

MID SUSSEX DISTRICT COUNCIL

District Wide Committee

29 Oct 2015

RECOMMENDED FOR Permission

Haywards Heath

DM/15/3415

**Land North Of Birchen Lane Haywards Heath West Sussex
Outline application for the approval of access details for the residential development of up to 40 dwellings with associated garaging, car parking, open space, landscaping and the formation of access roads.
Crest Nicholson Operations Ltd.**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Areas of Townscape Character / Built Up Areas / Countryside Area of Dev. Restraint / Flood Map - Zones 2 and 3 / Flood Map - Zones 2 and 3 / Aerodrome Safeguarding (CAA) / Tree Preservation Order / Tree Preservation Order / Tree Preservation Order / Tree Preservation Order Points / Tree Preservation Order Points /
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ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th November 2015

CASE OFFICER: Mrs Kirsten King

EXECUTIVE SUMMARY

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The NPPF is a key material consideration that must be taken into account in determining this application. The NPPF carries a presumption in favour of sustainable development and requires Local Planning Authorities to demonstrate a 5 year supply of housing land. The District Council cannot demonstrate a 5 year supply of housing land. In these circumstances the National Planning Policy Framework (NPPF) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (Para 14).

The NPPF is clear in stating that there are 3 dimensions to sustainable development (an economic role, a social role and an environmental role) which should be sought jointly and simultaneously, and it is necessary to consider the balance of all three when

assessing planning applications.

The proposal for up to 40 dwellings with 30% affordable would represent a significant social and economic benefit. The impacts to wider infrastructure provision, ecology, flooding and highway safety can be satisfactorily mitigated through either conditions or an agreed S106 Obligation.

The proposal is recognised as having less than substantial harm on the designated heritage asset of Sunte House which is Grade II* Listed. The impact is significantly lessened in comparison to the appeal scheme and it is recognised that planning conditions can be used to further mitigate any harm. No objections are raised to the scheme by Historic England.

The landscape here is not formally designated in any way, but it has historic medieval character of local importance. The impact on the historic landscape character is reduced in comparison to the appeal scheme and further investigation on site has indicated that below ground archaeological remains are not of a standard to necessitate preservation in situ. The loss of the two northern land parcels will result in harm to the historic landscape character; however the retention of the southern field and preservation of the adjacent Hollow Way ensures that the relationship of the medieval landscape with Sunte House to the south can still be understood. The loss of a 6m section of 'important hedgerow' will not have a significant adverse impact on the historic asset overall, planning conditions can be used to mitigate impacts and in accordance with Para 141 of the NPPF further archaeological work can record and further enhance understanding of the landscape prior to the loss. No objections are raised to the scheme by the Councils Archaeological Advisor.

In summary given the reduced harm to both designated and non designated heritage assets now identified and the lack of objections from Historic England it is considered that the balance now tips in favour of granting permission for the scheme. Subject to the use of a S106 Legal Agreement to secure affordable housing and infrastructure and to control the use of the southern field, and the use of planning conditions to mitigate for ecological and archaeological impacts it is considered the adverse impacts to the setting of the listed building and the historic landscape would not on their own significantly and demonstrably outweigh the benefits of the scheme (even when given considerable importance and weight in accordance with S66(1) of the 1990 Act) . The proposal is therefore recommended for approval.

RECOMMENDATION

Permission be approved subject to a S106 legal agreement to secure infrastructure, affordable housing and to control the future use of the southern field and subject to conditions listed in Appendix A.

SUMMARY OF REPRESENTATIONS

385 Representations received objecting to the scheme including representations from the following:-

- Blackthorns Community Association (Lindfield)

- The Woodland Trust
- Haywards Heath Society
- Member of the Campaign to Protect Rural England
- Rt Hon Nicholas Soames MP
- Save Birchen Fields Action Group
- Independent Consultants report by Richard Walker on behalf of Save Birchen Fields Action Group

Summary of comments raised:-

- o Proposal does not satisfy the environmental requirements of policy 7 of the NPPF.
- o Cumulative impact on heritage assets of Sunte House, the Assart Fields and Hollow Way.
- o Relative unimportance of housing need
- o Revised proposals do not overcome previous reasons for refusal
- o Contrary to Local Plan countryside policies
- o Undermine significance and setting of Sunte House Grade II* Listed Building
- o Setting of Grade II* Wickham Farm compromised
- o Destroy rural character of landscape
- o Destroy intact medieval assart fields
- o Destroy irreplaceable habitats and wildlife
- o Block of flats inappropriate
- o Urbanisation of Hollow Way
- o Noise and light pollution
- o Felling of trees
- o Removal of ancient hedgerows impacting on wildlife
- o Parking provision of 122 spaces is an under estimation
- o Designated as a Green Corridor in Neighbourhood Plan
- o Contrary to Lindfield Neighbourhood Plan
- o Fields are a designated floodplain
- o Increased flood risk downstream
- o Access would jeopardise TPO Oak Tree
- o Dangerous junction with Portsmouth Lane and speeding traffic
- o Local area cannot accommodate additional traffic especially at rush hour
- o Hollow Way unsuitable for bikes or buggies
- o Unsustainable location
- o Infrastructure in town cannot cope (schools, public transport, doctors, parking, sewerage)
- o Narrow gap between Haywards Heath and Cuckfield already reduced by Penland Farm
- o No jobs provided hence pressure on rail commuters
- o Overlooking and loss of privacy to existing residents
- o Gatesmead unsuitable for access due to narrow windy nature
- o Abut an Area of Outstanding Natural Beauty
- o Destruction of Ancient Woodland
- o Contrary to Localism given the level of opposition
- o Area is open space which has been enjoyed by residents for years
- o Lack of 5 year land supply not a reason to grant permission
- o Set a precedent for development elsewhere
- o Fails to meet the three limbed definition of sustainable development (NPPF)
- o Southern field will still be urbanised and will be open to misuse as a games area
- o Isolated development in countryside
- o Brownfield land would be met in Haywards Heath
- o Southern field should be protected by condition or covenant to ensure it remain

undeveloped grassland

- o Haywards Heath is already overpopulated
- o Request conditions controlling construction management, access, sustainable drainage, scale of dwellings limited to two storeys, street lighting in approved.
- o Development parcel separate from Gatesmead, isolated in rural landscape and not integrated with wider settlement.

SUMMARY OF CONSULTATIONS

MSDC Drainage Engineer

Our comments for this application hold for the previous application 14/04475/OUT, and we are satisfied that this application can be managed through reserved matters.

MSDC Urban Designer

Being an outline proposal, the scheme is short on information, with only an indicative layout being supplied. The scheme is arranged so that it sensibly reveals much of the attractive woodland boundaries however a number of concerns are identified in relation to layout.

MSDC Environmental Health

No objection subject to conditions relating to operating hours, dust control, no burning on site, noise attenuation fencing.

MSDC Leisure Officer

Leisure contributions towards Formal Sport and Community Buildings are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD. Playing space should be provided on site, a single LEAP is preferable (details to be agreed by condition).

MSDC Housing

No objection to mix and tenure proposed for the 30% on site affordable housing. In terms of integration the illustrative layout does not meet our clustering policy; there should be two clusters of affordable housing separated by market units.

MSDC Contaminated Land Officer

No objection

Environment Agency

No objection subject to conditions

Historic England

Historic England considers that the current masterplan proposal represents a large improvement on the previous outline applications in terms of its impact on the significance of Sunde House. As a result of this we consider that the residual harm has been reduced to the point where we do not object to the scheme.

Southern Water

No objection subject to conditions.

Sussex Police

No objections. More detailed comments will be made at reserved matters stage.

Consultant Ecologist

It is my opinion that, subject to securing measures as a condition of planning consent, the ecological impact on the hedgerow is capable of being mitigated and compensated for in accordance with the requirements of para 118 of the NPPF.

In respect of other ecological implications, I am of the view that significant impacts can be avoided or sufficiently mitigated, subject to securing appropriate measures via planning condition, for the proposals to be considered compliant with biodiversity planning policies.

Consultant Archaeologist

With regard to below ground archaeological remains, the information supplied has demonstrated that the archaeological remains are not of a standard to necessitate preservation in-situ, and in accordance with para 141 of the NPPF, subsequent archaeological work can record and enhance understanding of the asset prior to the proposed loss. Similarly the information supplied regarding historic hedgerows demonstrates that the heritage assets to be affected are not of such importance to require total preservation in situ, and the negative impact of the proposals on individual archaeological heritage assets can be minimised with suitable mitigation measures.

There will also be an indirect impact on the appreciation of the overall remnant medieval landscape comprising the medieval assart fields in question as well as surrounding farmstead, hollow way and other localised areas of assart fields but this can be offset by an increased understanding of the features and the general landscape through the application of a programme of recording. I am in agreement with Historic England's comments that the removal of proposed development in the southern field has lessened this negative effect to an extent, and suggest that in determining the application the authority must be satisfied that the overall impact to the historic environment as a whole is justified by the benefits to be afforded by the proposal.

WSCC Highways

The local highway authority has no objection to the planning application subject to conditions.

WSCC Infrastructure Officer

Contributions requires towards Primary and Secondary Education, Libraries and TAD and 2 fire hydrants.

WSCC Flood Risk Management

This risk of flooding must be considered as the proposals for this site are developed further. Any proposed vulnerable development should be designed away from areas at risk of surface water flooding.

No objection subject to conditions.

HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS

Members of the Town Council are aware that this is the third application for this site and that on this occasion; all new housing has been omitted from the southern field in an attempt to lessen the impact on the adjacent Sunte House. They are also aware that the developers have appealed against Mid Sussex District Council's decision to refuse the previous application - application number 14/04475/OUT - and that this has now been called in by the Secretary of State. In spite of these changes, Members remain **strongly opposed** to the

development of this site.

Therefore, Haywards Heath Town Council **objects** to this application for the development of up to 40 dwellings in the **strongest terms possible**, as the land is an area of green space which is vital for protecting the rural setting of Haywards Heath, provides an important ecological corridor and acts as a buffer to assist with the avoidance of unwanted coalescence with the neighbouring parish. In the Council's view, this is an opportunistic development which is not a well planned or sustainable development on the following grounds:

1. Highways and Transport - lack of road network to service the site. The proposed access along Gatesmead is not built to accommodate the increased traffic movements generated by the development and certainly not robust enough for construction traffic. The Council also has concerns about access to the site for refuse vehicles and emergency vehicles, despite the proposed gated emergency access between Gatesmead and Birchen Lane. The roads could be blocked due to accidents and inappropriate parking. Furthermore, the knock-on effect of traffic from the development will only increase the pressure on to Portsmouth Lane, College Road and Gander Hill, which are already over capacity and dangerous roads; Outline application for the approval of access details for the residential development of up to 40 dwellings with associated garaging, car parking, open space, landscaping and the formation of access roads.
2. The site has drainage issues and is home to the Scrase Stream, which is a down flowing stream. The National Planning Policy Framework (NPPF) (para. 103) states down flowing water that causes flooding as reason for development to be resisted. The site also suffers from flooding and water runs off the site on to neighbouring roads and properties. The development of the 40 properties will exacerbate this problem and cause increased flooding problems in the locality.
3. There will be an effect on the Area of Outstanding Natural Beauty as the development will make the town encroach further towards its boundary, along with the effect on a grade II* listed building which lies in close proximity of the proposed development. Furthermore, the site itself contains many different species of animals and insects that live within the hedgerows, the nearby ancient woodland and mature trees. There is no doubt that the habitat in which these animals and insects live will be destroyed as a result of approving any development.

All of the above will have a detrimental effect on the amenity of existing residents and will damage the little green infrastructure the town has left to protect. The Council urges that, in line with the philosophy of its emerging Haywards Heath Town Council Draft Neighbourhood Plan, this application is **refused**.

LINDFIELD PARISH COUNCIL COMMENTS

The Parish Council strongly objects to this application on the following grounds:-

As regards the Mid Sussex Local Plan 2004:

1. Despite the modest changes made in this revised application, the proposal will not respect the character of the locality contrary to Policy B1(a), nor will it maintain or enhance the quality of the rural character of the District at the fringes of Lindfield, and the High Weald Area of Natural Outstanding Beauty to the north of the site. In addition it will still impinge on the character and setting of the Grade II Listed building at Sunte House, and nearby Old Wickham

Farm, principally now by the construction of the emergency access road.

2. The proposal is contrary to the objectives of Policy B6 in that the area is one of recreational, conservation, and wildlife value. The policy applies to private areas of open space.

3. The proposal does not accord with Policy C1, which seeks to protect the countryside. The area is designated as a Countryside Area of Development Restraint, and there are no exceptional circumstances, which could justify such a development. It is noted that the Policy seeks to protect the countryside for its own sake.

4. The proposal does not accord with Policy C2 in that the strategic gap between Haywards Heath and Lindfield will be severely eroded, and it is clear that the Policy requires this to be specifically protected.

5. There are still concerns about compliance with Policy C6 in that the land is believed to be a natural habitat for a number of animal species, and the location of a number of wildlife habitats in the area. Relocation of species is invariably unsuccessful. The environmental damage that will occur as a result of the development, contributes significantly to the unsustainability of this proposal.

6. The Local road network is entirely unsuitable for a development of this size, and particularly as regards Birchen Lane and Gatesmead, is not capable of improvement without hugely detracting from the current rural feel and visual benefit enjoyed by existing residents. This is contrary to the principles of Policy B3. Furthermore, it is submitted that the proposal contravenes a number of the requirements of policy T4 of the Local Plan, given the exacerbation of the current dangers of the junction of Birchen Lane with the Portsmouth Road, and the already high volumes of traffic that are already experienced in this area.

As regards the emerging District Plan (pre-submission draft June 2015):-

1. The proposal fails to take account of policy DP5, which sets out an informed and strategic basis for the future delivery of housing requirements across Mid Sussex, and which acknowledges the significant contribution of Neighbourhood Plans.

2. The proposal does not meet the requirements of Policy DP10, which seeks to protect and enhance the countryside.

3. The proposal does not meet the objectives of Policy DP11, which seeks to prevent coalescence as set out above.

4. The proposal does not meet the objectives of Policy DP13 in that there can be no special justification for this development.

5. The proposal breaches the clear objectives of policy DP36 in that a green corridor and open space will be destroyed, and a valued landscape lost forever. This green corridor is encapsulated and supported in the Haywards Heath Town Council draft Neighbourhood Plan. It is also clear that this is a greatly valued, historic, and important landscape. Furthermore, the proposal to remove any hedgerows, which are likely to qualify (in view of their longevity and historical status) to be classed as "important" under the Hedgerow Regulations Act 1997, is against the policy's clear intention of "protecting trees, woodland and hedgerows" in such circumstances.

6. As reflected in the National Planning Policy Framework (NPPF), the proposal contravenes the objectives of Policy DP41, which seeks to locate development away from flood areas. It is noted that the Flood Risk Assessment (FRA) refers to the site as being located in Flood Zone 1, yet the report from the Environment Agency refers to it as being in Flood Zones, 1, 2 and 3 (even if only partially). The FRA appears to dismiss the significance of the watercourse and stream, and the potential for increased run off to other areas. The required sequential and exception tests have not been carried out, in clear contravention of the NPPF requirements (as further set out below). It is acknowledged however, that further work has been undertaken in respect of flooding, and indeed this confirms that there is a surface water flood risk affecting part of the development area. However, the mitigation measures suggested, including SUD solutions, are both untried and unproven, and there is every danger of increasing the flood risk elsewhere. The continued risks of causal flooding therefore outweigh the proposed solutions, and there are already documented incidences of local flooding. The position should also be considered for the future, in terms of both maintenance and reliability, not just as regards the present.

As regards the National Planning Policy Framework (NPPF):

1. The proposal will not meet the requirements of paragraph 61 of the NPPF, which states that planning policies and decisions should address the connections of people and places and the integration of new development into the natural, built, and historic environment.

2. As regards the potential for flooding, the proposal does not meet the objectives of paragraphs 100 to 103 of the NPPF for the reasons stated above. Paragraph 100 seeks to safeguard land from development that is required for current and future flood management, and it is submitted that the site could prove vital for preventing future flooding in Brook Lane, Sunte Avenue, and other nearby residential roads.

3. The proposal does not meet the objectives of paragraph 109 of the NPPF in that the natural environment will be neither conserved nor enhanced. In the Parish Council's submission, the objections of the Ecology officer at West Sussex County Council remain highly relevant, especially given his reference to ancient "assart" fields, and to the nearby ancient sunken-way footpath. These cannot be overcome simply by removing any building on the southernmost field. It is submitted that the effects of any development in this area need to be considered in the round.

4. The proposal does not accord with paragraphs 165 and 166 of the NPPF in that it fails to take into account the need to meet the demands of the natural environment.

As regards the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP):

The proposal does not accord with the principles of Lindfield Parish Council's Neighbourhood Plan, the importance of which is supported by the District Plan in Policy Code and Policy DP5, and by the stated intentions of the NPPF regarding the localism agenda, as a core planning principle set out in paragraph 17 of the NPPF. In line with recent statements from both the District Council and the Department for Communities and Local Government, the Plan must be accorded significant weight, particularly now that it has been formally submitted under Regulation 15 of the Neighbourhood Planning Regulations 2012 to the Planning Authority, Mid Sussex District Council. Furthermore, and significantly, since the previous application, the Plan has now completed its independent examination. A recent letter from the Planning Minister, Nick Boles, MP (dated 27th June 2013, states "The Government has been clear that local plans, drawn up in consultation with local people, should determine where development should and shouldn't go." This letter is placed in the public domain. It has also now been said by

Government that even where there is no District Plan in place, or 5 year housing land supply, a Neighbourhood Plan should still be accorded sufficient weight depending on its progress. The Planning Authority will be aware that the LLRNP has made significant progress.

The Parish Council repeats the further comments it has previously made in response to the previous applications, which are still relevant, particularly as to infrastructure deficits. That is that the proposal does not address the infrastructure deficit of providing more and more housing in Mid Sussex, other than by agreeing to allocate money to the problem. This does not help the aspirations and objectives of Policy DP18 of the District Plan. It is contended that s.106 monies (and/or CIL monies in the future) are simply not delivering the level of infrastructure requirements and improvements that are needed to make such developments anything like sustainable. Infrastructure requirements must be properly addressed before any further large scale housing development is permitted, and indeed many objectors have referred to the severe pressures on existing services.

For all of the above reasons, the Parish Council concludes that the proposal is not sustainable, and that it is clear on any objective analysis, that the adverse impacts of approving the application, significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. **The application should therefore be refused.**

Introduction

Outline planning permission is sought for the development of land north of Birchen Lane, Haywards Heath (known locally as Birchen Fields) with up to 40 dwellings, associated garaging, car parking, open space, landscaping and the formation of access roads. Approval is sought for the principle of development and access only with all other matters reserved (including layout, scale, appearance and landscaping).

Relevant Planning History

Outline permission was sought for up to 48 dwellings on the site in January 2014 under reference 14/00209/OUT. This application was held up to allow for additional work in relation to protected species, heritage impact and drainage. The additional work involved submission of revised documents and a new parameter plan and in accordance with Officer advice (given the number of changes involved to the previous submission) the applicants withdrew the original scheme and resubmitted as a fresh application.

Application 14/04475/OUT was submitted in December 2014, it sought consent for 48 dwellings over three field parcels to the north of Sunte House with primary vehicular access from Gatesmead but an additional access from Birchen Lane to serve three dwellings and to serve as emergency access. The application was refused in March 2015 for the following reasons:-

1. *The proposal is deemed to impact on the setting of Sunte House, a Grade II* Listed Building. The harm arising to the significance of the heritage asset requires clear and convincing justification under Para 132 of the NPPF and such harm must be weighed against the public benefits of the proposal. The harm caused by development of this site is not outweighed by the benefits of the proposal and therefore the development is not deemed to constitute 'Sustainable Development' for the purposes of the NPPF. The proposal conflicts with policy B10 of the Local Plan and Para's 132 and 134 of the NPPF.*

2. *The proposal is deemed to result in substantial harm to the significance of the medieval assart landscape which includes the adjacent Hollow Way and comprises a non designated heritage asset. The harm caused by development of this site is not outweighed by the benefits of the proposal and therefore the development is not deemed to constitute 'Sustainable Development' for the purposes of the NPPF. The proposal conflicts with policy C1 of the Local Plan, Policies E5, E11 and E17 of the Haywards Heath Neighbourhood Plan, Policy 1 of the Lindfield Neighbourhood Plan and Para's 14, 109 and 135 of the NPPF.*

3. *In the absence of a completed S106 Agreement the proposal fails to meet Policies G3, R4 and H4 of the Mid Sussex Local Plan in respect of the infrastructure and affordable housing required to serve the development.*

This application is now the subject of appeal which has been called in by the Secretary of State, the appeal will be determined by a public inquiry to be held week commencing 16th February 2016.

The site was considered as part of a larger site identified as Land North of Wickham Way and East of Birchen Lane, Haywards Heath in the recent Strategic Housing Land Availability Assessment (Ref 33 (HH/B/02)).

The following conclusions were made:

"This site is well located to the railway station and relatively close to facilities and services in this area. The site is surrounded on three sides by low density development including the London - Brighton railway line to the west. Site could have potential to come forward with suitable landscaping scheme to lessen impact on wider area to the north however site suffers from very poor vehicular access with no road frontage and there is no evidence available regarding resolution of this constraint."

Whilst the site is identified within the document, there is no suggestion that this will lead to an allocation of the site for housing.

Site and Surroundings

The site lies on the northern edge of Haywards Heath. The two southern most field parcels fall within the Parish of Haywards Heath, however the northern most field parcel and Birchen Wood falls within the Parish of Lindfield. The land to the northwest of the site falls within the parish of Lindfield Rural.

In terms of planning policy the site is within the countryside area of development restraint (CADR) as defined in the Mid Sussex Local Plan (MSLP). The High Weald Area of Outstanding Natural Beauty is approx. 0.7km to the west and 0.9km to the north. The majority of Birchen Lane, Portsmouth Lane, part of Brook Lane and Roundwood Lane to the north comprises an Area of Townscape Character as identified in the Local Plan and Neighbourhood Plan.

The application site comprises some 10.2ha of land inclusive of the woodland. To the north is Birchen Wood, part of which is designated as Ancient Woodland. The site is well enclosed by existing vegetation on boundaries and the fields are comprised of gently sloping grassland.

The site comprises three field parcels, housing is proposed in the two northern fields only, the southern field closest to Sunte House provides access into the site and an emergency access via Birchen Lane. The fields are separated by belts of mature trees. To the south lies the

Grade II* Listed Sunte House, to the east is low density residential development comprising Brook Lane, Gatesmead and Birchen Lane. These roads are characterised by large detached dwellings in sizeable plots some of which back directly on to the application site. Whilst Gatesmead is a publicly maintainable highway, from its junction with Gatesmead, Birchen Lane is a private road.

The Scrase Stream crosses the site in an east-west direction dissecting the two most northern fields, it then runs along the rear gardens of properties in Brook Lane (where they adjoin the site) and continues in an easterly direction to Hickmans Lane before turning south to Pickers Green Cross (The Witch Inn). Immediately to the west of the site is public footpath 24bLR, this is sunken relative to the site and travels in a northerly direction from Sunte House to the south (where it links into footpath 47aCU) providing access to the town centre via Wickham Way. To the north it continues beyond Birchen Wood and joins footpath 24aLR which eventually links with the wider footpath network at Ardingly and provides access to Ardingly Reservoir (approx. 3.5km to the north).

Application Details

The application is in outline form only with the principle of development and access for consideration. All other issues relating to access, layout, scale, appearance and landscaping are reserved for future approval.

The application has been submitted in an attempt to overcome the previous reasons for refusal. In response to concerns raised by Historic England the applicants have removed development from the southern field save for the access road from Gatesmead and an emergency access way linking to Birchen Lane. The access from Gatesmead remains the same as the previous application but the alignment of the road has been altered so that rather than travelling across the southern field to utilise the existing gap in the field boundary it turns almost immediately northwards through the existing tree and hedge boundary, this reduces the amount of access road within the southern field. The number of pedestrian access points to the adjacent footpath to the west has also been reduced from three with the previous scheme to a single access point to the northwest corner of the central field where it is understood level access can be achieved.

Whilst layout is a reserved matter the applicants have included an illustrative master plan and some guidance on the likely built form and massing of the proposed houses. The layout allows for 40 new homes arranged in two parcels commensurate with the existing field pattern. Thirty two dwellings are proposed in the middle field parcel and 8 larger lower density dwellings in the northern field parcel. A mixture of detached and semi-detached dwellings is proposed with a small number of terraced houses and flats. In terms of scale buildings will be two storeys in height.

To the north a 15m buffer with the Ancient Woodland would be maintained and to the south the field adjacent to Sunte House would be retained as grassland. Supplementary planting would be provided on the eastern boundary with properties in Gatesmead and Brook Lane. An ecological buffer zone is proposed to the northeast corner of the site and an area is identified to be excluded from development around the Scrase Stream where it passes to the south of Brook Lane (far east part of the site).

List of Policies

Mid Sussex Local Plan:

C1 (Countryside Area of Development Restraint)
G2 (sustainable development)
G3 (infrastructure requirements)
C5 (nature conservation)
C6 (trees, hedgerows and woodland)
B1 (design)
B2 (residential estate developments)
B3 (residential amenities)
B4 (energy and water conservation)
B7 (trees and development)
B10 (Listed Buildings and their settings)
B16 (Areas of Townscape Character)
B18 (Archaeological sites)
H2 (density and dwelling mix)
T4 (transport requirements in new developments)
T5 (parking standards)
T6 (cycle parking)
CS13 (land drainage)
CS22 (Pollution)

Dwelling Space Standards Supplementary Planning Document (Jul 2009)
Sustainable Construction Supplementary Planning Document (Jul 2006)
Development and Infrastructure Supplementary Planning Document (Feb 2006)

Haywards Heath Neighbourhood Plan

The Haywards Heath Town Council has consulted on the Draft Neighbourhood Plan. It is a material planning consideration but carries little weight.

E5 - The land is allocated in the Neighbourhood Plan as a "Green Corridor" between Haywards Heath and the neighbouring parishes to create a landscape buffer to prevent damage to ecological connectivity and new development will be strongly resisted which would erode this area and/or harm its ecology.

E6 - Retain links between green infrastructure
E8 - Sustainable Urban Drainage
E9 - Energy efficient and sustainable development
E11 - Local character and quality
E12 - Areas of Townscape Character
E13 - Visual connections with the countryside
E15 - Outdoor space
E16 - Car parking design
E17 - Rural setting of the town
T1 - Development and public transport links
T2 - Improve cycle and pedestrian strategy

Lindfield and Lindfield Rural Neighbourhood Plan

The Examiners report on the NP has now been published. There will be a consultation on the alternative modifications from 17th September 2015 - 8th October 2015. The Plan is a material planning consideration with significant weight (except Built Up Area Boundary policies).

1 - A Spatial Plan for the Parishes

District Plan

The Pre - Submission District Plan 2014 - 2031 was published on the 12th June 2015.

The Plan is a material planning consideration but little weight can be given to the Plan at this stage.

Relevant policies include:-

- DP1 - Sustainable Development
- DP10 - Protection of the Countryside
- DP18 - Securing Infrastructure
- DP19 - Transport
- DP20 - Rights of Way and other Recreational Routes
- DP24 - Character and Design
- DP27 - Noise, Air and Light Pollution
- DP28 - Housing Mix
- DP29 - Affordable Housing
- DP32 - Listed Buildings
- DP35 - Archaeological Sites
- DP36 - Trees, Woodland and Hedgerows
- DP37 - Biodiversity
- DP38 - Green Infrastructure
- DP41 - Flood Risk and Drainage

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.

Neighbourhood Planning

It has been suggested that the planning application submitted ahead of the Haywards Heath Neighbourhood Plan is 'premature' and should be resisted on the basis that it conflicts with Policy E5 which designates the site as a Green Corridor. Whilst the NPPF does enable

decision makers to take into account relevant policies within 'emerging plans', from the day of publication, the weight that they can be afforded depends on a number of factors. Para 216 of the NPPF highlights that the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF all determine how much weight such emerging plans and their relevant policies can be given.

The National Planning Policy Guidance advises that "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

Assessment (Consideration of Key Issues)

The main considerations are the principle of the development within this site and the proposed vehicular access to the site. Other considerations are: Landscape and Visual Impacts, impact on Area of Townscape Character, effect on Heritage Assets (Designated and Non Designated); biodiversity; drainage; sustainability, infrastructure/affordable housing and local growth and economic impacts.

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 (2008) and the Mid Sussex Local Plan (MSLP) (2004).

In the event of conflicts between policies in these plans it is the most recent policy which takes precedence. The NPPF, which was issued in March 2012, is a material consideration which shall be afforded significant weight.

The National Planning Policy Framework (NPPF) is a material consideration. 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. As such, the supply of housing element of policy C1 in the MSLP cannot be considered up to date.

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"*

The second bullet point of the 'decision taking' section currently applies. Thus as policy C1 cannot be considered up to date (paragraph 49) the Council should be granting planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...".

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

Assessment of main issues

Access, parking and impact on highway safety

Paragraph 32 of the National Planning Policy Framework states:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit 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."

Policies T4 and T5 of the Local Plan outline the requirements for parking provision and access to new developments, in conjunction with the council's (maximum) parking standards, as set

out in the Development and Infrastructure Supplementary Planning Document. Policy T6 requires provision of cycle storage facilities in new developments. The policies are consistent with the aims of The Framework.

The application has been submitted with a Transport Statement. The principle vehicular access from Gatesmead remains unchanged from the previous application 14/04475/OUT, no objections were raised to the previous application which sought consent for a greater number of dwellings (45) to be served by this access.

The access from Gatesmead has been designed to narrow to 3.1m over a distance of 30m to minimise impact on a Protected Oak tree (Tree T4 on the Survey), beyond this the access widens to 5.5m. In order to address WSCC concerns in relation to emergency access (i.e. it would not be possible to carry out work in the carriageway without closing the road) an emergency access would be provided from Birchen Lane. This access would have an engineered sub base overlain with grass, there would be no lighting of the emergency access and it will be gated at the Birchen Lane junction.

Birchen Lane is owned and controlled by the same landowner of the parcel of land subject of the application; it is not a public maintainable highway. There are no proposals to amend or upgrade Birchen Lane to bring it to adoptable standards. As only an emergency access is proposed to be accessed from Birchen Lane WSCC Highways are satisfied that no upgrade is required.

The Traffic Assessment submitted with the previous application indicated that for a development of 48 units a total of 28 movements in the am peak and 33 movements in the pm peak would be generated. WSCC has considered the details and are satisfied that Gatesmead is of sufficient width (5.5m) to allow two cars to pass and that the existing Birchen Lane/Portsmouth Lane priority junction has adequate capacity for the development.

In order to resist an application on transport grounds there must be a 'severe impact' (the test in NPFf); it is not considered there are any highway reasons on which to base a reason for refusal.

Accessibility

The site is considered to be in an accessible location with good walking, cycling and pedestrian links to access facilities in Haywards Heath. The railway station is a 1.8km walk from the site and the town centre approx. 2.1km, facilities for schooling, shopping and recreation are also within walking distance and easy cycling distance (although it is accepted that the preference might be to use the private motor car instead of walking for a number of trips, especially in bad weather conditions). Local bus stops are provided at Gander Green (7-8 min walk from the development) and these routes provide links to the town centre and hospital as well as a school day service to Burgess Hill (St Paul Catholic College).

The site benefits from being adjacent to the public right of way network and as part of the sustainable transport contribution it is intended that works would be carried out to the network to improve its surface to encourage use in all weathers. The proposal as submitted includes a single point of access to link the site to the footpath; this will also provide a formalised link to the footpath to existing residents in Gatesmead whom at present cannot access the right of way without walking across private land. The applicant has confirmed that the access point is essentially 'at grade' and on the alignment of existing informal dog walking tracks. The footpath could be upgraded with a simple timber edged 'hoggin' type surface, the cost to upgrade the PROW, which would be undertaken by WSCC, will be covered by the TAD contribution.

In order to provide the link between the application site and the public footpath works would be required on third party land. This land is not within the ownership of the applicants and they have not served notice on the required land owner. WSCC would not be able to provide the links to the footpath if the landowner refused consent and therefore the LPA cannot at this stage ensure that the links are deliverable, the application must therefore be considered on the basis that the links cannot be secured (although it is still possible to use the TAD money to provide upgrades to the footpath surfaces).

Whilst the links would be desirable WSCC as Local Highway Authority has confirmed that they would not object to the development even if direct links from the development to footpath 47bCU could not be provided, however they would still apply TAD to the upgrade of the footpath to include appropriate resurfacing and to resolve some drainage issues.

Whilst upgrades to the footpath surface are proposed it is accepted that the route is unlikely to appeal to a large number of residents (i.e. commuters and people with mobility issues and prams etc.), in addition it would not be possible to upgrade it to a cycle route given that the remainder of the route to the town centre (along the private Wickham way) is only a footpath and has poor natural surveillance. Notwithstanding the above the upgrading of the path would be a significant benefit to existing residents and users of the right of way, at present the path is extremely rutted and almost unpassable in places during the winter months due to poor drainage, this has resulted in new raised informal paths being created within the wooded edge from users trying to avoid the boggy path. The upgrading of the footpath would need to be appropriate to its rural setting and this could be controlled by condition or as part of the S106 Agreement. There would be no artificial lighting of the footpath or tarmac in order to maintain its rural character.

In summary notwithstanding whether the links to the adjacent public footpath can be secured it is considered that given the sites location close to the town centre and services it is within a sustainable location and the use of the TAD contribution to upgrade the surface of the footpath would be beneficial.

Local Character Designations

One of the core planning principles of The Framework is to "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."

In terms of Landscape Character the Landscape Character Assessment for Mid Sussex (Nov 2005) identifies the site as Landscape Character Area 10 'High Weald Fringes. Key characteristics of the High Weald Fringes includes wooded, often confined rural landscapes of intimacy and complexity partly within the AONB, significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees, pattern of small, irregular-shaped assart fields and larger fields, and small pockets of remnant heathland, networks of lanes, driveways, tracks and footpaths, designed landscapes and exotic treescapes associated with large country houses.

In terms of management objectives the main aim is identified as to conserve the rich mosaic of woodland and other habitats and the intimate nature of the agricultural landscape, the high level of perceived naturalness of the area including its rural, tranquil qualities and the unobtrusive settlement pattern throughout much of the area.

Land Management guidelines for Area 10 relevant to the application site are:-

- Maintain and restore the historic pattern and fabric of the woodland and agricultural landscape for scenic, nature conservation and recreational purposes
- Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness
- Seek to protect the tranquil and historic character of rural lanes and manage road verges to enhance their nature conservation value.

Landscape and Visual Impacts

As with the previous application there has been significant opposition to the development of this greenfield site on the basis of visual impact and loss of open green space. As with any application outside the built up area the development of a green field with housing is likely to result in a significant visual change, in particular for local residents that look out onto the site and in this instance for users of the public footpath adjacent to the site. The site is well contained from wider landscaped views and it is not considered the proposal has any impact on the character and appearance of the High Weald AONB Landscape.

The application site shares many of the traditional characteristics of the High Weald Landscape detailed above, although from within the site it is clear that you are on the fringes of Haywards Heath given that residential houses backing onto the eastern boundary are clearly visible.

The Council did not object to the previous application on the basis of visual landscape impact. The site currently comprises three attractive and undeveloped fields which have a public right of way running along their boundary and is clearly a landscape and open space valued by local residents. The views from much of the adjacent footpath/hollow way are limited due to existing boundary screening and the sunken nature of the path; however in places a secondary path has been created at a higher level closer to the site (no doubt in order to avoid the poor state of the main path) and the site would be more visible from this raised informal route. The northern field parcel is much more visible from the footpath with some gaps providing clear views, it would be possible to add new planting on this boundary to reinforce the existing screening.

The application is submitted with a full Landscape and Visual Impact Assessment. The report notes that the land is not subject to any landscape designations and the summary of the report concludes that there would be no landscape impacts other than the amenity value of footpath 24LR would be slightly compromised by the proposed development being visible through the trees; this is assessed as having substantial to moderate significance. The mature trees and woodland screen the site ensuring that there is no wider visibility of the site as a consequence.

A number of mitigation measures have been incorporated into the parameter plans, these include

- Root protection Areas of all trees to be retained free of development except at the access points
- Inclusion of an offset buffer in the eastern corner adjacent 30-38 Gatesmead to maintain amenity
- Maximum height of development to be lower than existing trees to maintain screening effect
- An 8m offset from the river for ecological and hydrological reasons
- Limited street and property lighting

The parameter plan shows how the areas of housing would be arranged within the site to fit with the existing landscape structure. The Tree Report submitted with the application indicates that there are 151 individual trees and 14 groups of trees to be retained as part of the development. In order to facilitate the access a total of 6 trees, three groups of trees and two sections of hedgerow will need to be removed to facilitate development. Apart from Tree 170 all the trees to be removed are C category trees, Tree 170 is a B category common sycamore and will be removed to facilitate the emergency access from Birchen Lane. The groups of trees to be removed are also categorised as C grade trees. Two sections of hedgerows (H1 and H2) would be removed to necessitate the vehicular access from Gatesmead and then to provide access into the northern field.

The Council's former Arboricultural Officer considered this revised access during pre application discussions and raised no objections from an arboricultural perspective. It would be possible to safeguard the protected Oak Tree identified as T4 adjacent to the proposed access by the use of a specialised engineering solution and given that the parameter plan shows properties to be constructed well away from the Ancient Woodland to the north there should be no loss of any trees within the woodland.

It is accepted that where there are immediate views from the public footpath these would change significantly. The experience of public using the footpath would alter significantly for some of its length where development would be visible, the character altering from an attractive tranquil route with open countryside either side to a route on the edge of an estate. However there would be scope to reinforce any gaps in the screening on the western boundary (apart from where the pedestrian link is proposed), the impact on the footpath would be less than that proposed with the appeal scheme given only a single level link is now proposed.

Apart from the access road the development will not be readily visible from the public highways of Gatesmead and it is accepted that the development would appear as an isolated pocket with only the access road linking to the settlement in Gatesmead. However the site is adjacent to the existing built up area and it is therefore not remote from the existing settlement. At present the site is in private ownership and therefore the development provides an opportunity to design a scheme at Reserved Matters stage which would open up and reveal the adjacent woodland and possibly provide a more formalised link for existing residents in Gatesmead to access the wider footpath network.

Area of Townscape Character

The Area of Townscape Character Designation covers much of Birchen Lane, High Beech Lane and Roundwood Lane. No works are proposed to Birchen Lane to remove trees or frontage hedgerows and therefore the character of the lane will be preserved. The access will be utilised for emergency purposes only and whilst glimpses of the development may be visible from the end of Birchen Lane this is not considered to be prejudicial to the character and appearance of the ATC. The proposal is not in conflict with Policy B16 of the Local Plan or policy E12 of the Haywards Heath Neighbourhood Plan.

Impact on Heritage Assets (Listed Buildings)

The site lies to the immediate south of Sunte House, a Grade II* Listed Building. In addition to the southwest of the site is Wickham Farm also Grade II* Listed. One of the reasons for refusal of the previous application was the impact on the setting of Sunte House, a Grade II* Listed Building. Whilst the proposal would have resulted in less than substantial harm, the harm

caused by the development was not considered to be outweighed by the benefits of the proposal. No objections were raised to the impact on the setting of Wickham Farmhouse.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, 1990 Act) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The National Planning Policy Framework (NPPF) sets out the government's policies for sustainable development. A core planning principle of this framework is to conserve heritage assets in a manner appropriate to their significance (para.17). When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation. The more important the asset, the greater the weight should be. It explains that the significance of a heritage asset can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Para. 132). Paragraphs 133 and 134 explain that any harm would have to be justified by public benefits that clearly outweigh that harm.

NPPF paragraph 129 advises that the effect of a proposal on the particular significance of a heritage asset must be assessed "including by development affecting the setting of a heritage asset". The NPPF goes beyond the requirements of the 1990 Act to preserve the setting of heritage assets, and encourages local authorities to seek opportunities for new development to enhance or better reveal their significance (Para. 137).

Sunte House has been the subject of a recent appeal decision which is considered material to the consideration of this application. A scheme for 15 units on land to the south of Sunte House was dismissed in August 2014 (APP/D3830/A/14/2216410). In his decision letter the Inspector made the following assessment:-

"Sunte House was historically associated with a country estate. At the hearing there was discussion about whether this should be described as "parkland" or "agricultural land". To my mind little turns on this distinction. The key point is that the house was set within an extensive land holding. The open character of the appeal site, together with the screening effect of the surrounding trees, creates separation between the house and the 20th century suburban development to the south. The Council argued that the fact that much of the former land holding has been developed increases the importance of that which remains, rather than diminishing it as the appellant suggested. I share the Council's view on this point.

I consider that the open nature of the appeal site is an important part of the historic context of Sunte House. The appeal scheme would introduce a significant amount of built development into the site which would change its open rural character to that of a low density residential housing estate. An important part of the context would be lost, resulting in harm to the setting of the heritage asset. Moreover, the proposals would bring residential development close to the southern boundary of the formal gardens, significantly eroding the sense of rural isolation that currently exists. In my view the appeal scheme would result in considerable harm to the setting of Sunte House. This would result in appreciable harm to the special interest of the listed building and to its significance as a heritage asset.

I agree with the Council and the appellant that, in the terms of the Framework the degree of harm to the significance of Sunte House would be "less than substantial harm". However, this is not to say that the harm would be minor or unimportant. The Framework makes clear that heritage assets are an irreplaceable resource. Moreover, there is a statutory duty to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission¹. In this case I have regard to the particular importance of Sunte House as a Grade II listed building. For all these reasons, I attach considerable importance and weight to the harm to the setting of Sunte House which would result from the appeal scheme."*

The Inspector concluded that the proposal would result in considerable harm to the setting of Sunte House and some harm to the setting of Wickham Farmhouse, he attached considerable importance and weight to the harm to the settings of these listed buildings. In both cases the harm to the significance of the asset would be "less than substantial" in the terms of the Framework and therefore the harm had to be balanced against the public benefits. In conclusion, even taking into account the delivery of housing against a lack of five year supply and improvement to surface water drainage the Inspector found that the public benefits were not sufficient to outweigh the harm to the designated heritage assets.

As identified by the previous Inspector, Sunte House was historically a country estate and much of its former land holding has already been lost to development. Unlike the previous application the current proposal removes all development apart from access and emergency access from Birchen lane from the southern field adjacent to Sunte House. The southern field will be screened from the development by an existing tree belt which can be strengthened (albeit it is noted that screening will be lessened in winter).

With the refused application both the applicants own Heritage report and Historic England agreed that the proposal would result in less than substantial harm to the setting and significance of Sunte House. The applicants have assessed the current proposal as preserving the setting and significance of Sunte House.

As with the last proposal the application has been considered in detail by Historic England. Historic England has confirmed that their original concerns arose because the previous scheme resulted in the loss of the last remnant of the wider countryside that could be appreciated from the asset. In their previous comments they suggested that the worst impact could be mitigated, to some extent by removing all built form from the southernmost field. They considered that the remaining field parcels to the north were screened by well developed belts of trees and hedgerows and by removing development from the southern field the rural experience of the approach to Sunte House and its connection to the wider landscape would be maintained.

Historic England has advised that the current masterplan proposal represents a large improvement on the previous outline application in terms of its impact on the significance of Sunte House, they now consider that the residual harm has been reduced to the point that they do not object to the scheme. They have advised that careful consideration will need to be given to reducing any remaining residual harm by the use of conditions (i.e. road width and surface treatments, verges, landscaping and lighting). They also recommend that the future use and management of the southern field be controlled to ensure its natural open rural character is protected and recommend a Tree Preservation Order to the tree belts of the site in order to maintain an effective screen.

It is considered prudent to seek to control the use of the southernmost field as part of the S106

legal agreement, this will enable the LPA to ensure that the land is not used other than as a wildflower meadow and will secure this control in perpetuity. In addition it can ensure that no structures or means of enclosure are erected within the field. If permission were to be granted the LPA will also give consideration as to whether the trees are worthy of formal protection.

Officers agree with Historic England's views and consider that the harm to the significance of Sunte House is significantly reduced with the current layout. Whilst Historic England has withdrawn their formal objections to the scheme it is clear that they consider there will still be some residual harm (i.e. less than substantial) arising from the development. It is therefore necessary to consider whether according to Para 134 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

Impact on Non Designated Heritage Assets (Medieval Assart Fields)

One of the reasons for refusal of the previous application was the substantial harm to the significance of the medieval assart landscape which includes the adjacent Hollow Way (footpath 24aLR) and comprises a non designated heritage asset. The harm caused by development was not considered to outweigh the benefits of the proposal.

In an attempt to overcome the previous reason for refusal the applicants have removed all development save for the access road and emergency access from the southernmost field (the field nearest to Sunte House). In addition in order to reduce harm to the adjacent Hollow Way the number of pedestrian linkages has been reduced to one level access instead of three.

The NPPF defines a heritage asset as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It defines the historic environment as 'all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.'

A Non Designated Heritage Asset is defined within the National Planning Policy Guidance as "buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets."

The Sussex Historic Landscape Characterisation (HLC) survey categorises Birchen Wood as ancient semi natural assart woodland of Medieval origin and the fields around as medieval assart. Whilst the three main field parcels would be retained as part of the proposals the erection of 40 dwellings on the two northern fields would lead to large buildings, enclosure, cultivated gardens, hard standings parked cars and domestic paraphernalia within the areas subdivided by remaining hedgerows. The character of the fields would be lost, replaced with a residential estate and users of the adjacent Hollow Way would experience built development for part of its length rather than the current tranquil countryside setting.

The Council's Archaeological Consultant considered the applicants initial desk based evaluation report and advised as follows:

"As the revised proposal does allow (largely) for the retention of the boundaries in question, the proposed development will result in a less direct impact on their continued survival. However detrimental impact is still proposed, and the long-term attrition caused by opening the site up to habitation might be extremely detrimental. I would therefore recommend that in order

to assess whether the principle of development should be accepted on the site, additional information is required about the character and significance of the features and their archaeological and landscape context."

The applicants have provided a further Archaeological Evaluation Report which included on site trial trench evaluation. Possible archaeological features were found in eleven of the trenches, primarily in the north half of the site, these findings are discussed within the reports in more detail. The local residents group has also commissioned their own Archaeological Consultants report on the site. The Council's Consultant has considered the reports and provided the following response:

"The lack of pottery or other dateable finds across the site, make it difficult to begin to associate particular features with specific periods or to each other; the results of outstanding scientific dating may clarify such matters. Based on the information available, (with the possible exception of the potential former hollow way), the archaeological remains do not appear to be associated with the use of the site as former assarted medieval fields. Nonetheless the archaeological features identified are likely to be of significance locally, and have the potential to contain important information related to the pre-Medieval landscape of the Weald. In accordance to the Iron Age research agenda any evidence related to early Iron Age iron working in the area is of particular significance and archaeological interest regionally. As any such remains will be largely destroyed by the current proposals, further archaeological work will be required."

The archaeological remains found as part of the trenching are not of a standard which would necessitate them to be preserved in situ and therefore in accordance with Para 141 of the NPPF further archaeological work can be required by condition to record and enhance understanding of the asset prior to loss.

The Council's Consultant has recognised that the proposal will have an indirect impact on the appreciation of the overall remnant medieval landscape. The landscape and localised areas of assarted fields provide the context for the historic occupation at Wickham Farm and Sunte House and although constrained by the built-up edge of Haywards heath, the golf course to the north and the railway to the west, it is an important historic landscape survival. However it is noted that the impact can be partially offset by an increased understanding of the features and a programme of recording. This could include an information board which would enhance residents understanding of the historic landscape features and would be required via a planning condition.

Officers consider that the adverse impact on the historic landscape has been lessened by the removal of development from the southern field and the reduction in links to the Hollow Way however the impact cannot be wholly overcome given two fields will still be developed. Paragraph 135 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is considered in more details in the planning balance section of the report.

Impact on Ancient Hedgerows

Policy C6 of the Local Plan advises that *"development resulting in the loss of woodlands, hedgerows and trees which are important in the landscape, or as natural habitats, or*

historically, will be resisted." Policy DP36 of the Draft District Plan follows a similar vein.

In order to facilitate access into the field via Gatesmead the proposal will result in the removal of two sections of double hedgerow which run for 53m along the eastern boundary between the site and Gatesmead, these Hedgerows are identified as H1 and H2 within the Tree report. Hedgerows, like trees, can make an important contribution to the character of an area and may be historically (and occasionally archaeologically) important as indications of land use and previous ownership. They also contribute significantly to biodiversity

Local residents have raised concerns that the hedgerow constitutes an 'important hedgerow' under The Hedgerow Regulations 1997 and the County Ecologist (and Archaeologist) requested the matter be given further investigation. In response the applicants have provided formal assessments of the hedgerows against the archaeological and ecological criteria presented within the Hedgerow Regulations 1997.

The applicants further ecological report concludes that *"Neither hedgerow would be classified as Important under the Hedgerow Regulations 1997 on ecological grounds. Nevertheless, the hedgerows are species rich and are a valuable habitat within the Site, hence being evaluated as Site importance. The loss of approximately 6m of the hedgerows is not assessed as being of significance when the extent of hedgerows within the overall Site is considered. The report goes on to advise that 'The implementation of the landscape strategy would more than offset the loss of this small section hedgerow. The loss of connectivity by the removal of approximately 6m through the construction of the access road is not considered a major issue as the hedgerow is already breached by existing accesses at its southern end'.*

The local residents have questioned the report, they consider a more detailed survey should be carried out, in particular they question the measured length of the hedge, the number of woody species present and the presence of a raised bank.

The Archaeological report considering the hedgerow has identified that the western hedgerow would be defined as 'important' in the 1997 Hedgerows Act because the section of hedgerow to be removed is identified on a map predating 1845. Originally the two hedgerows would have formed a double parallel hedgerow either side of a farm track now largely overgrown. The report finds the western hedgerow (53m long) to be late Medieval or early post Medieval origin and the eastern hedgerow to be of similar age but is now only a relic being principally comprised of planting which forms boundaries to properties in Gatesmead.

The proposal results in the new access crossing a section of the former track which is 6m wide. The identification of a hedgerow as 'important' under the 1997 Hedgerow Regulations does not mean that it is a 'designated heritage asset' within the meaning of the NPPF, the Regulations are a notification mechanism for prior removal. The report concludes that the 'important' hedgerow is a non designated heritage asset of low significance, some 88 percent of the hedge will remain in situ and its loss can be satisfactorily mitigated by the use of a planning condition requiring the preservation of the remains by record at an appropriate stage in the development process. Consideration could also be given to replanting/filling in the gap in the eastern hedgerow and clearing the historic farm track to enable its historic context to be better understood.

Para 135 of the NPPF advises that *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the*

significance of the heritage asset.

The Councils Archaeological and Ecological Consultants have considered the evidence put forward by both the applicants and by third parties in respect of the important hedgerow. In respect of Archaeology the Consultant has advised that the proposed 6m removal will not have a significant adverse impact on the Historic Asset overall as both the majority of the hedgerow itself and the overall boundaries of the assarted fields will be largely preserved. In terms of biodiversity and wildlife habitat, the Consultant concludes that the loss of a 6m section is not significant when the overall extent of hedgerows within the site is considered, and subject to securing measures as a condition of planning consent, the ecological impact on the hedgerow is capable of being mitigated and compensated for in accordance with the requirements of para 118 of the NPPF.

In summary the proposal will sever an existing historic trackway and result in the destruction of a small section of important hedgerow. The harm to the non designated heritage asset must therefore be weighed against the benefits of the scheme under Para 14 of the NPPF.

Effect on neighbouring amenity

Policy B3 of the Local Plan aims to protect amenity, this is consistent with Para 17 of the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings.

As this application only seeks permission for principle and access it is difficult to examine relationships with existing residents at this stage. The nearest residential properties are those in Birchen Lane, Gatesmead and Brook Lane to the east. The parameter plan indicates that existing trees and the double hedgerow along the eastern boundary with Gatesmead and Birchen Lane would be retained (apart from works to secure vehicular access) and there would be supplementary planting (10m deep) and a no development area on the eastern boundary of the middle field parcel where it abuts Brook Lane properties. To the northern field parcel properties in Brook Lane would be separated from the development by a no build zone and an ecological buffer some 20m deep.

At present the boundary treatment to the rear and side of properties varies between close board fences, hedges and some properties having a more open boundary (i.e. post and rail fences). It is considered that acceptable back to back distances are achievable from a privacy perspective.

A number of objections have been raised that the new dwellings would be on raised ground relative to the existing properties, however given that this is an outline application without details of exact house position and existing and proposed levels it is not possible to assess the individual impacts, such matters would be considered in more detail as part of any reserved matters application.

The proposal would alter the near views in particular for residents who back onto the site. These residents currently enjoy uninterrupted views across the site to the woodland and this would ultimately change to a view of an urban development, the character of the area would also change from that of tranquil countryside to a more urban environment. It should be noted that there is no 'right to a view' within the planning system. However the illustrative plans indicate that existing trees would be retained and enhanced and careful consideration of layout at reserved matters stage should ensure that the amenity of the existing residents is not compromised to a significant or harmful degree.

Given the current undeveloped greenfield nature of the site activities associated with a new residential development will be noticeable by existing occupiers who abut the site, such as car lights, increased lighting, more noise and activity. However, this is a residential development and would only introduce activities that are identical to those that already occur in the immediate vicinity. Existing residents in Gatesmead and Birchen lane would obviously experience a greater amount of traffic down these residential roads which are currently lightly trafficked. Properties in these roads are generally large dwellings set back from the road within their own plots with in curtilage parking; it is not considered the proposal will result in a level of noise or disturbance which would be significantly harmful in this built environment.

Concerns have been raised regarding the disruption during the construction phase. Whilst this is noted any major building site will cause some inconvenience to nearby residents however impacts can be managed and mitigated by the use of planning conditions restricting hours of construction and Construction Management Plans covering issues such as contractor parking and noise/dust emissions.

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).

Paragraph 118 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [such as]:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh its loss."*

Local Plan policy C5 requires proposals for development to minimise their impact on features of nature conservation importance.

As with the previous application a number of local residents have raised concerns regarding the impact on local wildlife and protected species. The application was submitted with an Ecological Impact Assessment which includes surveys in relation to reptiles, amphibians, badgers, bats and dormouse. The report provides detailed information on surveying and proposes mitigation and enhancement both during and after construction.

The report identifies and concludes that a small population of two reptile species, slow worm and grass snake, were identified within the site, as was a single dormouse nest. A more or less typical bat species assemblage was encountered within the site, associated with the woodland areas. No evidence of great crested newts or badger was encountered throughout the surveys.

The development proposal has sought to minimise its impact upon the ecological resource, with the vast majority of the development being restricted to the species poor, semi improved grassland areas. The landscape strategy for the site seeks to create numerous new, high valuable habitats including new waterbodies, species rich wet meadow, species rich dry meadow and woodland edge grassland, scrub habitat and standard trees. Hibernacula for reptiles and amphibians will also be constructed and a translocation strategy will be implemented.

The proposal provides for a suitable standoff from the ancient woodland, ecological networks remain intact and ecological enhancement is proposed. No objections were raised to the previous scheme on the basis of ecology or impact on wildlife. The report and representations by local residents has been considered by the Councils Consultant Ecologist who has raised no objections to this element of the scheme. With regard to the National Planning Policy Framework and the Habitat Regulations 2010 (as amended) there is no ecological objection to the principle of the proposed development subject to the imposition of suitably worded conditions.

Drainage

Paragraph 103 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

Policy CS13 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained.

The West Common Stream watercourse flows in an easterly direction, crossing the site approximately at the centre. In addition, there is a ditch on the northern part of the site which runs towards the watercourse through the woodland area of Birchen Wood. The majority of the development would fall within flood zone 1, only the bridge proposed to cross the watercourse would fall within a flood zone 2 and 3. Some areas of the site (mainly confined to the corridors of the watercourse) are currently susceptible to surface water flooding, bunding or land re profiling will be required within the final design to ensure features are not susceptible to overland pluvial flows and ponding.

The applicant's reports indicate that the use of Sustainable Urban Drainage (SUDS) will ensure that run-off rates from the development will be restricted to existing Greenfield run-off rates for the site thereby not impacting on downstream flood risk. Due to the underlying geology of the site (Clay) the use of soakaways and infiltration techniques have not been considered, instead three SUDS catchment areas have been identified and surface water will be drained into either open space SUDs basins or below ground attenuation tanks, further details would be provided at reserved matters stage.

As with the previous application there has been substantial opposition to the scheme based on flood risk. Local residents are concerned that the proposal will increase flood risk both on the

site and for neighbouring properties and also increase flood risk downstream.

With the previous application the Council commissioned Consultants to consider the detailed technical information put forward. This application proposes fewer dwellings on site and development is only now proposed in 2 fields, therefore the amount of hard surfacing and roadways is less. The Council's Consultants concluded that whilst some detailed matters were unclear they were satisfied that matters could be dealt with by planning conditions, no reason for refusal was added to the refused scheme relating to drainage and the Council will not be defending a reason for refusal based on flooding at the public inquiry (although third parties are likely to bring their concerns to the attention of the Inspector).

It is noted that the Council's Drainage Engineers are meeting with the Environment Agency shortly with a view to looking at the site and assessing its ability to provide possible flood risk reduction, over and above what has already been put forward by the developer. However as this is an outline application with all matters reserved apart from access all that needs to be demonstrated at this stage, given the historical problems of flooding on the site and downstream, is that it would be feasible to develop the site in the manner proposed, without placing future residents at risk, or increasing the risk of flooding elsewhere, details of how this will be achieved would be considered at a later date. Given the outline nature of the proposals and the description of development being 'up to 40 units' there would be scope as part of any reserved matters scheme to alter/adjust the layout or reduce the number of dwellings in order to ensure that there is sufficient storage space on site and the layout is sufficiently flood resilient.

Sustainability / Energy Demand

The National Planning Policy Framework was published in March 2012. Paragraph 93 states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

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

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

Policy B4 of the Local Plan require all new development proposals to maximise opportunities for efficient use of energy, water and materials and use of natural drainage.

The applicants have submitted a Sustainability Statement which includes an Energy Strategy that demonstrates that climate change mitigation measures are included within the scheme. Enhanced fabric standards of homes will reduce emissions by approx. 9 percent of total emissions. A number of low carbon and/or renewable technologies are considered appropriate, these are solar hot water heating panels, photovoltaic panels, flue gas recovery systems and wood burning stoves.

It is considered that the report demonstrates compliance with Policy B4 of the Local Plan and the NPPF. Further consideration of details would be expected at Reserved Matters stage.

Infrastructure / Affordable Housing

The National Planning Policy Framework 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 unacceptable impacts through a planning condition."

and:

"Planning obligations should only be sought where they meet all of 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 for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured 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 as set out above.

County Council Contributions:

Education - Primary £130,990
Secondary £140,976
Libraries - £12,148
Fire and Rescue 2 - Fire Hydrants TBC
TAD £121,486

District Council Contributions (based on average occupancy in accordance with the SPD)

Play Equipment : On site LEAP
Formal Sport £39,824 St Francis Sport site, Haywards Heath
Community Buildings £17,299 Haywards Heath. (Clair Hall)
Local Community £22,128 (Provision of Country Park off Hurstwood Lane, public toilet provision at Lindfield Common, allotment provision within Lindfield).

The applicant is proposing a development of 40 dwellings giving rise to a requirement for 12 affordable housing units (30 percent). The affordable mix comprises 4 x 2 bed flats, 4 x 2 bed houses and 4 x 3 bed houses. This mix would meet a range of housing needs. 4 of the units will be available for shared ownership, reflecting current policy and these will be 2 x 2 bed houses and 2 x 3 bed houses. In terms of integration, the illustrative layout does not meet the requirements set out in the SPD. The market units are all shown as being either detached or semi-detached 3-4 bedroom dwellings, in contrast all the affordable units are lumped together in a single cluster and are either terraces or apartments. Any reserved matters application

should demonstrate improved social integration by adhering to the clustering policy of no more than 10 affordable units per cluster with market units in between and the affordable housing should be tenure blind (i.e. not appear physically different in design compare to the market housing). An informative can be added to any consent making it clear that this aspect of the layout would be unacceptable.

In terms of market housing the indicative mix is for all 3 or 4 bedroom units, ideally some smaller units would be more appropriate to meet overall need, however given the character of the surrounding development (low density large detached dwellings in large plots) it is considered that a scheme of fewer larger units set within individual plots would be preferable to a larger number of smaller units introducing more terraces and apartments into the layout. The final layout and mix would be a matter for any reserved matters application.

A significant number of representations have raised concerns in relation to localised infrastructure capacity (i.e. local school capacity, healthcare infrastructure, train overcrowding, parking availability within the town centre etc.). In response to concerns regarding school capacity WSCC are seeking contributions for primary and secondary education. NHS Sussex was consulted on the previous application for 48 units and raised no objections. It should be noted that developers can only be required to make infrastructure contributions to mitigate the impact of their own development. They cannot be required to remedy any existing infrastructure deficiencies.

Whether the proposal would be sustainable development

As outlined above, the NPPF 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, constitutes 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

The proposed development would result in the creation of construction jobs during the build period. The additional population would help generate spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding, as well as additional Council Tax receipts. The proposal satisfies the economic dimension of sustainable development.

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 40 new dwellings including 12 affordable units will make a useful and positive contribution to the district's housing supply and will help meet the identified need for housing including that for additional affordable homes. Due to the location of the site close to the built-up edge of Haywards Heath where there are a number of services, it is considered that the location of the site is suitable.

The proposal satisfies the social dimension of sustainable development.

ENVIRONMENTAL ROLE

The proposed development is on land that is free from national designations however the development is identified as causing a degree of harm to both designated and non designated heritage assets. There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. When considering impacts of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. In the case of non designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Balance and Conclusions

As the Council is unable to currently demonstrate a five year supply of deliverable housing land it follows that the relevant policies for the supply of housing are not up to date (paragraph 49 NPPF). In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The impacts and benefits are listed below.

Benefits:

- Housing delivery
- Affordable housing
- New Homes Bonus and associated economic benefits
- Sustainable site location

Neutral Impacts

- Infrastructure - (developer contributions in accordance with SPD to mitigate impact).
- Neighbour Amenity - (to be assessed at Reserved Matters)
- No harm to protected species, some loss of habitats but scope for enhancement/mitigation.
- Access achievable and deliverable without harm to highway safety, capacity in existing network.
- Site could be developed without placing future residents at risk of flooding or increasing flood risk elsewhere (subject to detailed design at REM stage)

Adverse Impacts

- Residual harm to the significance of Sunte House Grade II* Listed Building
- Impact on medieval landscape and loss of 6m section of ancient hedgerow
- Harm to tranquil and rural character of Hollow Way

The balancing exercise required under Para 14 is not a simple exercise of counting up the benefits against the adverse impacts. The weight to be given to each issue is also an important factor. Some of the above are generic impacts or benefits which would be expected for any development of this scale on a greenfield site whereas other impacts and benefits are more site specific and it is these which ultimately determine whether this site is considered to

be suitable and the development sustainable within the meaning of the NPPF. In addition when considering the impact on Sunte House in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the setting of the listed building should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise.

The provision of market and affordable housing would represent a significant benefit. The impacts to wider infrastructure provision, ecology, flooding and highway safety can be satisfactorily mitigated through either conditions or an agreed S106 Obligation.

The proposal is recognised as causing less than substantial harm on the designated heritage asset of Sunte House which is Grade II* Listed. However the impact is significantly lessened in comparison to the appeal scheme and it is recognised that planning conditions can be used to further mitigate any harm. No objections are raised to the scheme by Historic England.

The landscape here is not formally designated in any way, but it has historic medieval character of local importance. The impact on the historic landscape character is reduced in comparison to the appeal scheme and further investigation on site has indicated that below ground archaeological remains are not of a standard to necessitate preservation in situ. Whilst the loss of the two northern land parcels will result in harm to these assarted fields the retention of the southern field and preservation of the adjacent Hollow Way ensures that the relationship of the medieval landscape with Sunte House to the south can still be understood. The loss of a 6m section of important hedgerow will not have a significant impact on the historic asset overall, planning conditions can be used to mitigate impacts and in accordance with Para 141 of the NPPF further archaeological work can record and further enhance understanding of the landscape prior to the loss. No objections are raised to the scheme by the Councils Archaeological Advisor.

In summary given the reduced harm to both designated and non designated heritage assets now identified and the lack of objections from Historic England it is considered that the balance now tips in favour of granting permission for the scheme. Subject to the use of a S106 Legal Agreement to secure affordable housing and infrastructure and to control the use of the southern field, and the use of planning conditions to mitigate for ecological and archaeological impacts it is considered the adverse impacts to the setting of the listed building and the historic landscape would not on their own significantly and demonstrably outweigh the benefits of the scheme (even when given considerable importance and weight in accordance with S66(1) of the 1990 Act) . The proposal is therefore recommended for approval.

APPENDIX A - RECOMMENDED CONDITIONS

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date

of approval of the last of the reserved matters to be approved.

2. No development shall take place, including any works of demolition, until a Ecological Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall include, but not be limited to the following:-
 - a wildlife protection and mitigation plan and method statement setting out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction;
 - drainage and pollution prevention details sufficient to demonstrate that there will be no adverse impacts on the ecology of watercourses;
 - a habitat enhancement and management plan to offset any unavoidable impacts (specifically the loss of hedgerow to provide for site access) and to contribute more generally to the conservation of biodiversity in the area
 - protection of trees, hedgerows and woodland during the construction period.

The approved plan shall be adhered to throughout the construction period. If there is a delay of greater than 24 months between the submission of a reserved matters application and the date of the ecological surveys submitted in support of this application, an updated survey report shall be submitted to support the reserved matters application.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF, policies C5 and C6 of the Local Plan, policy DP36 & DP37 of the pre submission District Plan.

3. No development shall take place until a Bat Sensitive Lighting Scheme has been submitted to and approved in writing by the Local Planning Authority. Lighting shall be designed to face away from, and minimise light spill onto, the woodland edge and hedgerows. The development shall be carried out in accordance with the approved scheme.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species, in accordance with policies C5 of the Local Plan and policy DP36 & DP37 of the pre submission District Plan

4. The details submitted in respect of layout pursuant to Condition 1 shall provide for a buffer of at least 15m between the development and the edge of Birchen Wood. If surface water attenuation areas are to be provided within the minimum buffer zone, these shall not be located within the root protection area of any tree.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF, policies C5 and C6 of the Local Plan, policy DP36 & DP37 of the pre submission District Plan.

5. No development shall take place until a Landscape & Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the management of open space; the protection of trees, hedgerows and woodland including any area of trees and hedgerows associated with the medieval assart field boundaries; and mitigation measures for protected species including badgers, bats and reptiles based on recent surveys of those species.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF, policies C5 and C6 of the Local Plan, policy DP36 and DP37 of the pre submission District Plan and policy E6 of the Haywards Heath Neighbourhood Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Pre-Submission Draft District Plan (2014 - 2031) and Policy E11 of the Haywards Heath Neighbourhood Plan.

7. The details submitted in respect of landscaping pursuant to Condition 1 shall include details of a LEAP of 400sqm, and particularly of its layout, drainage and fencing. Details shall also be provided in respect of the timetable for the completion and future management & maintenance of the play area (LEAP), including details of the management company and maintenance schedules. The Plan shall be implemented as approved and the approved play area(s) shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy R3 of the Mid Sussex Local Plan, Policy DP22 of the Pre-Submission Draft District Plan (2014 - 2031).

8. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the buildings they enclose are first occupied. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the appearance of the area and neighbouring amenities and to accord with Policies B1 and B3 of the Mid Sussex Local Plan, Policy DP24 of the Pre-Submission Draft District Plan (2014 - 2031).

9. The development hereby permitted shall not commence unless and until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy E8 of the Haywards Heath Neighbourhood Plan.

10. The development hereby permitted shall not commence unless and until details of the proposed surface water drainage have been submitted to and approved in writing by

the local planning authority. Before details of the surface water drainage works are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No buildings hereby permitted shall be occupied until foul and surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy E8 of the Haywards Heath Neighbourhood Plan.

11. 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 Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:
- a timetable for the commencement, construction, occupation and completion of the development
 - the anticipated number, frequency and types of vehicles used during construction
 - the method of access and routing of vehicles during construction and directional signage for the purposes of such
 - the siting and layout of site compounds and welfare facilities for construction workers
 - the provision of parking of vehicles by site operatives and visitors
 - the provision for the loading and unloading of plant, materials and removal of waste
 - the provision for the storage of plant and materials used in construction of the development
 - the design, erection and maintenance of security hoardings and other measures related to site health and safety
 - 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 to protect existing neighbouring properties from dust and noise emissions
 - a noise management plan, to include consideration of vibration from

construction work including the compacting of ground

- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy B3 of the Mid Sussex Local Plan, Policy DP24 of the Pre-Submission Draft District Plan (2014 - 2031).

12. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan, Policy DP24 of the Pre-Submission Draft District Plan (2014 - 2031).

13. No dwelling shall be occupied until covered and secure cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the Pre-Submission Draft District Plan 2014 - 2031 and Policy T2 of the Haywards Heath Neighbourhood Plan.

14. No dwelling shall be occupied until such time as the vehicular accesses from Gatesmead and the emergency access from Birchen Lane have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to accord with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Pre-Submission Draft District Plan 2014 - 2031 and Policy T1 of the Haywards Heath Neighbourhood Plan.

15. No dwelling shall be occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Pre-Submission Draft District Plan 2014 - 2031 and Policy T1 of the Haywards Heath Neighbourhood Plan.

16. No dwelling shall be occupied until any parking spaces, garages and turning areas associated with them have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter, the parking and turning areas provided shall not be used for any purpose other than the parking and

turning of vehicles.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Pre-Submission Draft District Plan 2014 - 2031 and Policy T1 of the Haywards Heath Neighbourhood Plan.

17. No dwelling shall be occupied until the refuse and recycling storage facilities serving the dwelling have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenity of the locality in accordance with policies B1 and B3 of the Local Plan and policy DP24 of the pre submission District Plan.

18. No development shall take place within the site (or within an area of archaeological interest identified within any written scheme of investigation) 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.

The report shall give consideration to the replanting of the eastern hedgerow and clearance of the historic farm track and the addition of an interpretation board within the site or on adjacent land explaining the sites historic (archaeological) context and relationship with Sunte House.

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

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 Pre-Submission Draft District Plan (2014 - 2031) and Policy E11 of the Haywards Heath Neighbourhood Plan.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result

from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

4. 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.
5. During construction where contamination of the soil is found, or suspected, all works shall stop in that area and the Local Planning Authority are advised immediately. Works shall not proceed until a scheme detailing the risk from the contamination and the method by which the risk will be eliminated, has been submitted to, and approved by, the Local Planning Authority. Works shall then proceed in strict accordance with the scheme approved by the Local Planning Authority.
6. You are advised that the illustrative site layout as indicated on layout as shown on Drg No.501 Rev 23 is unlikely to be supported by the LPA at reserved matters stage. You are advised to consider the detailed comments of the Councils Housing, Leisure and Urban Design Officer's with regards to future layout proposals.
7. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	501	23	19.08.2015
Site Plan	507	5	19.08.2015
Location Plan	500	7	19.08.2015
Site Plan	505	8	19.08.2015
Parking Layout	508	5	19.08.2015

Site Plan	506	12	19.08.2015
Site Plan	507	5	19.08.2015
Site Plan	503	4	19.08.2015

APPENDIX B - CONSULTATIONS

Ecology - Mike Bird

Recommendation

Further information is required in respect of the double hedgerows along the eastern boundary to enable proper assessment against saved local plan and NPPF policies for biodiversity conservation. This should include a full assessment against the criteria of the Hedgerows Regulations 1997. Whilst outside of the remit of ecology, such an assessment may also be of value to the local planning authority in considering historical /heritage aspects of the proposal as the Regulations include criteria for archaeology and history as well as and wildlife and landscape.

In respect of other ecological implications, I am of the view that significant impacts can be avoided or sufficiently mitigated, subject to securing appropriate measures via planning condition, for the proposals to be considered compliant with biodiversity planning policies.

Detailed comments

The double hedgerows along the eastern boundary constitute a Habitat of Principal Importance in England, as listed under Section 41 of the NERC Act 2006. Furthermore, the presence of five woody species, as listed in the applicant's supporting ecological report [1], implies enhanced value as there is typically a correlation between the number of native woody species a hedgerow contains and its age (other than of course for more modern conservation plantings). The ecological report acknowledges that the species richness is of significance and assesses the hedgerows to be of 'site importance'. In addition, the hedgerows may also qualify as 'Important' under the Hedgerows Regulations 1997, as suggested by an objector. The supporting ecological report suggests that they are unlikely to meet any of the criteria as 'Important', but if this is the case, it should be substantiated with sufficient survey information and assessment against the criteria. Whilst the statutory requirement to assess hedgerow loss against the Regulations is only triggered by a hedgerow removal notice and a planning consent requiring access through a hedgerow would override this requirement, such an assessment would, nevertheless, help to determine the value of the hedgerow, as suggesting in best practice guidance [2]. Indeed, because planning consent would override the need for a removal notice, it is particularly important that such an assessment informs the determination of planning applications.

Para. 118 of the NPPF states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. It further states that 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats' unless the need for, and benefits of, the development in that location clearly outweigh the loss'.

An assessment against the Hedgerows Regulations will enable a more thorough assessment against this policy than is possible from the limited information provided.

Heritage Consultations - Surrey County Council

The application site is large, and as such has the potential to contain previously unknown below ground heritage assets. The area has also previously been identified as being comprised of remnant medieval assart fields. Therefore I am pleased to note the applicant has submitted an Archaeological Desk Based Assessment in support of this application. The Assessment, produced by CgMs consulting, is not particularly detailed however, and provides an industry-compliant but lacking in detail examination of the impact of the development on the archaeological and landscape resources of the site. It concludes by suggesting that the site is identified as having low archaeological potential, and that the proposed development is unlikely to have a significant archaeological impact.

I have some points of concern with the assessment. Of particular note:

' The Assessment has reached its conclusions on the archaeological potential on the site based on the fact that there are no or few sites or finds of a particular period listed on the Historic Environment Record (HER) within the vicinity. There is not satisfactory discussion of the fact that the HER is only a record of known features and reported discoveries. It can, therefore, only be used to confirm the presence of archaeology, not absence. There has not been any significant archaeological research conducted in the vicinity of this site, and it's therefore unsurprising that the HER provides little information. In my opinion the archaeological potential of the site should be more accurately be categorised as 'unknown'.

' The opportunity has not been taken to investigate and assess the current state of the alleged medieval assart field boundaries. Only one modern aerial photograph was included, but comparison with former aerial photographs may have been useful. No photographs from a site walkover have been supplied to illustrate the boundaries or site in general. In addition, a topographic survey of the site and/or results of LiDAR survey would have provided a far better idea of the present character and survival of these as possible heritage assets, thus clarifying the point below in the process.

' The presence of medieval assart boundaries are referred to within the text along with the suggestion that the current field boundaries do not correspond to such historic boundaries. As suggested within the document itself this dispute is based on discrepancies in historic mapping which are more likely to be related to imprecision of the maps rather than any chronological boundary changes. It should not therefore be confidently assumed that the current field boundaries are different to (and therefore by definition presumably less significant than) extant medieval boundaries surviving in the landscape. The assessment has also outlined (Appendix 2) that a large number of similar assart fields survive in the surrounding area - but has not carried out a comparative analysis of these to place the features under consideration here in the correct context within this heritage landscape.

' The Assessment has made only a limited attempt to examine the impact of development in

this area on the significance of the landscape features and the potential buried archaeology of the site. I am pleased to note that the application overall proposes to largely retain the surviving field boundaries in place, but I cannot (from this assessment) determine with any real satisfaction whether or not these boundaries are of such significance that their setting and wider context also requires consideration, or whether or not there is likely to be archaeological survival within the fields themselves that contributes to their significance. As the significance of the features remains debatable, I am also unable to determine whether the proposals for breaching the boundaries to provide access to the development areas are acceptable, and whether or not development of this site will have long-term impacts on the heritage of the area caused by the additional access and maintenance issues of a new development being built here.

For these reasons, I do not agree with the conclusion of the assessment that the potential of the site should be considered to be "low", or that the development is likely to have only a limited impact. Whilst it is the case that the previous ploughing of the site and apparent lack of settlement in the historic period might lead to an expectation of less dense sequences of below-ground archaeological deposits being present, it is also clear that extant features above ground of archaeological significance do survive, and that these require additional consideration. As the revised proposal does allow (largely) for the retention of the boundaries in question, the proposed development will result in a less direct impact on their continued survival. However detrimental impact is still proposed, and the long-term attrition caused by opening the site up to habitation might be extremely detrimental. I would therefore recommend that in order to assess whether the principle of development should be accepted on the site, additional information is required about the character and significance of the features and their archaeological and landscape context.

In line with the advice given in the Mid Sussex Local Plan saved policy B18, I would recommend that further investigation of the archaeological significance of both the assart boundaries and the site is required prior to determination of this application. This investigation should take the form of a topographical survey (including LiDAR information at an appropriate resolution) of the area, to examine the nature of the boundaries and their possible interrelationships with the surrounding landscape. I would also recommend that the assart fields need to be investigated in the context of the wider landscape: Appendix 2 of the assessment indicates that there is considerable survival of similar features within the surrounding area, leading to an assumption that their loss or alteration might be acceptable - but there is no commensurate assessment of the quality or extent of any other similar features which might support this conclusion. If the heritage significance of these fields is to be diminished through development, then the applicant needs to provide additional information justifying the decision. If these are the best surviving examples, such proposals might be considered unacceptable. Alternatively, if they are denuded and of compromised significance with markedly better examples surviving elsewhere, development in the area and appropriate management in the future might be considered reasonable. I would further recommend that more conventional archaeological evaluation of the threatened fields is also required to support the assumption that the potential here is "low" - the complex nature of the underlying geology suggests this might best be accomplished through trial trenching, but geophysics followed by targeted trenched investigations might also be appropriate and this can be discussed further if necessary.

Should the planning authority be minded to accept the principle of development on this site now and grant permission for the proposals prior to the results of the recommended evaluation and further study of the site, I would strongly recommend that the following condition be applied to any decision, to ensure that the issues I have raised, and any future archaeological

mitigation measures that might be required, can be secured:

'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: To ensure that the archaeological significance of the site can be appropriately investigated, and any finds or features of archaeological significance can be recorded and removed prior to their damage or destruction during the development process."

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 assart boundaries during the development, and their long-term preservation and management following the completion of any works and the occupation of the site in the future.

Please note that these comments are made from the perspective of below ground archaeology only. As discussed in the Heritage Assessment the site lies within the setting of the grade II* listed Sunte House and as such Historic England should be contacted for comments on the implications of this development.

ENVIRONMENT AGENCY

The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following two planning conditions are included:

Planning Condition 1 of 2

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2015 and the following mitigation measures detailed within the FRA:

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority (LPA).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

Limiting the surface water run-off generated by the 1 in 100 year critical storm event, plus 30 percent allowance for climate change, so that it will not exceed the run off rate from the undeveloped site and not increase the risk of flooding off-site. With the exception of the bridge cross the proposed development site is located entirely with Flood Zone 1.

Planning Condition 2 of 2

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year event plus 30 percent allowance for climate change critical storm will not

exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. The peak discharge rates and together with associated control structures and their position.
2. Details of the drainage system capacity
3. Safe management of critical storm water storage up to the 1:100year event.
4. Overland flow routes for events in excess of the 1:100 (30 percent Climate change).
5. Details of how the scheme shall be maintained and managed after completion. The drainage system must be adopted or demonstrate that its maintenance will be formally established in perpetuity of the development
6. The surface water run-off should be controlled as near to its source as possible through the most appropriate sustainable drainage approach

Reason: To prevent the increased risk of flooding, both on and off site.

Having reviewed the Flood Risk Assessment (FRA), prepared by Mayer Brown, dated August 2015 and the subsequent hydraulic modelling report carried out by Edenvale Young Associates, dated January 2015, we accept the conclusions.

We ask to be consulted during the detailed design stage so that we can make further comments and recommendations, in particular on the indicative surface water strategy as illustrated in section 6 of the FRA (and appendix G) and the proposed bridge crossing.

Planning Informative

Please note that the following consent is separate to the requirement of planning permission.

Under the terms of the Water Resources Act 1991, and the Environment Agency Southern Region Land Drainage and Sea Defence Byelaw, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the West Common Stream Extension, designated a 'main river'.

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 stage I have no detailed comment to make. I was pleased to note that the Design and Access Statement included reference to the crime prevention measures being applied to the

design and layout of the development using the seven attributes of safe, sustainable places and I would anticipate being able to comment in more detail at reserved matters.

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

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 on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime and Disorder Act.

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.

HISTORIC ENGLAND

Thank you for consulting Historic England on the outline application for residential development at Birchen Lane, Haywards Heath. The previous application (Local Authority ref 14/00209/OUT) for 48 houses at this site was refused consent by the local authority and an appeal has been lodged in respect of the refused application. Alongside this a new application has now been submitted for up to 40 dwellings and associated access roads, with a revised masterplan showing the removal of housing from the southernmost parcel of the three fields of the site.

Historic England has provided extensive advice on the last two outline applications that have been submitted for housing development on this land. Our responses have focused principally on the impacts as we see them to the setting of the grade II* listed Sunte House which is located to the north of the site. In these responses we have set out the significance of this property, which relates to its historic and aesthetic qualities as a fine late 17th century country house, along with the contribution the surrounding landscape makes to that significance. This is not repeated here again but for clarity should be read in conjunction with this letter. The following response addresses the amendments that have now been made to the scheme.

Our previous letter of 16th January 2015 considered that the proposal for 48 houses would cause harm to the significance of Sunte House and its historic rural buildings as it would result in the loss of the last remnant of the wider countryside that can be appreciated from the asset. This we explained contributed to our understanding of Sunte House's original design and purpose, as well as to our perception today of it, as the principal house to a country estate, particularly as one approaches the entrance to the estate from Birchen Lane. We considered that the worst impacts of developing this land could be mitigated, to some extent, by removing built form from the southernmost field parcel where there is clear inter-visibility between Sunte House, its farm buildings and the countryside. As the other field parcels to the north of this field are screened by well-developed belts of mature trees and hedges, the removal of development from this field, we felt, would be sufficient to maintain the rural experience of the approach to Sunte House and its important connection with the wider landscape.

Since our letter of 16th January and prior to the revised application being submitted, the applicant has on two occasions asked Historic England for comments on amendments to the

layout masterplan. The first stage proposed the removal of the housing from the southernmost field parcel. Our comments on this explained that we welcomed the removal of housing from this field and considered that this significantly lessened the impact of the development on the setting and significance of Sunte House. However, we went on to explain that change in the character of the open countryside surrounding Sunte House would arise not only from the houses themselves but also as a result of the roads, fences and lighting etc. We noted that the main access road and the emergency access road would still remain within this field and in particular the proposed alignment of these would appear poorly related to the rest of the surrounding built form and to the existing pattern of field boundaries. We therefore considered that there would still be some residual harm to Sunte House. We concluded that if the applicant were to proceed with a planning application on this basis, Historic England would be unlikely to object, but our advice to the local planning authority would be to seek further amendments to improve the alignment and design of the access roads.

Further amendments again were submitted to Historic England in response to this advice and these form the basis of the current application. These have sought to reduce the impact of the access roads on the open character of the southernmost field. In this respect the length of the main vehicular access has been made as short as possible, so that on entering the field it goes immediately northwards into the south east corner of the middle field and the emergency access road has also been realigned so that it is better related to the existing field boundaries.

Historic England considers that the current masterplan proposal represents a large improvement on the previous outline applications in terms of its impact on the significance of Sunte House. As a result of this we consider that the residual harm has been reduced to the point where we do not object to the scheme.

The NPPF encourages proposals that would conserve or enhance the setting of heritage assets. Where a proposal would cause some harm to the significance of a designated asset, this should be weighed against the wider public benefits associated with the proposals (Paras. 137, 134).

We defer to the local authority to assess the full detail of the proposals in relation to national and local planning policy, and with due regard to any public benefits that would be delivered by the development. We also recommend that all ways of further reducing any remaining residual harm arising from the access roads are pursued by the local authority and controlled by conditions. This might be achieved by designing the roads to appear as rural in character as possible, by reducing their width to the minimum required and with minimal lighting and appropriate surface treatment, verges and landscaping.

The local authority will also need to consider how to control the future use and management of the southernmost field to ensure that, as much as possible, its remaining natural open rural character is protected. This could be achieved through its identification as a wild meadow area as part of the landscaping plans for the site and maintained through a management agreement with the applicant. Tree Preservation Orders should also be applied to the tree belts around the boundaries of the site, but especially so in relation to the northern belt of the southernmost field parcel in order to maintain an effective screen of the new development in views from Sunte House.

NATURAL ENGLAND (COMMENTS FROM PREVIOUS APPLICATION)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and

future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the High Weald AONB. We therefore advise you to seek the advice of the AONB Unit. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

SOUTHERN WATER (COMMENTS FROM PREVIOUS APPLICATION)

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should this application receive planning approval, please include, as an informative to the permission, the following requirement:

"The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

MSDC CONSULTANT ECOLOGIST

Having reviewed the report by Derek Finnie Associates Ltd, dated October 2015 (Ecological Assessment of a Section of Hedgerow Having Regard to the Hedgerow Regulations 1997), I note that the hedgerow affected by the proposed access road is assessed by the author not to meet any of the wildlife and landscape criteria necessary to be deemed 'important' under the Regulations. However, I note that, according to the assessment of CGMS Consulting, it does qualify under historical criteria. Whilst I note that the number of woody species present as described in the report by Derek Finnie Associates is disputed in a representation made by Dr Tyson, who states that there are at least 8 and possibly 9 species, the main significance of the species number is as a guide to aging the hedge (there is generally a correlation between species richness and hedgerow age). I note that the archaeological submissions have assessed the likely age of the hedgerow and I am not convinced that resolving the dispute on the number of species present would add anything further to the assessment as the CGMS Consulting report concludes that the hedgerow can be considered 'important' on historical grounds based on documentary evidence alone.

Apart from any landscape and heritage considerations, the age of a hedge is a factor that can contribute to its biodiversity value (to the extent that management and other influences, such as adjacent land management, have allowed long-term continuity of conditions to prevail). However, both the original and supplementary reports of Derek Finnie Associates recognise that the hedge is a valuable habitat within the site. I note that there is some discrepancy between the findings of Derek Finnie Associates and the submission of Dr Tyson with regard to the other associated features (number of standard trees and hedge bank) used in determining whether a hedgerow is 'important' under the Regulations. However, I do not consider that either of these factors would have a bearing on the consideration of biodiversity

impacts in accordance with relevant planning policies.

I would have to agree with the assessment of Derek Finnie that, in terms of biodiversity and wildlife habitat, the loss of a 6m section is not significant when the overall extent of hedgerows within the site is considered. This is on the basis that it is unlikely that the loss of such a relatively small portion would have any significant long-term impacts on any populations of notable species reliant upon this hedgerow network. Severance of habitat linkages provided by hedgerows is an additional consideration but, in this case, the distal (southerly) portion of the hedgerow is already fragmented by existing gaps, access points and curtilage. Furthermore, whilst I note that an emergency access at the southeast corner is to be maintained at the request of West Sussex County Council, there appear to be opportunities to 'gap-up' and restore other sections of the hedgerow as well as opportunities in other parts of the site to establish new habitat to help compensate for section to be removed for access.

In conclusion, it is my opinion that, subject to securing measures as a condition of planning consent, the ecological impact on the hedgerow is capable of being mitigated and compensated for in accordance with the requirements of para 118 of the NPPF. Therefore, if planning consent is granted, I would recommend the following condition:

The plans and particulars submitted in support of the reserved matters application shall include the following ecological details:

- a wildlife protection and mitigation plan and method statement setting out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction;
- drainage and pollution prevention details sufficient to demonstrate that there will be no adverse impacts on the ecology of watercourses;
- a detailed lighting plan showing measures to be used to minimise light pollution of semi-natural habitats; and
- a habitat enhancement and management plan to offset any unavoidable impacts (specifically the loss of hedgerow to provide for site access) and to contribute more generally to the conservation of biodiversity in the area.

If there is a delay of greater than 24 months between the submission of a reserved matters application and the date of the ecological surveys submitted in support of this application, an updated survey report shall be submitted to support the reserved matters application.

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

In respect of other ecological implications, I am of the view that significant impacts can be avoided or sufficiently mitigated, subject to securing appropriate measures via planning condition, for the proposals to be considered compliant with biodiversity planning policies.

MSDC CONSULTANT ARCHAEOLOGIST

Following my comments of 10th October 2015, regarding application 15/3415 land north of Birchen Lane, I have since received and reviewed additional information on the results of further archaeological assessment and investigation at the above site.

Archaeological Evaluation

Firstly, I have received a report on the archaeological trial trench evaluation, produced by Archaeology South-East on behalf of CgMs consulting. The report is acceptable and details the excavation of 28 trenches across the site in order to clarify the archaeological potential of the site to contain previously unknown below ground heritage assets. The works were

undertaken in accordance with a previously agreed Method Statement (with the exception that the agreed 2m width trenches were reduced to 1.5m which I understand was due to machinery access restrictions).

Possible archaeological features were found in eleven of the trenches, primarily in the north half of the site. Of particular note;

- A probable iron-smelting furnace and rake-out pit representing small scale, early Iron Working on the site. It has not yet been possible to conclusively date this feature (the results of specialist scientific dating will be forthcoming but unavailable to date). An Iron Age/Roman date has been suggested based on the form of the furnace and the series of colluvial deposits which overlay it. According to the 2001 Iron Age research agenda 'Understanding the British Iron Age: an agenda for action'; "more research is needed on primary production sites of all kinds", assigning this feature considerable research potential.
- A substantial hollow was located in the north-east of the site, possibly a natural feature, or more likely a former route of the extant hollow way, which has moved over time. A second hollow has been noted for similar reasons adjacent to the existing hollow way. An additional trench was excavated which confirmed its apparent linear alignment alongside the existing feature.
- In the south of the site one trench revealed possible pits or tree boles containing charcoal. These are also awaiting scientific dating, but thought to date to the medieval period or earlier when the entire area would have been tree covered.
- Various ditches, most related to post medieval/modern drainage, however one east-west ditch identified in trench 7 was of more substantial size and may date from the medieval period or earlier.
- Environmental/topographic changes. The underlying geology was shown to vary considerably across the site. The topographic variation is likely to have been considerably more pronounced in the past where the natural gradient has become levelled out through downslope soil movement and overbank deposition, indicating the changing extent of the existing water courses. There is some potential for palaeoenvironmental remains to be preserved in waterlogged deposits, and the colluvial and alluvial sequences may be used to reconstruct landscape change over time.

The lack of pottery or other dateable finds across the site, make it difficult to begin to associate particular features with specific periods or to each other; the results of outstanding scientific dating may clarify such matters. Based on the information available, (with the possible exception of the potential former hollow way), the archaeological remains do not appear to be associated with the use of the site as former assarted medieval fields. Nonetheless the archaeological features identified are likely to be of significance locally, and have the potential to contain important information related to the pre-Medieval landscape of the Weald. In accordance to the Iron Age research agenda any evidence related to early Iron Age iron working in the area is of particular significance and archaeological interest regionally. As any such remains will be largely destroyed by the current proposals, further archaeological work will be required.

Hedgerow Assessment

Secondly I have reviewed information relating to the historic hedgerows; this includes the original CgMs desk based assessment, the ASL heritage statement, and the responding CgMs hedgerow assessment. Considering in isolation the historic hedgerow to the east of the site, where a section is proposed to be removed for access; this is described as a double parallel hedgerow either side of a farm track, likely to be of medieval or early post medieval origin. The significance of this hedgerow as an undesignated Heritage Asset remains unclear; it is clearly a locally important remnant of a former medieval landscape, although the hedgerow itself has

undergone some degradation and modification. However, 88 percent of the boundary is to be retained, and the CgMs hedgerow assessment has proposed a programme of archaeological investigation and recording measures in order to address the 6m loss. As both the majority of the historic hedgerow itself, and the overall boundaries of the assarted fields of which it is a part, are to be largely preserved and retained in-situ, I do not consider that the proposed 6m removal will have a significant adverse impact on the Historic Asset overall. In accordance with National Planning Policy Framework para.141 that the proposed archaeological mitigation work will "record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and impact..." I agree that the proposed archaeological work is appropriate.

Updated comments

The applicant has now provided the additional information requested by which to consider the archaeological impact of the proposed application. With regard to below ground archaeological remains, the information supplied has demonstrated that the archaeological remains are not of a standard to necessitate preservation in-situ, and in accordance with para 141 of the NPPF, subsequent archaeological work can record and enhance understanding of the asset prior to the proposed loss. Similarly the information supplied regarding historic hedgerows demonstrates that the heritage assets to be affected are not of such importance to require total preservation in situ, and the negative impact of the proposals on individual archaeological heritage assets can be minimised with suitable mitigation measures.

There will also be an indirect impact on the appreciation of the overall remnant medieval landscape comprising the medieval assart fields in question as well as surrounding farmstead, hollow way and other localised areas of assart fields but this can be offset by an increased understanding of the features and the general landscape through the application of a programme of recording. I am in agreement with Historic England's comments that the removal of proposed development in the southern field has lessened this negative effect to an extent, and suggest that in determining the application the authority must be satisfied that the overall impact to the historic environment as a whole is justified by the benefits to be afforded by the proposal.

Should the planning authority be minded to grant permission, I reiterate my earlier comments that a suitable archaeological condition should be applied to any such permission in order to secure the necessary archaeological mitigation work. A suitable wording would be:

"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: To ensure that the archaeological significance of the site can be appropriately investigated, and any finds or features of archaeological significance can be recorded and removed prior to their damage or destruction during the development process."

In addition I note that Historic England have recommended that should permission be granted, the authority consider ensuring the ongoing use and management of the southernmost field will protect its open, rural character. I reiterate this recommendation and would also strongly advise that in order to retain the rural character and prevent gradual deterioration to the historic boundaries, in accordance with the Mid Sussex Local Plan para 4.55, the authority also

consider using an article 4 (2) direction, (and/or section 106 agreements as appropriate) to remove permitted development rights and secure an ongoing management plan. In order to protect the historic boundaries during the construction phase I recommend the use of the following condition requiring fencing to be erected;

" No development shall take place until fencing has been erected, in a manner to be agreed in writing with the local planning authority, about any identified important hedgerows, and areas of trees and hedgerows associated with the medieval assart field boundaries; and no works should take place within the area inside that fencing without the consent of the local planning authority."

WSCC INFRASTRUCTURE

Summary of Contributions

TABLE

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TABLE

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning obligation and at direct cost to the developer. (Section 106 of the Town and Country Planning Act). Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 40 Net dwellings and 122 car parking spaces.

Further to the monetary contributions The County Fire Officer advises that the proposed development will need to include the provision of 2 fire hydrants connected to adequate supplies of water for fire fighting (Contact: David Boarer - Fire Services 01243 813667). It should also include suitable access for fire brigade vehicles and equipment.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2015.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33 percent discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2014/2015, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £13,980 per child
- Secondary Schools- £21,064 per child
- Sixth Form Schools- £22,845 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £4,095 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2014/2015 period.

3. Fire and Rescue Service Infrastructure

The Fire and Rescue Services infrastructure contribution is determined by the population adjustment multiplied by the relevant cost multiplier for the provision of services.

Fire and Rescue Contributions = Adjusted Population x Cost Multiplier

a) Adjusted Population

This is the sum of the occupancy rates for the net dwelling increase with the exclusion of social housing increase.

b) Cost Multiplier- Fire Rescue

There are two cost multipliers for WSCC which relate to the Southern Division and the Northern Division. The cost multiplier is calculated by dividing the total cost of necessary fire and rescue infrastructure within the division by the projected population for 2016. The cost multipliers are as below:

Southern Division (Chichester, Arun, Worthing and Adur): £13 per person

Northern Division (Horsham, Crawley, Mid Sussex): £50 per person in Horsham, £92 per person in Crawley

Note: The installation costs of fire hydrants are excluded from the above and will continue to be required on developments as a direct cost to the developer as required under the Fire Services Act 2004

4. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2014/2015 is £1,100 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£550).

Sustainable transport contribution = (net car parking - occupancy) x 550

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

WSCC HIGHWAYS

West Sussex County Council, in its role as Local Highway Authority, has previously commented upon other similar proposals on this site. The most recent application, 14/4475/OUT for 48 dwellings is noted as being refused, albeit not on highway grounds.

The current application seeks outline approval with only matters of access to be approved at this stage. Similar to the earlier submission, the main vehicular access is shown as being taken from Gatesmead. This will also provide for pedestrians and cyclists with a further pedestrian access shown onto the 47bCu. An additional emergency vehicular access is indicated via Birchen Lane. This would be solely for emergency access. It would therefore be used very infrequently.

The indicative master plan submitted with 14/4475/OUT indicated 42 of the then proposed 48 dwellings to be access from Gatesmead; the remaining 6 units were to be served from Birchen Lane. The LHA raised no safety or capacity objection to this arrangement.

The current development proposes that all 40 units will be served from Gatesmead. Potential vehicle trip generation has been estimated using TRICS. The same parameters accepted and used for the previous scheme have been applied to the current scheme. During the AM and PM peak times, the number of two way vehicle movements is forecast to increase by 23 and

28 respectively. The submitted Transport Statement details that the existing carriageway width of Gatesmead is 5.5 metres. Based on the guidance within Manual for Streets, this width is sufficient to enable two opposing vehicles to pass. There are no other apparent existing constraints with the increased use of Gatesmead. The Stage One Road Safety Audit submitted with this application raises no safety concerns with the proposed access arrangements.

A capacity assessment using industry accepted modelling software has been undertaken of the Gatesmead/Portsmouth Lane junction. This indicates that with development, the junction would continue to work well within capacity, with no notable delays or queues.

The LHA acknowledge that this proposal will result in a daily increase in vehicle movements along Gatesmead, through its junction with Portsmouth Lane, and across the local highway network. Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or resisted on highway grounds where the residual cumulative impacts are severe. In this instance, it is not considered that the additional traffic or increased use of Gatesmead would generate a severe impact.

In the event that planning permission is granted, specific measures would need to be agreed to mitigate the impact of construction traffic. These measures should include the entering into a Section 59 Agreement under the 1980 Highways Act. An agreement under Section 59 would enable the LHA to recover from the developer the cost of repairing any damage to the highway that results from the increase of extraordinary traffic (i.e. HGVs).

The provision of access to and the potential upgrading the adjacent public right of way was considered in detailed as part of the previous application. The LHA recognise that upgrading the footpath would be desirable to improve the accessibility of the site. However this would require the consent of a 3rd party, namely the respective land owner. As such, this consent cannot be assumed. On this basis, the LHA have provided comments on the current application on the basis of no access being provided to or footpath 47bCu being improved. It is still recommended that as part of the s106 that an obligation is secured against the applicant to use all best endeavours to gain the consent of the landowner to undertake improvements to the surfacing of the public right of way. The cost of any such improvements can then be deducted from any highway/TAD contribution.

Matters relating to accessibility by sustainable modes were considered as part of the previous applications. These matters remain unchanged. The NPPF advises that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, and whether safe and suitable access to the site can be achieved for all people. The site does lie on the edge of the urban area. This is reflected within the distances to nearby services. There are still day to day services and facilities within reasonable walking and cycling distances.

The on-site arrangement is not to be approved at this stage. Carriageway widths, provision for pedestrians, parking, and other relevant matters, including the suitability for adoption as public highway, will be considered as part of any reserved matters application.

No highway objection would be raised.

If the Local Planning Authority is minded to permit this application, the following conditions are recommended.

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Emergency Access

No part of the development shall be first occupied until such time as the emergency vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Cycle parking

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

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

Access Road

No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

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.

INFORMATIVES

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

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.

MSDC ENVIRONMENTAL PROTECTION

Environmental Protection has no objection to this application subject to:

Conditions:

(1) Before any development work takes place a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall have regard to:

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.

This shall include provision for deliveries of construction materials/equipment which shall not wait in Birchen Lane or other neighbouring side roads for access to the site.

Reason: to protect the amenity of local residents from noise.

(2) Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: to protect the amenity of local residents from dust emissions.

(3) 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.

(4) Site boundary fencing: During construction, the site boundaries facing residential dwellings shall be fenced with solid boarding at least 6' high to protect the neighbouring residents from noise generating construction activities on site. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines to minimise noise in residential dwellings.

Reason: To protect neighbouring residents from noise.

(5) Smoke control: No operation of the development shall commence until a Smoke Management Plan (SMP), with regard to proposed wood burners, has been submitted to, and approved in writing by, the Local Planning Authority. Unless otherwise agreed in writing, the airflow exiting the wood burner flue duct will be vertical, at high level and the exit of the duct shall not be fitted with a cowl, cap or cover that prohibit the vertical discharge of the airflow, but shall be fitted with a device, such as an efflux cone, that will assist in increasing the velocity of

the exiting air flow giving it increased height for dispersion.

Reason: to protect the amenity of existing neighbouring residents and those within the development.

MSDC URBAN DESIGNER

As with the previous outline scheme, appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments.

Being an outline proposal, the scheme is short on information, with only an indicative layout being supplied. This makes it difficult to assess its design merits in any detail.

This latest scheme omits development completely from the southern field and relies on Gatesmead as the sole vehicular access.

Despite this the layout still largely suffers from the same issues I raised with the previous proposal. While the scheme is arranged so that it sensibly reveals much of the attractive woodland boundaries, I have the following concerns:

- The layout is otherwise unimaginative and contributes little to creating a sense of place.
- There is inadequate pedestrian connectivity: it appears to be a car-reliant layout with unnecessarily circuitous links to some of the houses.
- The contrasting size and layout (90 degrees to the road) of the affordable houses with its hard-edged front forecourt parking is clumsy and accentuates the differences with the generous market housing.
- The garages / parking appear to inappropriately dominate street frontages in some areas
- Little natural surveillance is offered the footpath along the western boundary.
- The frontages do not address the open space adjacent to the tree belt / stream on the eastern half of the site and houses 39/40 inappropriately turn their back on it.

MSDC DRAINAGE ENGINEER

Our comments for this application hold for the previous application 14/04475/OUT, and we are satisfied that this application can be managed through reserved matters.

We need to inform you that we are currently having discussions with the Environment Agency regarding development on this site, and the known downstream flood risk issues. We will be looking at this site and initially assessing its ability to provide possible flood risk reduction, over and above what has already been put forward by the developer.

Notwithstanding the above, we will be providing further correspondence to you shortly after our meeting with the Environment Agency.

MSDC COMMUNITY LEISURE OFFICER

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 has indicated that they intend to provide three LAPs on site but in this instance one LEAP would be preferable as this is a sizeable development and there are no other play areas within a 1km radius of the development site and LAPs offer only limited play value. Full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £47,883 is required toward formal sport facilities in Haywards Heath.

PUBLIC ART

A public art contribution is not considered necessary to make the development acceptable in planning terms but it would be encouraged in accordance with Local Plan Policy B8.

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 £20,800 is required to make improvements to community buildings in Haywards Heath.

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.

MSDC CONSERVATION OFFICER

Sunte House is a Grade II* listed building, so a comprehensive review of the proposed development on the setting of the designated heritage asset will be made by English Heritage as the principal conservation consultant.

With reference to Local Plan Policy B10, a preliminary assessment suggests that the proposed development would have limited impact on the setting of Sunte House for the following reasons:

1. An extended group of curtilage structures (one of which is independently listed); mature trees, dense shrubbery and hedges intervene between the proposal site and Sunte House. These elements provide effective visual separation between the historic building and the proposed new development to the north.
2. A 'green buffer' abuts the southern boundary of the development site, further reinforcing the above mentioned visual separation.
3. The features described in section 1 - together with the characteristics of the surrounding topography - limit long views of Sunte House from the north and the new development is thus unlikely to compromise any significant distant views of the listed building.

4. Sunte House has a south and east facing orientation: the main entrance is from the south (although it is noted that it is presently disused) and views from the principal rooms are either southwards over open land falling gently away, allowing long landscaped views, or eastwards across the gardens. The proposed development is located to the north and it is therefore unlikely to intrude into important views away from the listed building.

Conclusion

The proposed development will inevitably result in change to the northern periphery of the setting of Sunte House. However for the reasons set forth above, the change does not (in my view) result in substantial harm to the significance of the designated heritage asset.

Section 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Recommendations

1. The proposed development affects the setting of a Grade II* listed building and this case should be determined in accordance with the views expressed by English Heritage, as the principal authority on designated heritage assets of this category.
2. An on balance decision should be made as to whether the benefits of development outweigh the possible minor harm to the northern periphery of the setting of Sunte House.

MSDC HOUSING OFFICER

The applicant is proposing a development of up to 40 dwellings which gives rise to a requirement to provide 30 percent onsite affordable housing units (12). The proposal is for 4 x 2 bed flats, 4 x 2 bed houses and 4 x 3 bed houses. This mix would meet a range of housing needs. 4 of the units will be available for shared ownership, reflecting current policy and these will be 2 x 2 bed houses and 2 x 3 bed houses. In terms of integration, the illustrative layout does not meet the requirements set out in the SPD. Any reserved matters application should demonstrate improved social integration by adhering to the clustering policy of no more than 10 affordable units per cluster. To comply with policy there should be two clusters of affordable housing on the development with market units in between.

MSDC CONTAMINATED LAND OFFICER

"During construction where contamination of the soil is found, or suspected, all works shall stop in that area and the Local Planning Authority are advised immediately. Works shall not proceed until a scheme detailing the risk from the contamination and the method by which the risk will be eliminated, has been submitted to, and approved by, the Local Planning Authority. Works shall then proceed in strict accordance with the scheme approved by the Local Planning Authority."