (ASE) and submitted with this application aims to identify and assess the significance of any Heritage Assets with archaeological interest that may be affected, and the potential impact of the proposal on any such assets, so enabling decisions to be made on whether and what further archaeological work is necessary. The assessment provides a useful synthesis of the site's archaeological potential, concluding that the site has a moderate to high potential for below ground archaeological remains dating from a range of periods. Of particular note is the moderate potential for early Prehistoric remains which may be of regional importance, and also the impact on the existing remnants of a medieval agricultural landscape.

The Walkover survey provides some useful information regarding the extant remains of the historic landscape. This would have benefitted from further Aerial Photography analysis and also possibly LiDAR analysis. Building on the results of the walkover survey in this way could form the basis of a heritage management plan for the Ancient Woodland areas. Overall however the outline proposal submitted avoids any direct impact to the Ancient Woodland and aims to retain the majority of the historic boundaries and I would expect this consideration to be continued in any subsequent iterations of the proposal submitted as part of any reserved matters application. In the event of granting permission, the planning authority should also consider the use of S.106 agreements and/or article 4 directions to be applied as appropriate, to secure the protection of the ancient woodland during the development, and the long-term preservation and management following the completion of any works and the occupation of the site in the future.

Regarding the potential for previously unknown below-ground heritage assets, given the high potential for remains of a range of periods to be present on the site, that the site is of a significant size, and that the proposed development will lead to the destruction of any archaeological assets that may be present, in line with the National Planning Policy Framework and policy B18 of the Mid Sussex Local Plan, I recommend further archaeological work is required. In the first instance, the archaeological work should comprise an archaeological evaluation trial trenching exercise, comprising a 5% sample of the site, within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for landscaping, parking, and access, as well as the area proposed for residential development. The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed. I will need to agree a specification for the evaluation before the trenching can begin.

To allow for the implementation of suitable mitigation measures appropriate to the archaeological significance of the Assets that may be present, I would recommend that any detailed reserved matters application(s) to follow be accompanied by the results of such an appropriately scaled field evaluation. This will provide for the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ that may be revealed within the detailed development proposal. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any outline planning permission that may be granted:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.'

Please note that these comments are from the perspective of archaeological heritage impacts only and do not account for the heritage impact associated with the demolition of the existing farm buildings, or impact on the setting of any extant buildings in the vicinity of the site. The appropriate Conservation Officer should be consulted regarding these issues.

Signed: Alex Egginton - Archaeological Officer

### **MSDC Landscape Consultant**

Having reviewed the revised layout plan, I have the following comments with regard to the potential landscape and visual impacts.

## Landscape Policy Context

1. The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109).
2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and add to the quality of an area. Developments are required to respect local character and materials in both built form and open space detailing.
3. NPPF paragraphs 126 - 141 include policies in relation to development making a positive contribution to local character and distinctiveness.
4. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and soft landscaping.

## Landscape Character and Visual Context

5. The most notable and valued features of the site are the ancient woodlands within the site and on the boundaries. Mature trees and hedges which define the historic field boundaries within the site are also significant landscape features worthy of retention. The historic field structure is relatively intact and this is evident on the historic maps which are reproduced in the Phase 1 Environmental Assessment (Hilson Moran, Oct.2016). Some of the field boundary hedgerows are intact and others are rather fragmented.

6. The proposal to reduce the number of units from 333 to 320 would still represent a high density across the site considering the steep topography and other landscape constraints. The proposed layout would not adequately address landscape concerns raised in previous comments dated 14.11.16 as follows.

a) It is noted that most of the existing field boundaries and associated trees and hedges are to be retained; however these would be squeezed into very narrow corridors between housing developments. This detracts from the potential that these hedgerows provide as green corridors , for example, the treed hedge which extends into the east of the site would conflict with the gardens of units 125,126 and 129. The hedge and field boundary between areas 1 and 2 would be lost as would the existing pond adjacent to this hedge. Whilst this hedge is not of great value as a landscape feature it could be enhanced and strengthened and incorporated into a green corridor which would help to break up the scale of the development.

b) The response to the previous comment with regard to proposed individual and groups of trees would appear to be to reduce the overall tree cover in streets and public spaces. This comment was as follows: "A considerable number of new trees are shown within and around the development, presumably intended to mitigate the scale and intensity of development. Many of these are located in close proximity to the houses and gardens without adequate space to mature and develop."

It is recommended that the detailed landscape masterplan includes structure planting of larger native trees, such as oak, planted in wide corridors of public space so as not to become a nuisance to householders in the long term. Smaller trees should be planted in and adjacent to gardens as these would not cause shade and nuisance in the long term.

## Conclusion and Summary Recommendations

7. A sensitively designed development on this site could have acceptable impacts on landscape and views. The scale and density of the revised scheme does not adequately address concerns raised previously. It is recommended that the proposal for is not supported as it would not allow for the retention and integration of adequate green infrastructure as mitigation for impacts on local landscape character and visual amenity.

### **MSDC Ecology Consultant**

Following review of amended illustrative layout (Dwg ref 1609/PL.03 Rev - B), I am satisfied that it has now been demonstrated that it would be feasible to achieve the minimum 15m buffers recommended by Natural England in their standing advice. My comments on hedgerow impacts remain and will need to be weighed as part of the planning balance. I am satisfied that the other issues I raised could be dealt with at the reserved matters stage if outline consent is granted.

Therefore, if MSDC are minded to grant consent, I would recommend the following conditions:

The reserved matters application should be supported by the following details:

- An ecological constraints plan demonstrating that the submitted layout achieves a minimum 15m buffer between the edge of ancient woodland and any development, including private gardens;
- An updated ecological impact assessment covering all reserved matters, including any drainage impacts on ghyll woodland to the south;
- Comprehensive proposals for habitat creation and enhancement, including woodland creation to link Coal Pit Wood and Kiln Rough Wood;
- A long-term landscape and habitat management plan setting, including provision of funding, monitoring, updating, and identification of the organisation or other body responsible for its delivery. The plan shall include proposals for monitoring and managing any impacts from the development on ancient woodland and be informed by more detailed surveys to ensure that the management is appropriate to woodland community types, features and species present.
- A wildlife sensitive lighting plan showing measures to be used to minimise light pollution of wildlife habitats and impacts on nocturnal wildlife. This should be supported by modelled lux levels to show areas of light spill.

No development shall commence until the following details have been submitted to and approved by the local planning authority:

- A construction environmental management plan setting out practical measures to be taken during construction to avoid or mitigate harm to wildlife habitats or protected / notable species.
- The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

### Detailed Comments

#### Ancient Woodland

I am pleased to see that the illustrative layout has been amended to demonstrate that at a minimum of 15m separation between gardens and built development and the edge of



ancient woodland can be maintained. Therefore, this addresses my concerns in respect of achieving a satisfactory buffer.

I note that an indication has been given of a very narrow corridor of woodland planting between Coal Pit Wood and Kiln Rough Wood. Whilst of some benefit, it falls short of the substantial woodland planting between the two copses that I was seeking. I appreciate that there is the issue of SUDS features to integrate, but as previously stated, this may not be incompatible with woodland planting if inundation is infrequent. I think this is something that can be addressed further in a reserved matters application if outline consent is granted, but, in my opinion, woodland establishment between the two copses should be a major aim of landscaping / habitat proposals.

I note that there is a reference in the annotated version of the revised plan to the use of a geotextile for the emergency access. Obviously, there is a lack of detail at this stage but it provides some encouragement. Options such as a cellular confinement system rather than just a geotextile membrane should be explored as these can provide structural support whilst minimising environmental impacts and allow for more naturalistic surfacing, though given the proposed emergency access, I appreciate that performance criteria may be demanding eg. bearing the weight of a fire engine.

#### Hedgerows

The revised layout still shows that parts of the hedgerows within the southeast part of the site will be lost and the remainder fragmented and isolated. Therefore, my previous comments still stand and the impact will need to be considered in the overall planning balance.

#### Protected / Priority Species

The amended drawing, in indicating the narrow width of planting does at least indicate some compensation for severance of dormouse links elsewhere, though the greater amount of planting sought (see comments above) would provide a more robust link (less susceptible to natural tree loss for example than a thin corridor). As previously stated, there are other parts of the site where a similar amount of habitat could be created to ensure no net loss of foraging and nesting opportunities, but the infill planting should be seen as the preferred option.

Nevertheless, I am satisfied that sufficient compensatory habitat creation is feasible. Therefore, in my opinion, if MSDC is of the view that there is an imperative reason of overriding public interest for development of this site and that there is no satisfactory alternative that would avoid the impacts on dormouse habitat, then a licence is likely to be obtainable

#### **MSDC Urban Designer**

This is an outline scheme in which appearance, landscaping, layout and scale, are reserved matters. Being an outline proposal, the scheme is short of information, with only a site layout and site section drawings being supplied. This makes it difficult to assess its design merits in detail. These observations are therefore initial comments.

The scheme benefits from a perimeter block arrangement with most of the building frontages facing towards the roads and spaces, and the revised layout incorporates improvements that start to address some of my previous concerns (obs dated 11/1/17) but they still need to go further:

- Additional open space has been provided that more fully reveals the attractive ancient woodland boundaries, helps break up the housing and provides a green chain that follows the route of the existing public right of way. The open space between plots 275-284 and 285-304 has also been marginally increased in size and will hopefully be linked to the adjacent linear open space (that runs through the adjacent Sandrocks site to the Crest site beyond). However, for such a large site, the amount of useable public open space is still modest when the ancient woodland buffer zones, the awkward topography and the inaccessible southern part of the site, are considered. The narrow space on the west boundary (adjacent to plots 238-246) has been widened but is still only a sliver that would benefit from being combined with the space on the Sandrocks side; however this is dependent on the boundary being removed. Following our discussions on drainage requirements, it would be beneficial from a recreational, flooding and visual amenity perspective if the central open space could be further extended to accommodate a detention basin.

- An additional block of flats and reduction in the overall number of dwellings has marginally improved the building mix. However the former has not provided a significant change in the diversity of the development and the latter has reduced the overall density which was already well below the 40dph limit set out in the draft DP policy 24a (320 dwellings in a developable area of 11.48 hectares (calculated by our policy team) equates to 28dph approx). The Design and Access Statement states that "a bland density across the whole site would be inappropriate" yet the predominance of houses and minimal number of flats together with the lack of supporting information on the building heights and architectural strategy provides little reassurance that there will be much diversity across the site. By generating more efficient use of the site, a larger proportion of flats should help address these problems and potentially increase the public open space provision; however care needs to be taken with the integration of the parking.

The drawings do not significantly address my following previous comments, which consequently remain the same:

- Too much of the parking is exposed to the public realm resulting in an unattractive hard-edged environment in a number of places. This includes too much right-angle front threshold parking and an unfortunately prominent car park along the Rocky Lane frontage. The scheme can nevertheless be commended where it has discreetly incorporated rear court parking behind flats over garages. The scheme would benefit from this approach being extended, and working with the slope of the site to reduce the prominence of the parking.

- The sloping site is an awkward constraint. Unfortunately the site section drawings are too small-scaled to sufficiently demonstrate how the topography will be dealt with in terms of the stepping of the individual building frontages, and the relationship with the car parking. From a layout perspective, the alignment of the buildings and roads is also rather rectilinear and looks rather imposed upon the natural landscape. It would be helpful if the contours could be superimposed on the site layout plan to show this relationship.

- The site sits adjacent to Sandrocks and the Crest development, but there is no clear indication on the drawings of an intention to create pedestrian or cycle links across the boundaries. As well as the suggestions set-out above the dead-end at the south-west corner of the site could be addressed with a direct link to the adjacent footpath.

Internally the perimeter block arrangement ensures a reasonable level of connectivity within the site. However this breaks down along the eastern boundary in the southern part of the site.

## **MSDC Environmental Protection**

As a large development adjacent to an "A" road, this proposal raises several areas of potential concern to Environmental Protection - including noise affecting future occupants, additional air pollution from construction and from future residents' vehicles, and construction noise affecting existing residents as well as future occupiers of early phases of development. The applicants have submitted air quality and noise reports, the contents of which are accepted. It is agreed that potential noise and air pollution issues can be dealt with by way of planning condition.

Accordingly, should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

- Air Quality - A detailed scheme of Air Quality mitigation measures, to minimise the long-term impact upon local air quality and to mitigate emissions, incorporating the measures submitted by Hilson Moran in their Air Quality Assessment, ref 21998/S/AQA01/00, as part of the application and dated November 2016, shall be submitted and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme to be implemented before occupation of the development.

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

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

Monday - Friday 08:00 - 18:00 Hours  
Saturday 09:00 - 13:00 Hours  
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents.

Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan (as per Section 6 of the submitted Hilson Moran Air Quality Assessment Nov 2016);
- site contact details in case of complaints.
- the construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

- Soundproofing - Prior to the commencement of the development hereby permitted, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 6 of the submitted Hilson Moran Noise Assessment ref 21998/A/NS01/02 dated October 2016 include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4.1 of the submitted Hilson Moran Noise Assessment ref 21998/A/NS01/02 dated October 2016. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate cooling of the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise.

### **MSDC Contaminated Land Officer**

A Phase 1 Desktop Study prepared by Hilson Moran (Report ref 21998/S/SUR01/01 dated Oct 2106) has been submitted as part of the application. Potential sources of contamination were identified that will need to be considered as part of the proposed development.

As recommended in the desktop study, further assessment and characterisation of the site should be carried out in accordance with current guidance and best practice (CLR11 for example), to confirm the nature and extent of any contamination present and allow refined risk assessment and appraisal of remedial options. This should include detailed proposals that ensure the removal of unacceptable risks to make the site suitable for use.

Should planning permission be granted, a suitable condition should be attached. The following would be appropriate:

Land contamination - Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### **1. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:

- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

Unless otherwise agreed in writing, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

## MSDC Drainage

Further to my email last Thursday and our subsequent conversation I write to confirm that I am satisfied that the outline application can be conditioned in terms of drainage, however, there is still some work that needs to be done in terms of drainage design and how this interacts with the ecology issues on the site. Due to this the layout is not at all fixed and will need to be changed. The drainage will need to be designed at the Reserved Matters stage for this development as if the drainage has not been designed then the layout cannot be fixed.

As stated in my previous email there is now some permeable paving being provided in the northern part of the site and also an additional pond in this area. Greenfield discharge rates should be carefully considered as a reduction to the 1 in 1 year rate for all storms would benefit the overloading of the downstream river system and this meets the principle within the NPPF of taking opportunities with new development to reduce the causes and impact of flooding. Such discharge rates would also mean that there would likely be the creation of wet pond habitats within the site to facilitate long term storage of surface water.

I recommend that the drainage conditions are based on the following points:

### Pre-commencement conditions

1. Infiltration testing should be carried out in the winter months if it is proposed to use infiltration as a method of surface water disposal. This is to ensure that the highest groundwater levels are known and the infiltration drainage can then be suitably designed. The best time to carry out such testing would be between any outline approval being granted and the preparation of the drainage design for the Reserved Matters application.
2. The development hereby permitted shall not commence unless and until details of the proposed foul drainage and means of disposal have been submitted to and approved in writing by the local planning authority in conjunction with Southern Water Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The drainage scheme shall be maintained thereafter in accordance with the approved Drainage Management & Maintenance Plan for the lifetime of the development. [Does this need phasing?]
3. The development hereby permitted shall not commence unless and until details of the proposed 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 drainage scheme shall be maintained thereafter in accordance with the approved Drainage Management & Maintenance Plan for the lifetime of the development. The submitted details shall include a timetable for the implementation of the drainage, and details of the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters and/or groundwater. [Does this need phasing?]
4. The development hereby permitted shall not commence unless and until a Drainage Management & Maintenance Plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The submitted details shall include details of how the sustainable drainage systems work and the importance of maintaining them, including the arrangements for adoption by any public authority or statutory undertaker and any other arrangements (including financial) 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.

#### 5. Pre-occupation condition

As constructed drainage drawings should be supplied to the local planning authority in order to ensure that the drainage measures have been installed as designed and agreed and that there is suitable access for future maintenance.

#### **MSDC Housing Officer**

The applicant is proposing a development of 320 dwellings which gives rise to an onsite affordable housing requirement of 30% (96 units). The mix proposed will meet a broad range of housing needs and comprises of 12 x 1 bed flats, 30 x 2 bed flats, 40 x 2 bed houses and 14 x 3 bed houses. Our standard affordable housing tenure split will apply requiring 25% of the units to be provided as shared ownership and 75% as affordable rented housing. Any reserved matters application must comply with our clustering policy of no more than 10 affordable units per cluster, with each cluster distinctly separate from the next so as to achieve satisfactory levels of social integration.

#### **MSDC Community Leisure Officer**

Thank you for the opportunity to comment on the revised plans for the development of 320 residential dwellings at Rookery Farm, Rocky Lane, Haywards Heath RH16 4RW on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

#### **CHILDRENS PLAYING SPACE**

The developer indicated that they intend to provide three play areas on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition. The layout is illustrative and a central NEAP, linked to the new Sandrocks and South of Rocky Lane play areas, might be more appropriate as this could create one large play hub.

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £318,594 is required to upgrade, improve and increase the capacity of formal sports facilities at the St Francis Sports Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £138,394 is required toward the redevelopment or improvements to the Ansty Village Hall and / or Sports Pavilion.

#### **OTHER**

We would also like to ensure that footpath 104CR which runs through the development site could be upgraded as a multi-use pedestrian / cycle path or bridleway in the future, if required.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **West Sussex County Council - Highways**

West Sussex County Council, in their role as Local Highway Authority, has previously issued formal comments on this proposal. These are dated the 15th November 2016. Since this time, discussions have been on-going with the Applicant's Transport Consultant to address the LHA's concerns. Key items of correspondence from the Applicant's Transport Consultant are dated the 15th December 2016, 11th January 2017, and 30th January 2017.

Based upon this additional information, the following formal comments would be offered.

### Access

A number of points were raised in connection with the proposed vehicular access. These points related to both the principle and the detailed design of the arrangement as initially shown. The access arrangement has now been revised to a simple all movement priority junction with ghosted right turning lane. This reflects that in place at the A272/Boldings Way junction, located a short distance north of the proposed development. The arrangement as now shown removes the previously proposed right turning restriction for exiting traffic; this arrangement was not considered enforceable or necessary either in safety or capacity terms. The LHA are satisfied with the principle of the form of junction arrangement as now shown (on drawing numbers SK21629-12B and SK21629-12A) to serve the development.

The detailed design of the revised access arrangement has also been further considered. With the exception of one point (the traffic island within the proposed right turning lane needs to be widened (this can be achieved within the proposed hatching with affecting the through lane widths) the design is acceptable. This outstanding issue should be dealt with as part of the detailed design associated with the legal agreement required to enable the construction of the works in the highway.

A further Stage One Road Safety Audit based on the revised layout has been submitted. This raises a single problem regarding visibility at the access being sufficient for the recorded 85th percentile speed of traffic. The LHA are satisfied that adequate visibility can be achieved given that the applicant has demonstrated visibility splays based upon the more onerous guidance of the Design Manual for Roads and Bridges.

The capacity of the revised access has also been assessed. It is apparent that the junction would operate well within theoretical capacity with very limited queuing and delays to traffic exiting the development or to through traffic on the A272.

In summary, the LHA are satisfied that the proposed junction arrangement would not give rise to any severe highway or capacity impacts. In the absence of any other suitable access, the proposed junction arrangement should be constructed prior to any other development commencing on the site.

### Highway Capacity

A number of matters were raised regarding the way in which the capacity impact had initially been assessed. For ease of reference, these matters are set out below along with the LHA's additional response.

### Traffic Growth and Committed Developments

The submitted TA quoted a number of committed developments within the immediate area that needed to be factored into the future year capacity assessments. A number of these developments however are partly, or in some cases fully built out. These sites are therefore



already generating vehicle movements that would have been recorded within the data used in the modelling assessments. There would be no requirement to add these completed developments into the assessment. A discount could also be applied for those partly completed developments.

In addition to the above, a growth rate was also applied to the recorded traffic flows. The application of a growth rate is necessary to produce the future year base flows. This growth rate would also have factored in a number of the more longstanding developments, such as St Francis Hospital (completed) and Bolnore Village (substantially complete). Taking this in addition to the fact that vehicle movements from some of the developments are already on the network and that these were also included separately as committed developments, resulted in the double, or in some instances triple counting of trips associated with these units. As a consequence, the future year base flow substantially overestimates traffic flows.

A revised methodology accounting for committed development has now been agreed. This is set out within the Transport Consultant's letter of the 15th December 2016.

#### Future Year Assessment Scenario

The initially submitted TA included two future year assessments; one for 2019 and another for 2021. The LHA's concern was that neither scenario would be reflective of the actual build out of the development, and therefore the year when the development is fully completed. The Transport Consultant has therefore proposed a further future year scenario for 2023. Taking account of the need for outline, reserved matters approval to be granted, and potential buildout rates, 2023 is considered a more appropriate future year. The use of this year has been agreed.

#### Extent of Study Area

The WSCC Transport Assessment Guidance requires all junctions that would experience increased entry flows of 30 or more vehicles as a result of the development to be assessed in terms of operational capacity. Although this is a matter raised as part of pre application discussions, the TA initially submitted did not take this into account.

The revised study area now takes account of all existing junctions on the A272 from the development westwards through to the Butlers Green Roundabout. To the east, the Sussex Road Roundabout has also been assessed. Beyond these two roundabouts, the LHA accept that drivers would have a number of route choices and that trips would quickly disperse. Any increases in traffic beyond these would be indiscernible from the normal daily fluctuations in vehicle movements. The extent of the revised study area has been the subject of further discussion and agreement.

#### Travel Plan Trip Reduction

The capacity assessment work previously presented includes a 15% reduction to the vehicle trip rate to account for the implementation of a travel plan. The LHA has not disputed the use of a 15% reduction (this is consistent with that applied for other nearby developments (for example at land south of Rocky Lane and Gamblemead), but has sought the inclusion of worst case assessment whereby no reduction is used. This worst case scenario has been included.

#### Highway Capacity Conclusions

The National Planning Policy Framework states that development should only be prevented or refused where the residual cumulative impacts of the development are severe. In terms

of capacity, it is necessary to review the increase of queues and delays with the development traffic flows against those that would occur if the development does not come forward.

Taking account of the above and the revised methodology, the LHA accept that the proposed development would have minimal impacts upon the majority of the junctions modelled. Capacity issues are forecast in the AM or PM network peak periods 2023 scenario at the Fox Hill/Wivelsfield Road Roundabout, Butlers Green Roundabout, and at the Sussex Road Roundabout. It should be noted that at all of these junctions, the modelling is forecasting capacity issues without including the proposed development. The development therefore is adding to these issues but is not the sole cause of them. For the modelled network peak times and the worst performing junction arms, the development would respectively result in increased queues and delays of 4 vehicles/11 seconds (Fox Hill), 26 vehicles/60 seconds (Sussex Square), and 13 vehicles/24 seconds (Butlers Green).

The LHA are satisfied that the increases at Fox Hill and Butlers Green are not severe. At Sussex Square, the impacts of the with development traffic flows are more notable. This junction along with a number of others are included in the WSCC Haywards Heath Town Centre Study. This Study includes a number of improvement schemes planned to improve transport infrastructure within Haywards Heath following the opening of the relief road. These works will in part aid traffic flow in and around the town centre. The implementation of the measures within the Study would assist in mitigating the impact of the development. A contribution should therefore be sought towards measures as set out within the HHTC Study.

The Applicant is also intending to implement a Travel Plan. The measures within this seek to encourage reduced dependency upon the use of the private car.

On the basis that a contribution is secured to the measures within Haywards Heath Town Centre Study, the LHA are satisfied that the proposed development would not give rise to any severe residual cumulative impacts.

#### Other Matters

A number of comments were made by the LHA regarding the accessibility of the site by sustainable modes. Routes for pedestrians and cyclists are also proposed from the development to connect into the existing highway network, which includes the existing signalised crossing over the A272. The LHA are mindful that the site lies adjacent to the completed Sandrocks (Cedar Drive) and land south of Rocky Lane applications. In principle, these sites are comparable in terms of accessibility to that presently under consideration.

Several other comments were also made by the LHA in connection with the proposed layout. These comments will be reviewed against any future reserved matters application.

#### Conclusion

Based on the additional information, the LHA are satisfied that the proposed development would not give rise to any severe highway safety or capacity issues. No highway objection would be raised.

If minded to approve this application, the following conditions are recommended.

## CONDITIONS

### Access

No development shall commence until the vehicular access and the proposed footways along Rocky Lane serving the development have been constructed in accordance with the details indicatively shown on drawings numbered SK21629-12B and SK21629-12A.

Reason: In the interests of road safety.

### Visibility

No part of the development shall be first occupied until visibility splays of 3 metres by 90 metres have been provided at the proposed site vehicular access onto A272 Rocky Lane in accordance with the details indicatively shown on drawings numbered SK21629-12B and SK21629-12A. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

### Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

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

Reason: In the interests of highway safety and the amenities of the area.

### Travel Plan

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

Reason: To encourage and promote sustainable transport.

## INFORMATIVES

### Section 278 Agreement of the 1980 Highways Act - Works within the Highway

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

applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

### **West Sussex County Council Lead Local Flood Authority**

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

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

### **Flood Risk Summary**

|   |          |
|---|----------|
| Modelled surface water flood risk   | Low risk |
| Comments: Current uFMfSW mapping shows that the majority of the proposed site is at 'low' risk from surface water flooding.               |          |
| This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. |          |
| Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.                 |          |

|  |                 |
|--|-----------------|
| Modelled ground water flood risk susceptibility  | Negligible risk |
| Comments: The proposed development is shown to be at 'negligible' risk from ground water flooding based on the current mapping.  |                 |
| Ground water contamination and Source Protection Zones.<br>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk. |                 |

|  |    |
|--|----|
| Records of any local historic flooding?  | No |
| Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site itself has never suffered from flooding, only that it has never been reported to the LLFA. |    |

|   |     |
|---|-----|
| Ordinary watercourses nearby?   | Yes |
| Comments: Current Ordnance Survey mapping shows a watercourses running along the southern boundary of the site.   |     |
| Local or field boundary ditches, not shown on Ordnance Survey mapping, may exists around the site. If present these should be maintained and highlighted on future plans. |     |
| Any works to change the flow, to erect a culvert or bridge, or to create any obstruction in any ordinary watercourse will require consent.                                |     |

## **Future development - Sustainable Drainage Systems (SuDs)**

The FRA/Sustainable Water Assessment for this application proposes that, swales, permeable paving, with restricted discharge to the ditch system at the south of the site would be used to drain the developed site's surface water. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

We would expect the flood risk to change post development as the site's impermeable area will be increased, while the proposed SuDS mitigate against this increase in surface water run-off.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

## **Southern Water**

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

We suggest the following informative: 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)' in order to progress the required infrastructure.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the

proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

## **Sussex Police**

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and 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 may be required.

At this time I have no detailed comments to make, however, at the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include detail of appropriate crime prevention measures to be considered in the design and layout, using the principles of Secured by Design and the seven attributes of safe, sustainable places.

These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and created a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted at the reserved matters stage.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime and 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 of 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 and Disorder Act.