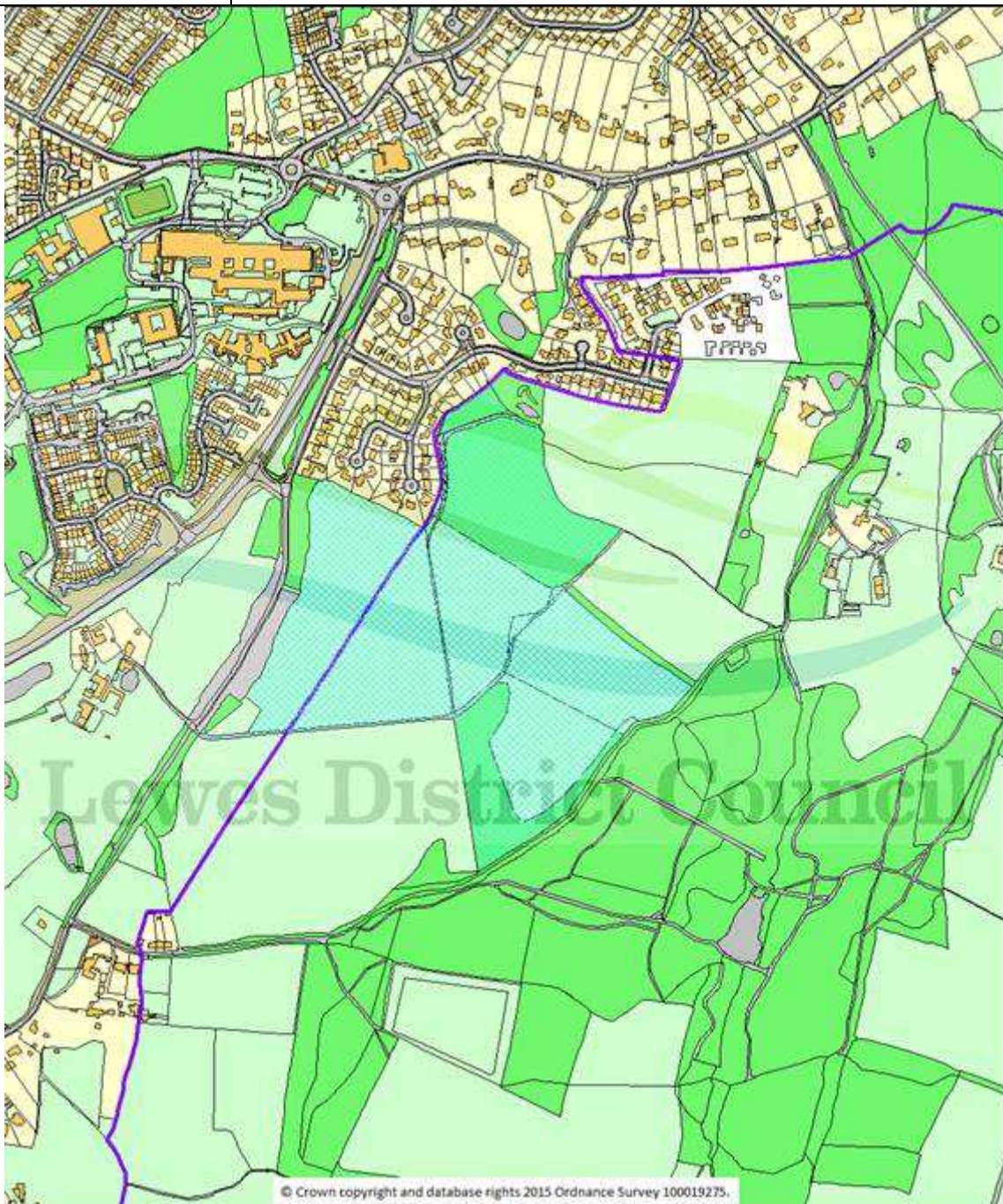


<b>APPLICATION NUMBER:</b>	LW/17/0593	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mid Sussex District Council & Cross Stone Securities Ltd	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Outline Planning Application for Development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping		
<b>SITE ADDRESS:</b>	Asylum Wood Greenhill Way Haywards Heath West Sussex		
<b>GRID REF:</b>	TQ 3422		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located in the north west corner of the district, within the parish of Wivelsfield but adjacent to the existing town of Haywards Heath. An outline application has been submitted to Mid Sussex District Council (MSDC) for a development consisting of up to 375 new homes, a two form entry primary school with early years provision, a new burial ground, allotments, country park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping. The proposed development and site straddles the district boundary and therefore an identical application has been submitted to both authorities. The housing development is located wholly within the MSDC area. The part of the development that is located within the Lewes District Council area is the eastern area of open space, the allotments, part of the burial ground, and part of the primary school site.

1.2 The whole site (both MSDC and LDC) covers an area of approximately 33 hectares of which 12.2 ha of open space and woodland, 0.83 ha of allotments, 0.25ha (approx. one fifth) of the burial ground, and approximately 0.7ha of the primary school site are located within Lewes District. This is indicated on the submitted illustrative Masterplan.

1.3 The development as a whole would be accessed via the Haywards Heath south eastern relief road and a newly created access into the residential development off Hurstwood Lane. The illustrative plan indicates that vehicle access for the school, burial ground and allotments would be from a new access off Hurstwood Lane at its northern end and close to the link from the relief road, with a central car park serving all the uses.

1.4 The area of land which is within the LDC area consists of ancient woodland, and three fields used as pasture land. The fields are subdivided and fragmented by fences interspersed with scattered trees. The ancient woodland lies to the north, immediately to the east of Greenhill Park. The site is surrounded by pasture land to the south, ancient woodland to the south and east, and residential development of Birch Way and Greenhill Park to the north (abutting the proposed playing field associated with the new school). The western boundary is formed by a belt of mature trees, also ancient woodland, and which would serve to screen much of the new housing development from view from the east.

1.5 The whole application is in outline form with only means of access determinable at this stage.

## 2. RELEVANT POLICIES

**LDLP: – ST03 – Design, Form and Setting of Development**

**LDLP: – RES20 – Provision of Educational Facilities**

**LDLP: – RE01 – Provision of Sport, Recreation and Play**

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

**LDLP: – CP8 – Green Infrastructure**

**LDLP: – CP10 – Natural Environment and Landscape**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – WNPP6 – Green Infrastructure & Biodiversity**

### **3. PLANNING HISTORY**

None

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**4.1 Wivelsfield Parish Council** – strongly objects to the application in its current form. Whilst it does not seek to comment upon the housing element of the application (recognising that this is a preferred site within the Haywards Heath Neighbourhood Plan), it has significant reservations about the school, burial ground, allotments, parking and access.

4.2 The developer appears to have taken no account of the concerns and objections raised at the pre-application exhibition or at its meeting with the Parish Council, in respect of the location of the burial ground in relation to the school and the allotments. No-one wants their children to be constantly exposed to activities at a burial ground, or to have an allotment situated below it, knowing that water will be running off the burial ground onto their fruit and veg. The relative siting of these facilities is considered not only poor, but likely to cause upset, distress and logistical problems.

4.3 Parking also remains a significant concern. Whilst it may be desirable for people to walk their children to school, the reality is that many working parents have no choice but to take their children to school in the car before going on to work. It is not always practical for parents to simply drop and go (many - particularly younger children - need to be settled, parents may need to go into the school office etc) and parking for school events also needs to be considered. It is not considered adequate - or appropriate - to have shared parking facilities with the allotments and burial ground and the Parish Council feels that, to serve the demands of a two-form entry school, parking provision needs to be significantly enhanced.

4.4 The location of the school is also of concern. It is understood that the original intention was for the school to be situated entirely on land within Mid-Sussex. At the pre-application exhibition stage plans showed it encroaching a little on to land within Lewes District/Wivelsfield Parish, but in the plans now submitted the school appears to further straddle the boundary.

4.5 When Haywards Heath Town Council approached Wivelsfield Parish Council during the development of the Wivelsfield Neighbourhood Plan, it was to request that the area of land adjacent to Asylum wood (falling within Wivelsfield Parish) be earmarked as a green space, for inclusion as a part of a country park. No mention was made of having a school and burial ground on it.

4.6 The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.

4.7 As discussed with the developer during a pre-exhibition discussion last year, the Parish Council has grave reservations about the proposal to shut off the centre section of Hurstwood Lane. At present, if an accident occurs on the adjacent bypass, residents living at the top of Hurstwood Lane (in the area around Greenhill Way) have the ability to access their homes by driving up Hurstwood Lane and vice-versa. Plans to massively increase the

amount of housing in the vicinity, whilst simultaneously limiting access, seems a recipe for disaster.

4.8 At our meeting with the planners, it was suggested - in response to this concern - that a route through the middle of the new housing might be able to be retained as emergency access in the event of a problem on either approach road (owing to the number of documents associated with the application online, we have been unable to verify whether this was carried forward to the plans). However, residents need to know that there are alternative routes available, simply for when traffic is heavy or a delivery van is causing chaos, not just when there is a recognised 'emergency' or road closure.

4.9 Overall, the Parish Council feels that the developer has failed to address a number of serious and legitimate concerns regarding the school, burial ground, allotments and access which should be dealt with prior to approval being considered.

**4.10 British Telecom – No comment**

**4.11 Environmental Health –** I am aware that a Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) prepared by Waterman has been submitted with the planning application. The report recommended further intrusive investigation at the site.

4.12 So, if LPA is minded to grant a planning permission for the site, then this should be subject to the following land contamination conditions-

Condition 1 Land contamination

(1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Condition 2 Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### Condition 3 Verification report

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason (for all) : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

**4.13 Sussex Police** – No objection to the principle of the development.

**4.14 Southern Water Plc** – In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

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

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

4.17 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.

**4.18 Tree & Landscape Officer Comments** – No objection but need to secure a detailed management plan for the open space and woodland by condition.

**4.19 Natural England** – no comment

**4.20 ESCC SUDS** – No objection in principle subject to the imposition of conditions.

4.21 We are disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals. The submitted Flood Risk Assessment does not provide details of the proposed surface water drainage strategy apart from stating that surface water runoff will be discharged at the mean annual runoff rate ( $Q_{bar}$ ) while providing attenuation for the 1 in 100 (plus 40% for climate change). The indicative surface water drainage plan indicates that underground tanks will be used to store surface water runoff from the majority of the site.

4.22 The surface water drainage strategy should clearly state the discharge rates from the proposed development and also provide supporting hydraulic calculations to confirm that the discharge rates and storage volumes proposed are sufficient and will not result in increased surface water flood risk. The hydraulic calculations should show that the area on which the discharge rates are based is the developable area, and not the overall site area. This is because the majority of the site within Lewes District will remain as existing, whereas it is only where development is proposed that the rate and volume of surface water run off will change.

4.23 The surface water drainage strategy should clarify at this stage whether underground tanks or ponds will be used for storing surface water runoff. This is because the two have very different implications for land take on the site, and the storage structures will form part of the infrastructure that should also inform the layout at reserved matters. In addition if the underground tanks are supposed to discharge to shallow ditches, they might not be able to achieve the required levels to discharge by gravity. We would expect a drainage strategy that supports an outline application to clearly show the outfalls and demonstrate that the required levels will be achieved for a gravity connection.

4.24 It would be preferable if the storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future, We appreciate that the majority of the proposed development is located within the Mid-Sussex District part of the site, therefore it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council. However, the site discharges its surface water runoff into East Sussex. Therefore we need to be assured that the development will not result in increased flood risk downstream.

4.25 Since the majority of the development is within Mid Sussex District, identical comments to those above have been submitted directly to Mid Sussex District Council.

**4.26 NHS Mid-Sussex/Horsham** – Horsham & Mid Sussex Clinical Commissioning Group were aware of this Outline Planning application which will potentially create up to 849 new residents/patients in a rapidly expanding area where Haywards Heath has seen significant growth of domestic houses/flats particularly on its outskirts. This is putting a number of challenges onto the NHS locally and especially on GP practices and community NHS services where pressures are being felt and that building redesign is becoming a current necessity to ensure new residents can be accommodated without diluting the services to existing patients.

4.27 In this respect we understand from Mid Sussex District Council that the majority of this proposed development is in West Sussex and have today sought a Section 106 application for a developer contribution for NHS capital infrastructure improvements.(MSDC are still using the Sec 106 process rather than CIL)

4.28 We hope that will be approved and were very pleased to have received a courteous enquiry from the developers back in Dec 2016/Jan 2017 in this connection.

**4.29 ESCC Highways** – The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

4.30 As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network. The Transport Assessment addresses the impact of the development on the surrounding highway network within West Sussex. However, as flagged up by West Sussex highways it does not reflect entirely the committed development or potential commitments nearby in both West and East Sussex. LW/16/0057 Land West Of Rookhurst House Colwell Lane North Wivelsfield for 113 houses (2 phases) is not included, nor is North Common Road Wivelsfield [LW/13/0720] for 75 houses, and combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6 (Green Road) in Wivelsfield. Therefore the cumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known and should be identified in terms of the impact and severity.

4.31 With regard to modelling of the development and future growth predictions, it has been identified in the response from West Sussex that this should include a revised scope to be agreed, so that all relevant development is included and have a realistic growth forecast year.

4.32 The development proposed for the Lewes District administrative area of the site is part of the primary school, part of the burial ground, informal open space and allotments. The catchment for these land uses will likely be from Haywards Heath. The road layout to serve these is likely to fall between both West and East Sussex and being layout related, is a reserved matter. The site layout would need to be in accordance with Manual for Streets and would be subject to a section 38 agreement if offered for adoption.

4.33 Parking for the area within the Lewes district area should accord with the parking standards of West Sussex to safeguard any overspill of parked vehicles from the school, burial ground, allotments and open space onto the West Sussex network. Parking provision

could be provided within a community car parking area that can be shared between the school, burial ground, open space and allotments. This would be efficient use of space as the busy periods for each use would not necessarily conflict, provided there are a sufficient number of spaces for the long term requirements (staff). It is unclear at this stage if the school drop off area/parking is within Lewes or Mid Sussex district or if the administrative boundary is likely to be revised

4.34 There is the presence of a by-way (no.25) bounding the south-east boundary of the site, land within Lewes District. It is not entirely clear if this within the site boundary, but the PROW team at ESCC should be consulted, particularly if there are connections being proposed internally within the site. It would appear that 3 positions are shown on the illustrative masterplan.

4.35 The vehicular access is within the county of West Sussex and should be considered by the appropriate authority in terms of safety, capacity and accessibility to other modes of travel for serving development within Lewes District or connecting with roads to be adopted as part of the East Sussex Network.

**4.36 District Services** – the concerns for the Waste Service regarding the above planning application, the layout of the estate would need to be such as to facilitate collection of refuse from the front of the properties at the kerbside and also access to the proposed schools for the collection of waste without causing unnecessary risk to the users of the schools.

4.37 There may be a case for communal bin stores for the use of residents in Closes to facilitate more efficient collections.

4.38 Waste services would also request updates on the progress of the application so we would be able to plan sufficiently for the development of this size.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Five neighbour letters have been received raising concerns on the following issues - Failure to declare MSDC's ownership and role in the development, impact on the listed building, impact on the rural character, noise and disruption, collusion between councils, access from Fox Hill especially increased congestion and hazards.

## 6. PLANNING CONSIDERATIONS

6.1 For cross boundary applications the NPPG states that 'if an application site is on land that falls within the boundary of more than one local planning authority then identical applications must be submitted to each local planning authority identifying on the plans which part of the site is relevant to each'. However, whilst being mindful of the entire application, the only elements that the Planning Committee are making a decision on are the allotments, part of the burial ground, part of the school, and the informal open space - those elements which are located within the LDC administrative area and are in outline form.

### Policy

6.2 The NPPF at paragraph 17 sets out the 12 core principles, which includes that planning should be genuinely plan led, and applications determined in accordance with the development plan(s) unless material considerations indicate otherwise.



6.3 In terms of that part of the site which is within the LDC area, this is covered by the Lewes District Local Plan and the Core Strategy. It is considered that Core Policy 8, which relates to Green Infrastructure, seeking to create a connected network of multifunctional green infrastructure by protecting and enhancing the quantity, quality and accessibility of open spaces, Core Policy 10 seeking to protect the natural environment and landscape character, and Core Policy 11 which seeks to secure high quality design in all places to assist in creating sustainable places.

6.4 The local plan policies which are relevant include ST3 (design of development), RES20 (provision of educational facilities), RE1 Provision of Sport Recreation and Play, and CT1 which seeks to locate development within planning boundaries and to avoid development in the countryside which does not need to be there.

6.5 The Wivelsfield Neighbourhood Plan (WNP) has a number of specific policies which are relevant. Policy 6 relates to Green Infrastructure and encourages the enhancement of the natural environment and the provision of additional habitat resources. Policy 8 supports the establishment of new allotments provided satisfactory road access and car parking can be provided.

6.6 It should also be noted that the Haywards Heath Neighbourhood Plan (HHNP) is also part of the plan for the area. It includes specific policies for allotments and a new burial ground (Policies E3 and E4) on land east of Hurstwood Lane. Policy H1 allocates the larger site for up to 350 new homes, the provision of a new school, together with open space, a burial ground and allotments. The plan also lists a number of other more specific requirements which should be set out in the Masterplan and delivery statement. In summary the proposals are in broad compliance with the HHNP policy.

### Need

6.7 An assessment of developments with planning permission and those planned as part of the development plan process indicate that by 2021 that there would be a shortfall of 608 primary school places. As part of a wider strategy to provide sufficient school places in the right locations to cater for the increased demand, it was proposed to identify a site for a new primary school on the southern edge of Haywards Heath and that the Hurst Farm site was a key proposal in the delivery of such a facility. In 2016, following a consultation exercise carried out in 2015, West Sussex County Council (WSSCC) identified a clear need for a two form entry school and Hurst Farm was named as the preferred site for a new school, with expansion plans for other schools in the vicinity. This site was chosen due to it being available and deliverable.

6.8 In terms of the allotments, there is a lengthy waiting list for available plots. This proposal would provide 0.8ha of new allotment space, which in a countryside location would be an acceptable land use.

6.9 The existing burial ground in Western Road has limited capacity and therefore a further ground is required. Policy H1 and L3 of the HHNP sets out the need for such extra capacity, and the submitted Masterplan makes provision for a 1.25ha site of which approximately 0.25ha is within Lewes District.

6.10 The informal open space to the east of the site will require little intervention. However it will formalise the use of the land, which residents already utilise, helping to provide additional public open space as set out in Policy H1 of the HHNP and Policy 7 of the WNP.

### Impact on the countryside

6.11 The site is situated outside of a defined settlement boundary. The only 'development' that is proposed within LDC area is part of the car park and part of the school. Both elements would be contrary to Policy CT1 of the LDLP in that they are located outside of a defined settlement boundary. These elements are however included in the larger site which is set out in the HHNP for the whole mixed development scheme.

6.12 As the scheme is in outline form there are no detailed plans of the proposed school. However it is indicated on the Illustrative Masterplan to be located approximately 100m to the south of the rear garden boundary to Greenhill Park and Birch Way. The indicative plan shows a linear building aligned on an east-west axis. Between the building and the residential properties is the school playing field. The car park to serve the school, burial ground and allotments is shown located to the south of the school.

6.13 In terms of wider impact there are no ROW crossing the site. The nearest is a byway, which is located approximately 500m to the south, is partially screened by existing vegetation. The site is also largely screened from the west by an existing belt of trees and vegetation. Whilst the outlook south from existing dwellings will be altered it is not considered that the location of the school or the car park would detrimentally impact on the wider character of the surrounding countryside. Thought would have to be given to the form of the building, especially glazing on the south elevation. To lessen the visual impact, details plans of landscaping to break up the mass of the building and the visual impact of cars being parked for long periods would need to be submitted.

6.14 The allotments will not have a significant visual impact in itself. However the structures that often appear on such areas, sheds for the storage of equipment and shelter, can proliferate. However, due to the location of the site, and the clear open space to the east which will act as a significant buffer, it is not considered that this would have a detrimental visual impact on the countryside. Any visual impact could be significantly lessened with a good landscaping scheme and boundary hedges around the periphery of the site.

6.15 The burial ground will be noticeable. However, a suitable landscaping scheme would lessen any visual impact and help the facility to integrate into its surroundings.

6.16 It is acknowledged that, as with any change, there will be some impact from the proposed development on the wider countryside. However when taking into account all material considerations including policy, need, form and location, it is considered that the location, close to the edge of settlement is broadly acceptable, and that with suitable landscaping and planting the wider impact of the buildings and uses would not significantly harm the wider and surrounding character.

6.17 In terms of the long term management of the wider public open space, the applicant has indicated that the land will be provided to the Town Council who as the owners will be responsible for the delivery and maintenance. The car park will also be signed over to the Town Council as it will be a shared car park for the burial ground, allotments, open space and school. They will also be responsible for its maintenance and management.

### Ecology/Woodland

6.18 With regards to the elements that are located within the Lewes District it is considered that there is little direct impact on existing trees or woodland. The greater concern is with regard to the future of these areas once they become more accessible to

the public as a result of designating them as part of the open space. Therefore it is considered that a detailed management plan is required, clearly setting out the management regime for the area, including who would be responsible and liable for the work, and a schedule and frequency for the long term management in perpetuity.

6.19 In terms of the wider site within the LDC area, this land and the woodland is already used for informal recreation by local residents and therefore it is not considered that formalising this use would significantly impact on existing flora and fauna.

6.20 The new school, as a built form and change to the character of the land could impact on the foraging range of badgers and other creatures. However as the built form and that of the car park represents a small portion of the overall site it is not considered that there would be a negative impact on the flora or fauna across this part of the site. Landscaping, that would be the subject of a condition, together with mitigation measures have the potential to enhance the wider ecology of the site.

### Traffic and Parking

6.21 The NPPF and associated policies indicate that planning permission should only be refused where impacts are severe or unacceptable, for example in terms of safety, amenity or volumes of traffic. The development as a whole is likely to generate significant increase in the volume of traffic using the surrounding road network. However this is largely going to be attributed to the housing part of the development, which is being considered by MSDC and WSCC. The Highways officers from ESCC have commented on this aspect of the application directly to MSDC.

6.22 The traffic generation associated with the school is likely to be relatively low although it will peak at both morning and afternoon at dropping off and collecting times. The allotments are more likely to generate vehicle movements outside of peak times, and the burial ground is envisaged to accommodate at least two burials per week. Therefore it is not considered that traffic generation or road capacity is likely to be a fundamental issue, although it is likely to add to that generated by the housing development.

6.23 The greater issue is likely to be broad safety issues. This is an issue that has been raised by local residents as part of the consultation and prior to the submission of the application. As a result a number of improvements have been proposed, which are outside the scope of this part of the application, but which include extension to the 30mph limit (possibly down to 20mph) on Hurstwood Lane, controlled crossing points south of the school access, new footway along the southern end of Hurstwood Lane, new signal junction at Old Farm Close/A272.

6.24 In terms of pure functionality it is important that the proposed car park is sufficient for all the vehicles that may wish to use it. The Masterplan suggests parking provision would be provided in a single car park, which would be used as a community car park, shared between the school, burial ground, open space and allotments. This would be an efficient use of space, and as mentioned previously, conflict between users would largely be avoided as the busy periods for each use would not necessarily coincide. However it is essential that the car park provides a sufficient number of spaces to meet all the requirements, and is also laid out and landscaped to minimise its visual impact on the surroundings.

### Wider Amenity

6.25 The part of the development that is within the LDC area is likely to have the greater impact on residents in Greenhill Park and Birch Way. These dwellings back onto

the northern boundary of the site and specifically onto the school playing field and school beyond. Whilst this will certainly alter the outlook from the dwellings, there is no right to a view in planning terms, and the outlook from the rear gardens or rear windows will still exist albeit altered. With the school building being located over 100m to the south of the rear boundaries of the residential dwellings there will not be any resulting overlooking or overshadowing.

6.26 It is accepted that at times there will be noise generated by children at the school. However this is likely to be restricted to certain times of a week day, and not likely to be at times when general levels of background noise are at their lowest.

6.27 Vehicle movements to and from the site will take place via the new access onto Hurstwood Lane. This is indicated to be at least 40m to the south of the nearest rear gardens in Birch Way. At such a distance and with landscaping it is not considered that this would be detrimental to residential amenity.

### Drainage

6.28 The applicant has submitted a Flood Risk Assessment with the application which details the proposed drainage strategy. The strategy is to replicate the existing natural drainage arrangement as closely as possible despite the general increase in impermeable surfacing, using a variety of ponds, swales, permeable paving and underground storage tanks.

6.29 ESCC, as the drainage authority, have commented that they were disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals.

6.30 They have stated that it would be preferable if the water storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future.

6.31 Appreciating that the majority of the proposed development is located within the Mid-Sussex District part of the site, and that it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council, as the site discharges its surface water runoff into East Sussex they need to be assured that the development will not result in increased flood risk downstream. The views of the ESCC SuDS team have been submitted directly to Mid Sussex District Council.

6.32 In view of these comments it is recommended that appropriate conditions can be imposed to require further details of the precise drainage arrangements.

### General

6.33 The comments from the Parish Council have been noted and partially covered in the report. However the applicant's agent has responded on specific points raised as follows:

### Burial Ground and School Siting

6.34 At the outset, we note Wivelsfield Parish Council's comments about the siting of the burial ground in relation to the proposed school.

6.35 With regard the siting, the Parish Council states 'no-one wants their children to be constantly exposed to activities at a burial ground' and objects to the proximity of the school to the burial ground. It is important for the LPA to note that HHTC have confirmed that they only anticipated around 2 burials per week and as such, there will not be 'constant' activity at the burial ground. Moreover, the LPA should also note that the burial ground is separated from the proposed school site by a large car park, the school is anticipated to be single storey (thus reducing scope for overlooking) and the playing fields are anticipated to be on the far side of the school, away from the municipal burial ground. As such, it is unlikely that there will be anything more than limited overlooking between the two sites. In any case, this is an outline application and will be subject to further details in regards the siting of buildings and planting proposals. Accordingly, the planning department has the opportunity to reduce scope for overlooking between the uses, should the LPA consider this necessary. However, given the limited likely usage of the burial ground, we consider that the existing separation between the sites is entirely sufficient, without further screening: The children will not be 'constantly exposed' to burial ground activities - even if overlooking were theoretically possible.

6.36 As a point of principle, however, the suggestion that it is harmful or undesirable for educational establishments and a burial ground to be in close proximity should be questioned. This is a view that finds itself somewhat at odds with history and the present day reality of life in many villages and towns throughout the country. It is very common for a village school to be sited adjacent to a village church, the grounds of which usually contain a village burial ground. This has been the historic pattern of village life for centuries and it continues today. Indeed, the building in which Wivelsfield Parish Council itself meets is a building which hosts a pre-school, immediately opposite a church and large burial ground. The preschool and burial ground in Wivelsfield are actually closer than the proposed burial ground and school site at Hurst Farm. Locally this pattern is also noted in Cuckfield and other villages around Haywards Heath. We consider that this passing objection to the proximity of the proposed school adjacent to the burial ground, as a point of principle, has no planning merit.

#### Burial Ground and Allotments Siting

6.37 Concern is also raised about the location of the burial ground and the allotments, on the basis that there could be some take up of run off from the burial ground by fruit and vegetables being grown on neighbouring land. This is an issue we considered fully in the ES. Whilst it is noted that there is potential for an environmental impact, after effective mitigation, the ES concludes that this is a 'negligible impact'. Leaching and contamination from the burial ground will be prevented by investigation of the potential and suitable mitigation measures at detailed design stage. A detailed ground investigation will form the basis for this, but is not considered necessary prior to the grant of outline consent. Paragraph 7.8.8 of the ES expands this point regarding the burial ground's potential for causing contamination:

6.38 'The ground investigation would include an assessment of the potential effects of the proposed burial ground on ground contamination, groundwater, the nearby proposed school buildings, residences and allotment land, and site users. If necessary, mitigation measures would be implemented to prevent potential contamination and ground gas from this land use impacting these nearby receptors. This would include assessing the potential for leaching from burials, groundwater flow assessment to understand the likely migration of contamination and assessment of the potential for ground gas migration. The objective of the investigation would be to satisfy EA guidance and demonstrate no impact to ground

or groundwater would occur or, at worst, the impact would not amount to pollution as defined in the Groundwater Directive. Therefore, on completion of the development the residual effects to all identified receptors would be negligible.'

6.39 This is a matter which should be effectively managed via an appropriate planning condition on the outline consent.

#### Shared Parking Area

6.40 Regarding the appropriateness of sharing the parking with the burial grounds, allotments, country park and school, alternatives were considered to keep the parking for each element separate. However this could not be achieved adequately without reducing the length of the proposed 'Green Way' and providing a second southern access to the land east of Hurstwood Lane (opposite the existing access to Hurstwood Grange). These options were explained in the dedicated public exhibition panel in detail (attached). These options were also explained in detail at our pre-planning meeting of 19 July 2016, with members of the Wivelsfield Parish Council. In the interests of (1) highways safety, (2) reducing impact on the ancient woodland and (3) the provision of a 'Green way' of adequate length, the access and parking arrangement to the east of Hurstwood Lane was settled upon as currently proposed, as the idea of two access points was strongly resisted by HHTC, MSDC and the Highways Department. The existing proposals are a matter for the Highways Department to comment as to whether they remain satisfied that the parking area will be sufficient to serve the school, burial ground, country park and allotments. All indications at pre-planning stage pointed to the acceptability of the access and parking proposals on the eastern side of Hurstwood Lane.

6.41 In terms of potential for conflict between the users of the car park, we consider that this is a management issue. Haywards Heath Town Council will be managing the Car Park and no objections to the sharing of the car park area were raised. Indeed, there is a benefit, in that it can ease maintenance burdens and costs, compared with maintaining a number of small car parks. Management solutions of the community uses can assist in ensuring that periods of demand for the car park are spread throughout the day. For example, HHTC could ensure that burials are not occurring at drop off or pick up times for this school. This will assist in reducing the potential for a surge in demand within the car park area at those times. With careful management of the car park and community uses, the car park resource can be used effectively by all users, thus making efficient use of available land for parking.

#### Community Uses 'straddling' the district administrative boundary

6.42 The Planning Statement and the Statement of Community Engagement sets out that the proposal for the school to 'straddle' the administrative boundary was a matter of specific consultation at the public exhibition and the meeting with Wivelsfield Parish Council on 19 July 2016. The reasons for this were set out clearly and an entire panel at the exhibition was devoted to this point. Reasons given for the need to straddle the boundary include:

- There is an 'easement' for a water main which cannot be built upon (east of Hurstwood Lane but west of the proposed school buildings).
- There is a need to provide level playing fields for the school.
- There was a desire to keep school buildings at a distance from the residential properties of Greenhill Way.
- There is a set need to provide a usable site of around 2ha for the school.
- Shared parking was needed in an accessible location for the school, allotments, burial ground and country park.



- To make efficient use of the residential land, all of the community uses were to be located east of Hurstwood Lane, meaning that some of the uses would need to 'straddle the administrative boundary'.

6.43 At pre-application stage, the views of both LPAs and both Parish Councils were sought, and no pre-application objections on this point were raised. However, we note now that WPC make an objection based on concerns about a future application for alternative uses, once the school has been accepted:

6.44 'The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.'

6.45 It is long standing principle in planning law that an application is to be considered on its merits alone, and it is not acceptable to resist an application on the basis of a future application which may, or may not, come forward. This point is, therefore, not a valid objection.

#### Emergency access via the 'bus link' between the southern and northern residential development sites

6.46 It was noted that the Parish Council requested whether the 'bus only link' between the northern and southern parcels of the housing land could be opened up in an emergency. This was discussed during the pre-application meeting of 19 July 2016 and it was noted that there would be nothing to prevent this as an option to the emergency services, when an emergency diversion is needed. It is proposed that a rising bollard is used in this location, and as such, this could be lowered during a period of necessary diversion, as seen fit by the police, when a diversion is needed. This matter could be explored further during detailed design stage.

6.47 However, it is unlikely to be an option for non-emergency unusual 'heavy traffic' or 'delivery van chaos' scenarios suggested by the Parish Council, since the emergency services or Highways Department would need to operate such a diversion. In consultation with the County Highways department, it was agreed that the site should not become a regular rat-run-route, and the closure of Hurstwood Lane to through traffic is aimed at preventing such day-to-day rat running. In any case, the supporting highways statement sets out other measures that are proposed to ensure that existing traffic junctions operate effectively, preventing the need for such a short cut in non-emergency situations.

6.48 The closure of Hurstwood Lane to through traffic and its conversion to a 'Green Lane' is part of the adopted Haywards Heath Neighbourhood Plan, which now forms part of the development plan. Accordingly, the proposals to close Hurstwood Lane already have planning policy support.

#### Conclusion

6.49 This is a large development which lies within two administrative areas. The majority of the built development is situated within MSDC with only a small element located within the LDC area. It is considered that whilst the proposals would alter the character of the site and its surroundings, it is not considered that it would result in any demonstrable harm or impact would justify refusal. Mitigation measures together with a well-designed landscaping scheme will lessen that impact on the wider countryside and help the development integrate into its setting. It is therefore considered that with appropriate conditions the development can be approved.

## 7. RECOMMENDATION

That outline permission is granted subject to conditions.

### **The application is subject to the following conditions:**

1. Details of the 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.

Reason: To meet the provisions of paragraph (1) of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Illustrative Application Masterplan 02-353-214.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) a timetable for its implementation;
- b) the layout, levels, landscaping and fencing, as necessary, of the scheme;
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of amenity of the wider area and to ensure satisfactory method of drainage is provided on site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Development shall not begin until details of foul and surface water sewerage disposal arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be implemented prior to the occupation of the development.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. A maintenance and management plan for the pond and its outfalls should be submitted to the Planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system including piped drains and the appropriate authority should be satisfied with the submitted details. Evidence that responsible arrangements will remain in place throughout the lifetime of the development should be provided to the local planning authority.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Before the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, all materials for all windows and doors, and all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. All soft landscape works shall be carried out in accordance with the approved details and in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations. The works shall be carried out prior to the use of any part of the development or in accordance with a programme submitted to and approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the development having regard to \*\*\*\* of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space and woodland shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved, and shall be carried out as approved.

Reason: In the interests of the long term amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No external lighting shall be installed on the school building or on any part of the site hereby approved for parking, allotments, burial ground, the roadway or the open space unless those details have first been submitted to and approved on writing by the Local Planning Authority.

Reason - To protect residential amenity and the character of the wider countryside having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. The development hereby approved shall not be carried out until a Preliminary Ecological Appraisal has been carried out and the development shall not be brought into use until the recommendations including ecological enhancements and mitigation measures identified have been approved in writing by the Local Planning Authority and have been carried out in accordance with the approved details.

Reason: To comply with wildlife legislation and to safeguard and enhance the ecological value and quality of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. The development hereby approved shall not be carried out until the details of measures to prevent contamination of the allotments from the burial ground have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved measures have been carried out in accordance.

Reason: To prevent contamination of the allotment land having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. No works associated with the implementation of this permission shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, and used on all vehicles leaving the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of local highway conditions and safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

20. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

## **INFORMATIVE(S)**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Flood Risk Assessment	30 June 2017	
Other Plan(s)	12 July 2017	02-353-200/D
Other Plan(s)	30 June 2017	02-353-214
Location Plan	30 June 2017	02-3530222/A
Flood Risk Assessment	30 June 2017	APPENDIX 1 -4
Additional Documents	30 June 2017	COMMUNITY STMNT PARTS 1-4
Additional Documents	30 June 2017	CONTAMINATION RISK PARTS 1-7
Additional Documents	30 June 2017	DRAFT HEAD OF TERMS
Additional Documents	30 June 2017	EIA
Additional Documents	30 June 2017	ENV STATEMENT VOL 2
Additional Documents	30 June 2017	ENV STATEMENT VOL 3 PARTS 2 -28
Other Plan(s)	30 June 2017	P05/A
Other Plan(s)	30 June 2017	PARAMETER PLANS 1 -5
Planning Statement/Brief	30 June 2017	PARTS 1 - 3
Design & Access Statement	30 June 2017	PARTS 1-12
Illustration	30 June 2017	PERSPECTIVE VIEWS AA
Illustration	30 June 2017	PERSPECTIVE VIEWS BB



Illustration	30 June 2017	PERSPECTIVE VIEWS CC
Additional Documents	30 June 2017	RESIDENTIAL TRAVEL PLAN
Additional Documents	30 June 2017	SCHOOL TRAVEL PLAN PARTS 1 & 2
Additional Documents	30 June 2017	TRANSPORT ASSESSMENT PARTS 1- 5