

<b>APPLICATION NUMBER:</b>	LW/07/0732	<b>ITEM NUMBER:</b>	<b>1</b>
<b>APPLICANTS NAME(S):</b>	George Wimpey South West Thames Ltd	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Planning Application for Residential development comprising seventy-two dwellings, associated parking and landscaping, together with access via the Downscroft estate, following the demolition of 25 & 26 Downscroft		
<b>SITE ADDRESS:</b>	Land off, Theobalds Road, Burgess Hill, East Sussex,		
<b>GRID REF:</b>	TQ 3220		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 This application relates to 2.39ha of land off Theobalds Road and the Downscroft estate, Burgess Hill which is allocated within the Lewes District Local Plan under Policy WV1 for residential development at a target minimum of 70 dwellings. The Local Plan was formally adopted in March 2003, following two public inquiries, and established the principle of residential development on this site. The site is also subject to a Supplementary Planning Document (SPD), approved by the Council in June 2004, which sets out the development principles for the site.

1.2 One of the main principles in the SPD is the requirement for access to the development to be via the Downscroft estate rather than Theobalds Road, which is a private road with poor visibility at the junction with Valebridge Road.

1.3 The proposal is for the construction of 72 dwellings comprising the following mix:

### Private

18 x 2 bed flats  
2 x 2 bed houses  
21 x 3 bed houses  
11 x 4 bed houses  
2 x 6 bed houses

### Affordable

8 x 2 bed flats  
4 x 2 bed houses  
6 x 3 bed houses

1.4 The layout shows a mix of detached, semi-detached and terraced units, together with flats located within a block in the centre of the site, adjacent to an area of open space. The density of the development amounts to approximately 31 dwellings per hectare, which accords with advice in PPS3 on Housing.

1.5 The access to the development is from the Downscroft estate and involves the demolition of nos. 25 and 26 Downscroft. An alternative emergency access is to be formed from Theobalds Road. The site is currently divided into three fields, separated by hedgerows. A landscape buffer is proposed along the northern and western boundaries with the Grade II Theobalds Farmhouse and along the eastern boundary of the development. The site lies on the boundary with West Sussex and the estate roads serving the development are under the jurisdiction of West Sussex County Council. Consequently, both East and West Sussex Highway Authorities must be satisfied with access arrangements for the application.

## 2. RELEVANT POLICIES

**LDLP: – ST01** – Infrastructure provision

**LDLP: – ST02** – General Infrastructure

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

**LDLP: – ST11** – Landscaping of Development

**LDLP: – RES01** – District Housing Land Strategy

**LDLP: – RES02** – First Phase of Residential Development

**LDLP: – RES09** – Affordable Housing

**LDLP: – H02** – Listed Buildings

**LDLP: – T01** – Travel Demand Management

**LDLP: – T14** – Vehicle Parking

**LDLP: – WV01** – Land at Theobalds

**NPG: – PPS3** – Housing

**NPG: – PPS25** – Development & Flood Risk

**NPG: – PPG16** – Archaeology & Planning

**NPG: – PPS9** – Biodiversity & Geological Conservation

(LDLP= Lewes District Local Plan : NPG= National Policy Guidance)

## 3. PLANNING HISTORY

**LW/05/2451** - Residential development comprising 72 dwellings, associated parking and landscaping, together with vehicular access via the Downscroft Estate, following the demolition of 25 and 26 Downscroft - **Withdrawn**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**East Sussex Fire And Rescue Services** – Fire hydrants will be required to be located in positions to be agreed. The access route for a fire appliance can be through one point of access provided the said access conforms to the current regulations. The Manual for Streets seeks the same minimum road width of 3.7m (3.1m at gateways/points of narrowing) within the development and the ability to get within 45m of any part of any property. This will be required to be demonstrated as a vehicle tracking plan. Sufficient parking spaces should be provided as part of the development in order to minimise the obstacle of on-road parking. This may include parking restrictions on-site and on existing approach roads. Theobalds Road is a private road and partly remains a dirt track with overhanging trees and would not be suitable as an alternative emergency access.

**Wivelsfield Parish Council** – Original comments - on street car parking at Downscroft is at capacity; traffic problems and safety issues will be worsened

by this proposal; changes to road layout will affect existing residents' ability to park outside their homes; narrow, congested roads; more than 300 dwellings would be served by one access only; there have been a number of road traffic accidents on the estate roads caused by poor visibility; Theobalds Road is unsuitable as an emergency access; loss of ancient hedgerow to create emergency access; new access onto Theobalds Road will worsen surface water drainage run-off; traffic assessment is lacking in a number of areas; traffic surveys have not taken place at the busiest times of day; assessments of traffic figures do not go beyond 2008 and do not take into account the opening of the Haywards Heath Relief Road and increase in traffic along Rocky Lane; development will have material impact on traffic using Valebridge Road junction; bus timetable and route details within TA are out of date; school bus has difficulty negotiating estate roads; access to Wivelsfield railway station is via steep steps; lack of access to alternative modes of transport in area; lack of capacity for surface water run off from development land; Worlds End basin regularly floods in periods of high rainfall; climate change is worsening flooding problems locally; applicants are not aware of local flooding issues; Grade II Listed Theobalds Farmhouse is subject to flooding; on site attenuation areas should be redesigned to be on the lower part of the site; sewage capacity problems locally; lack of infrastructure; lack of adequate public consultation or involvement; building heights exceed two storeys and do not comply with Development Principles for the site; overdevelopment to include two and a half and three storey housing; block of flats is 13m high and on higher ground; flats are out of character with the area; limited number of garages; lack of storage space

Car parks and footpath shown as being designed to flood; light spillage would be detrimental to listed buildings and countryside beyond; no discussion with local Councils on affordable housing needs; gardens included within 30m buffer zone for badgers; water attenuation area located adjacent to badger setts; impact on hedgerows; lack of archaeological survey of site.

### Second consultation

Latest plans have not taken account of previous objections and continue to ignore many of the key elements of the District Councils Development Principles. Overdevelopment. The number of houses should be reduced to be more in keeping with other properties in the area, to reduce water run-off and flooding risks and to reduce amount of additional traffic. Dwellings continue to have three floors and are considerably higher than normal two storey properties. Three storey block of flats is on higher land. Buildings will be visible from outside the site. Scale, height, massing, alignment, site coverage, density, landscaping, character and rhythm do not match neighbouring buildings. Downscroft is already heavily congested. Cars from affordable flats will overspill onto Downscroft. No emergency exit onto Theobalds Road is required. There should no access at all from Theobalds Road. Traffic assessment does not go beyond 2008. Traffic from Haywards Heath bypass has not been taken into account. No clear assurance that drainage scheme will work. No details of lighting submitted. Impact on badgers and hedgerows.

**Environmental Health** – Recommend conditions, including a requirement for a Construction Environment Management Plan (CEMP) setting out arrangements for managing all environmental effects of the development.

**ESCC Highways** – This response relates to amended plans date stamped 10th October 2007, and additional plan showing access arrangement from Downscroft and a meeting with local residents on 25th October 2007. In addition, the planning case officer has forwarded various correspondences from 3rd parties, which on the whole express concerns regarding on-street parking within the estate and current problems for existing road users. A minor access (as shown via Theobalds Road) is considered to benefit the eastern section of the estate solely for emergency purposes and it is argued that existing impact on the road network within the estate from parked vehicles warrants such a provision.

Parking within the estate is an issue due to heavy dependency on the private car with overspill parking within areas such as junctions, bends and in visibility splays. This causes problems for larger vehicles to pass such as refuse trucks and the local buses. It is envisaged that the existing problems such as minor accidents (which go unreported) are likely to worsen because of the additional traffic using the estate roads during the peak times. It is considered relevant that particular areas such as these within the estate do remain clear to safeguard visibility for all road users. It has also been brought forward by the West Sussex Fire/Emergency representative. To seek to overcome existing and foreseeable safety implications, it is recommended that a financial contribution of £5k is sought from the developer to implement a Traffic Regulation Order for parking controls at 'high-risk' assessed points within the East Sussex estate (which to work effectively should be partnered with West Sussex Highway Authority).

To summarise, I do not wish to raise an objection to the proposed development subject to the forecourt areas being revised and the applicants entering into a legal agreement to secure estate parking controls and bus improvements in co-ordination with West Sussex Highway Authority. The vehicular access point into the application site has been audited to this authority's satisfaction. I am satisfied that not only both accesses can be designed to conform with technical criteria, but have confidence that, although only one is intended to function as an all-purpose access, with improvements on the existing estate roads and enabling bus service upgrade, the site can be satisfactorily accessed in accordance with the Lewes District Local Plan.

**Sussex Police – Crime Prevention Design Advisor** – The layout, being a cul de sac, creates excellent defensible space. Concerned at courtyard parking. This should be controlled and gated. Lighting will be an important element of this project, both around the buildings and in the parking areas.

**Southern Water Plc** – The proposed surface water and foul sewerage drainage strategy is acceptable on principle. A formal submission with more detail will be required for adoption of the sewerage system.

**Seeboard Power Networks Plc** – There are underground cables within the proposed area

**Woodland Trust** – No objection

**East Sussex County Archaeologist** – The site is of archaeological interest. Recommend the implementation of a programme of archaeological works and a written scheme of investigation.

**ESCC Rights Of Way Officer** – No objection

**Natural England** – We are satisfied that the surveys have been carried out to an acceptable standard and support the comments and recommendations made within. Any lighting should be low intensity, low level and directional to avoid disturbance to bats. Hedgerows should not be cut back unnecessarily so as to maintain benefits to badgers and bats. Happy with the reptile mitigation strategy, but not happy with relocation of reptiles from the site in advance of planning permission being granted.

**Mid Sussex District Council** – No comment on principle of development. Future residents are likely to use services within Burgess Hill that are provided by both West Sussex CC and Mid Sussex DC. Off site play space contributions should be spent within Mid Sussex. Lewes DC should satisfy itself that the development would not result in off site flooding or exceed the capacity of the drainage infrastructure to serve the development. Raise serious concerns about the proposed means of access and request that views of both East and West Sussex Highway Authorities are taken fully into account.

**West Sussex County Council Highways** – Since the submission of the previous planning application, Design Bulletin 32 (DB32) has been revoked and replaced with Manual for Streets (MfS). The aim of the new guidance is to move away from strict, risk-averse standards and to include the needs of people and not just their vehicles. The previous specification for two points of access to serve developments of 100 dwellings or more is no longer required. The Highway Authority could therefore no longer consider the need for an additional access to be essential and the lack of an additional access to be a reason for refusal. None of the bus stops in the vicinity are within 400m walking distance of the development and the site is therefore not fully accessible. Locations of key services and distances in the Transport assessment are misleading. No scheduled bus routes approach any closer to the site than Valebridge Road or Janes Lane. The site lies within a semi-rural location on the edge of the town which may deter people from walking the full 2.5km to the town centre. Secure and covered cycle storage should be provided to East Sussex standards. Although there are a number of concerns with regard to sustainable access, the site is an extension of an existing residential estate and services and amenities are available in the locality. The development will result in an increase in vehicle movements and increased delay at junctions on the road network within West Sussex but this increase will not result in highway safety or capacity problems. Delay at junctions is not

considered to be material. Any consent should require a Travel Plan, with the aim of promoting sustainable transport and influencing travel behaviour, and a sustainable transport contribution of £105,463. A construction management plan should also be submitted and approved prior to commencement of works.

**Burgess Hill Town Council** – Original Proposal: Strongly recommend refusal. The application is premature. The outcome of the Town Wide Master Plan should be awaited before decisions are made on this site. The development of this site will have a major impact on the infrastructure and services provided in Burgess Hill. The proposed development would exacerbate existing flooding problems in Downscroft and Worlds End. Capacity of this area to take additional sewage and surface water is low. There is a need for a drainage master plan for the area. Impact on traffic flows from the Haywards Heath Relief Road on Rocky Lane has not been taken into account. This, plus the traffic from the development, will compound the situation at the junction at Valebridge Road and roundabout at Worlds End. Traffic assessment needs to go beyond 2008. Downscroft estate currently has cars parked illegally on pavements to leave room for vehicles to pass. Problematic for emergency vehicle access. Increased traffic will compound this problem. Effect on badgers, trees and biodiversity. Three storey buildings are out of character. If approved, any S106 contributions must be invested in Burgess Hill. More detailed objections also made in conjunction with Wivelsfield PC and Worlds End Association (see Wivelsfield PC comments).

Second consultation - Strongly Recommend Refusal - concern was expressed that Highways objections had been withdrawn. The route in is a residential road with three right hand bends. It was understood that East Sussex County Council were proposing to undertake a safety audit and Burgess Hill Town Council would be willing to contribute to this. There was little evidence that the impact of the traffic onto Valebridge Road from the Haywards Heath relief road had been taken into account. The application was premature in light of the Town Wide Master Plan for Burgess Hill. Reiterate previous comments.

**Environment Agency** – No objection, following receipt of supporting information from applicants, subject to conditions.

**Tree & Landscape Officer Comments** – It must be said that the applicants have made a positive effort to shift buildings and garden boundaries away from the canopies of trees identified for retention and subject to one of the above Orders. However, despite this effort there remain some reservations about plots 61 and 60 and plot 54. The main issue concerns low light levels to the house and garden.

I still hold the view that there will be pressure brought to bear on the Council to allow lopping, topping and even removal of trees to alleviate loss of light to the house and gardens and/or to allay fears of wind-throw of branch shedding episodes. Even a Tree Preservation Order will not carry sufficient weight to prevent tree work application being granted planning permission, or an appeal

against refusal on the grounds that the residents have the right to the reasonable use and enjoyment of the house and garden.

### Management Plan

It remains unclear from the Landscape Management Plan as to who or what will undertake the management of the landscaping buffer zones, play areas etc. Long-term ownership and control of areas set aside for landscaping and existing vegetative features retained as part of the wider landscaping scheme must be managed by something like a management company. One of the main objectives will be to ensure that piecemeal management by private householders is avoided and that the amenity and ecological functions of the landscaping are maintained in perpetuity.

### Landscaping

The landscaping scheme deals with principles but lacks detail. A more detailed scheme showing species, planting density, planting location and planting size will need to be submitted for approval.

**Lewes District Council Housing Strategy** – The proposed affordable housing mix is good and will help meet need within Wivelsfield. We would expect 70% of these to be affordable rented and 30% to be for shared ownership.

**East Sussex County Council** – The proposed development should contribute £139,700 towards the cost of providing additional primary school places at Wivelsfield Primary School to accommodate the number of additional primary school pupils it would be expected to generate. £149,400 is also required towards the cost of providing additional secondary school places at Chailey (11-16 year olds) and £27,500 towards 16-18 year old places at Uckfield or Ringmer Community Colleges.

**West Sussex County Council** – Primary and secondary schools within the catchment area would be capable of accommodating the additional pupils created by the proposed development. Burgess Hill library would not be able to adequately serve the additional needs that the proposed development would generate. A financial contribution of £13,918 towards the cost of the replacement library would be required. Financial contribution of £9,995 towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area, would also be required.

**Badger Protection Group** – There is a lack of evidence of badger movements around the site. Recommend a further survey of the area, including bait marking to plot badger movements, before work commences. The attenuation area on the corner of fields 1 and 2 will impact upon the badger sett whether it floods or not. It should be positioned elsewhere or at least 30m from the nearest badger hole in order to minimise disturbance to the badgers. Any permission should be subject to conditions for the protection of badgers and their setts during and after the building process.



## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Original Plans - 96 letters of objection and a petition with 81 signatories received raising the following objections - Site was only included in the Local Plan at a late stage; its inclusion in Local Plan was originally objected to by LDC; Local Plan Inspector acknowledged that access was a problem; impact on listed buildings; access roads are congested with cars parked on pavement, narrow and unsuitable roads; does not include a second access; poor forward visibility; increased congestion in locality and on surrounding roads; increased traffic, noise and disturbance; unsafe roads have already seen a number of road traffic accidents; increased run off will exacerbate existing flooding problems; inadequate drainage measures; lack of sustainable drainage measures; insufficient sewage capacity locally; lack of knowledge from developers about local flooding problems; Theobalds Road unsuitable for emergency access; damage to ancient hedgerow; heights, design and scale of buildings do not comply with Council's planning guidance; will have harmful landscape impact; tall buildings on higher land; flats are out of character; light pollution; impact on badgers and wildlife; impact on hedgerows and watercourses within site; loss of trees; archaeological impact; increased pollution; lack of infrastructure and local services; local schools unable to accommodate more pupils; loss of residential amenity; new road alignment in Downscroft will disadvantage existing residents and will make it difficult for family with disabled child to access their driveway or to have a dedicated space outside their home; limited public transport in vicinity; school bus has difficulty negotiating the existing roads; development is premature; no reference to increased traffic from Haywards Heath relief road in transport assessment; unsustainable development; inadequate public consultation; lack of water supply; increased disturbance and dust during construction; lack of parking provision in new development; loss of existing houses will alter character of estate; loss of countryside; lack of safe pedestrian access; overlooking and loss of privacy; affordable housing not pepper-potted;

5.2 Mid Sussex Area Bridleways Group – Theobalds Road is a bridleway; any increase in traffic will affect the safety of equestrians; drainage should be improved so as not to worsen surface of bridleway;

5.3 Joint submission received from Worlds End Association, Burgess Hill Town Council and Wivelsfield Parish Council, a summary of which is reported under Wivelsfield Parish Council's comments in the Consultation section of this report. A meeting with the applicants is scheduled for 4th December and any issues arising will be reported to the committee

5.4 Second consultation following receipt of amended plans - 40 letters of objection received, reiterating previous objections and raising the additional points - flats and other tall buildings will be visible from outside the site; heights will be exacerbated by slope of site; dormers in roofscope are out of keeping with locality; increase in impermeable surface as a result of additional conservatories and sheds; position of new access will result in loss of privacy to existing residents which is a breach of Human Rights; affordable flats close

to development access off Downscroft have insufficient parking and will lead to overspill parking on existing roads; Manual for Streets does not require an emergency access and this should be removed from the development; number of proposed units should be reduced.

## **6. PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of this application are (i) the means of access and highway safety, (ii) drainage and flooding, (iii) design, form and building heights, (iv) ecology.

### **Access**

6.2 This application follows the withdrawal of an earlier planning application in April 2006 (LW/05/2451). One of the principal reasons for the withdrawal was an objection from West Sussex County Council on the grounds that the site was an extension to the Downscroft estate, which currently comprises 238 dwellings, and the proposed 72 dwellings would result in a total of 310 dwellings being served from a single point of access onto the wider highway network (Valebridge Road/Valebridge Drive junction). This extension to the existing cul-de-sac would not, therefore, have complied with advice in Design Bulletin 32 (DB32) which sets out design guidance for residential roads.

6.3 However, since that application was withdrawn, DB32 has been superseded by new Government advice in the form of the Manual for Streets. This guidance relaxes the requirement for a development of this size to be served by two permanent points of access. Consequently, West Sussex County Council can no longer sustain an objection based on the need for a second point of access and they have, therefore, withdrawn their previous objection to the proposal.

6.4 A second access for emergency vehicles only is shown being formed onto Theobalds Road. Under the guidance in Manual for Streets, this access is not an essential requirement, and the West Sussex Fire Brigade consider it to be substandard. However, such an access is considered to be a beneficial feature, particularly in view of the congested nature of the Downscroft estate roads, and both East and West Sussex Highway Authorities have recommended that it remain within the layout. Theobalds Road is to be used for emergency access only, and is not to be used for general access or by construction vehicles. It will be available for use by pedestrians and cyclists. It is a private road which accesses onto Valebridge Road near to the brow of a hill and is unsafe for a significant increase in vehicular use, other than in emergencies.

6.5 Many objections have been received from the residents of the Downscroft estate concerning the congested roads within the estate serving the site and the subsequent lack of road width and forward visibility for drivers using those roads. Concern has also been raised at the possible problems for contractors lorries and other vehicles using roads during the construction. Residents have advised that there have been a number of minor accidents on these roads as

a result of the congestion and lack of visibility. However, both East and West Sussex Highway Authorities have examined this issue closely and do not consider that the existing problems are sufficiently serious to prevent this development from going ahead. The development should not worsen the present situation as the level of parking to be provided meets County parking standards and should not result in any significant overspill parking on existing roads.

6.6 Downscroft is to be re-aligned at the entrance to the site with priority given to vehicles entering and exiting the new development. Concern has been raised from the occupiers of 2 Downscroft, directly opposite the new access, that this will prevent them from parking outside their property or from being able to provide a disabled parking space for their son. East Sussex Highway Authority requested a Safety Audit for this junction and it has subsequently been audited to their satisfaction.

6.7 East Sussex Highways has expressed concern at the level of on street parking within the estate and acknowledge that this causes problems for larger vehicles such as refuse trucks and local buses and has resulted in a number of minor traffic accidents. In order to improve the situation, they have recommended that a financial contribution of £5,000 is sought from the developer to implement parking controls such as double yellow lines at the more 'high risk' points within the existing estate. With these controls in place, the local bus service can be upgraded to allow demand to be met and to reduce the overall number of car trips. Residents should also experience an improvement in highway safety within the estate as a result.

### **Drainage and Flooding**

6.8 The site and surrounding area is liable to flood and it is a strong concern locally that this development will increase the amount of surface water run-off and exacerbate the flood risk. At present, run-off is uncontrolled and leads to flooding within the 'Worlds End' area of Burgess Hill to the south of the site. The development therefore includes a drainage system designed for storm events up to and including the 1 in 100 year with climate change incorporated. The site slopes generally from north east to south west and surface water drainage in the form of Sustainable Urban Drainage Systems (SUDS) has been designed to control rainfall runoff on site by holding water within below ground storage tanks and above ground retention areas. These include an area close to badger setts, adjacent to the eastern boundary of Theobalds Farmhouse, and the proposed public open space in the centre of the development. Underground storage areas are shown below the estate road at the top of the site and under the car park on the site's western boundary. None of these drainage features are reliant upon third party land.

6.9 Consequently, while the development will result in an increase in impermeable surface area, the proposal will not worsen the existing flooding problems in the area as rainfall will be held on site and allowed to drain away in a controlled manner. The Environment Agency has no objection on flood risk grounds as the proposal controls runoff within the site, in accordance with

advice in PPS25. In addition, Southern Water has no objection to the proposal and does not foresee any problems with connection to the existing sewage system.

### **Design, form and building heights**

6.10 One of the major objections from local residents and the Parish and Town Councils has been the scale and height of buildings within the development. It has been suggested that the proposal does not follow the advice in the Development Principles document which states “The height of buildings must take account of the surrounding development, which is predominantly two storeys, any higher than this would not be in character with the area.”

6.11 The development contains a mix of dwellings with heights ranging from 7.4m – 10.5m. The taller dwellings contain rooms within the roof served by dormer windows, but they have a two storey form. The land drops from the north east to the south west and there is a range of house types throughout the development. The tallest building, at 10.7m high, is the affordable housing flatted block in the centre of the site. This has a three storey form, with the third floor set partly within the roof eaves, and does not strictly comply with the guidance in the Development Principles. However, it has been reduced in height by 2.5m from the original submission and its impact is considered to be acceptable. It is sited just below the ridge on the eastern boundary and is some distance from existing dwellings, being separated by a tall tree belt from the western edge of the site and some 100m from the Grade II Listed Theobalds Farmhouse. Its wider impact is not considered to be significant.

6.12 10 other dwellings within the development are over 10m in height but their impact has been mitigated by being spaced throughout the layout. None of the tallest dwellings will be viewed from the existing Downscroft estate, being separated by a tree belt within the development, and will not be perceived as relating directly to that estate. The use of varying roof heights and forms, including half hips adds interest to the street scene, while materials such as stock brick, render, weatherboarding, tile hanging and contrasting brickwork add further variety in appearance. The site is bounded by agricultural land to the south and east with views from the south screened by a mature tree belt. The site is more exposed to the east, but is partially contained from more distant views by hedgerow. A 10m wide buffer strip has been reserved along the eastern boundary to accommodate more substantial screen planting. To the north, the development will be largely screened from Theobalds Road and the Grade II Listed Antye House by mature hedgerow and trees. The wider impact of the development is therefore limited.

6.13 The demolition of the two dwellings to form the access into the site will be partly offset by the construction of a replacement dwelling on the plot of no.26 Downscroft. The internal road layout has been designed to slow traffic speeds with sharp bends and changes in surface materials, to create ‘home zones’, residential streets in which the road space is shared between road users and residents. The estate road in the first part of the development

leads to a 'square', a hard surfaced road area surrounded by buildings. The houses in this part of the site are positioned at right angles to Theobalds Farmhouse and are separated from the southern boundary of that property by a 10m wide landscape buffer. The nearest dwellings are 8.4m high and will be some 47m from the listed building. They are also some 37m from the rear of dwellings in Downscroft and are separated by a tree belt and a proposed parking court. A new tree is to be planted to replace one that fell recently at the end of 24 Downscroft.

6.14 To the south, affordable flats are provided in a two storey block 8.6m high. While bulkier than a single dwelling, the building is not considered to be detrimental to the appearance of the development or its relationship with Downscroft. Together, with the proposed houses on the northern side of the estate road, the flats form an entrance 'gateway' to the development.

6.15 The development opens up beyond the north-south hedgerow which splits the site with the inclusion of an area of public open space. The land begins to rise at this point and the houses are generally on an east-west orientation fronting the estate road which runs to the north of the site. At the northern end of the site, beyond the east-west hedgerow, the houses will front Theobalds Road and be served by their own informal, 'private' drive from the estate. They will not have direct access to Theobalds Road. The emergency access at this point will be available for use by pedestrians and cyclists and final details of this arrangement can be reserved for later approval by condition.

6.16 Parking for the development takes the form of courtyards. The police have advised that such areas should be gated and controlled but it is considered that this would result in a rather unattractive environment. It is considered that the parking courtyards are generally well overlooked, including by the use of flats above garages (FOGS) and will be relatively secure. Gates are therefore not considered to be necessary.

### **Trees/Ecology**

6.17 The layout has been amended from the original submission to provide greater protection to the trees on the southern boundary in particular. As originally shown, the dwellings along the southern boundary would have lost significant light levels as a result of their proximity to the tall trees on that boundary. This would have led to pressure from future occupants to lop, top or even fell the trees. As a result of discussions on site with the applicants, amended plans have been received which show a redesign of the layout in the south eastern corner of the site to change the orientation of the dwellings and to provide a parking courtyard nearest to the trees. Plots 61 and 62 adjacent to the mature oak on the southern boundary have been pulled away from the tree and the usable garden area brought away from the canopy. Finally, plots 8-10 have been resited further from the oak within the north-south hedgerow. The result of these amendments is to greatly reduce the pressure on the existing trees and while the Council's Tree & Landscape

Officer still has some concerns, it is considered that the amended layout is much more acceptable and an objection, cannot be sustained on this point .

6.18 The site has a high ecological value, with protected reptiles and badgers present. A badger sett exists at the northern end of the site, adjacent to the boundary with Theobalds Farmhouse. The layout provides a 30m building exclusion zone around the sett, although garden fences are included within this zone. The Badger Trust has raised a number of concerns over the proximity of the flood attenuation measures to the badger sett. The applicant's ecologist has responded by stating that they have monitored the site and around the sett since September 2005 and have a clear picture of activity at the sett. They have confirmed that badger activity has been fairly limited during this time as the site is neglected and does not offer ideal foraging for badgers. While badgers have visited the sett and marked their territory, there is no evidence to suggest significant use by badgers. It is therefore likely to be a subsidiary sett. They have reiterated that the development will not result in a significant loss of foraging ground as a badger's territory would usually amount to 50-70ha. The site represents around 2.3ha. With regard to the rainwater attenuation areas, the swale near to the badger sett is designed to fall beyond 15m from the nearest badger hole. The other attenuation area will be over 60m south of the nearest badger sett. Construction activity will not directly impact on the sett and will involve minimal disturbance. The attenuation areas have been designed to be used only in extreme rainfall events and will therefore be principally dry areas. The side slopes of the attenuation area will be 1:3 which should not prove a challenge to a badger and no amendment to the design of these areas is necessary. The foraging corridors are of generous width and, while there will be gaps to accommodate estate roads, they will not deter badgers from foraging. The 15-30m buffer zone along the hedgerows requested by the Badger Trust is impractical on a site of this size.

6.19 The layout has been amended on several occasions to accommodate the badgers and a licence will be required from Natural England before work can commence. A planning condition can also be imposed to require a badger mitigation strategy.

6.20 Reptiles, consisting of slow worms, common lizards and grass snakes, were also present on site and these have since been translocated to the nearby Bedelands Farm Nature Reserve. There is fairly low bat activity on the site but existing hedgerows are being retained to a great extent, to be used as foraging corridors for the badgers and bats.

6.21 There is no objection from Natural England on the ecological survey that has been carried out by the applicants, although they expressed concern that reptiles had been translocated before any planning consent had been granted.

## **Sustainability**

6.22 The applicants have submitted a comprehensive sustainability appraisal with their application. It is considered that the development partially meets the requirements of the Council's Sustainability Checklist. While there are no renewable energy measures incorporated within the new houses, the scheme will exceed the minimum requirements of the Building Regulations. Houses are generally orientated to face south or west to maximise passive solar gain and reduce the amount of energy use. Water butts to harvest rainwater are also to be incorporated into the units. The site is considered to be in a reasonably sustainable location, although it is acknowledged that none of the bus stops in the vicinity are within 400m walking distance of the development and the site is therefore not fully accessible. The applicants' Transport Assessment is also misleading in terms of the proximity of key services and distances. West Sussex County Highways have stated that the site lies within a semi-rural location on the edge of the town which may deter people from walking the full 2.5km to the town centre, although secure and covered cycle storage is to be provided for all units. Although there are a number of concerns with regard to sustainable access, the submission of a Travel Plan and a financial contribution from the developers to promote sustainable transport and influence travel behaviour has been recommended by WSCC Highways.

## **Legal Agreement**

6.23 The developers will be required to enter into a comprehensive s106 legal agreement to secure the provision of affordable housing, plus financial contributions of £107,110 towards sustainable transport measures, £5,000 towards traffic controls within the Downscroft estate, £13,918 towards a replacement library in Burgess Hill, £9,995 towards improved fire and rescue infrastructure, £139,700 towards the cost of providing additional primary school places at Wivelsfield Primary School, £149,400 towards the cost of providing additional secondary school places (11-16 year olds), possibly at Chailey School, £27,500 towards 16-18 year old places at Uckfield or Ringmer Community Colleges, £1,160.64 towards kerbside recycling collection and a play space contribution of £288,651, To cover equipped play space and formal sports pitch provision elsewhere. The total contributions amount to some £742,435. As the residents of the development are likely to visit Burgess Hill for most of their services, the contributions will largely be spent within Mid Sussex and West Sussex.

## **Conclusion**

6.24 The site is allocated in the adopted Local Plan and the principle of residential development has therefore been established. It will make a valuable contribution to meeting housing needs in the area, with provision of affordable housing in line with Planning Policy. This revised proposal represents a well designed layout which provides the required housing numbers without compromising the quality of the development or harming residential amenity. The revisions to the layout and the reduction in the height

of the tallest units will reduce the impact of the development in the wider landscape. It is considered that the development is acceptable in terms of its massing, height and impact within the street scene and wider setting. The provision of the informal open space and additional buffer planting will help to integrate the development into the landscape, ensuring that it does not have an adverse impact on the surrounding area. Overall the scheme is largely compliant with the Development Principles SPD agreed in 2004.

6.25 The development incorporates Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Environment Agency and is acceptable to the Agency in flood risk terms. It also accords with advice in the Manual for Streets with regard to vehicular access and parking. Overall the application can be supported, and is recommended for planning permission subject to an appropriate S.106 legal agreement.

## **7. RECOMMENDATION**

That, subject to the satisfactory completion of an s106 Agreement to secure the measures and contributions outlined in the report, permission can be granted.

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

1. There shall be no vehicular access to the site from Theobalds Road at any time other than in emergencies. All construction vehicles shall access the development from the Downscroft estate.

Reason – In the interests of highway safety having regard to Policy ST3 of the Lewes District Local Plan.

2. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding having regard to PPS25 of the National Policy Guidance.

3. The existing pond adjacent to the site shall be protected from disturbance during the works, and a land buffer strip of 8 metres between the pond and any development shall be retained. This buffer strip shall contain the existing vegetation surrounding the pond.

Reason: In order to protect the wetland habitat for amenity, aesthetic and wildlife reasons having regard to PPS9 of the National Policy Guidance.

4. No development or construction-related works (including driving of heavy machinery or depositing/storing of any materials) shall occur within 5 metres of the top of the bank of any ditch on or adjacent to the site. This area should be



incorporated into the overall landscape strategy for the site as a naturally vegetated buffer area.

Reason: In order to preserve the water corridor wildlife habitat in the interests of ecology having regard to PPS9 of the National Policy Guidance

5. No development shall commence until a detailed scheme of site landscaping and ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. These landscaping details shall include:

- appropriate ecological enhancements
- compensatory habitat creation and landscape planting;
- measures specifically to address retention and enhancement of the site's ecological connectivity through ecological corridors and networks;
- a scheme for human access restrictions to the retained and created habitats
- a scheme for future habitat/landscape management of the site.

Thereafter, the scheme shall be completed in accordance with the approved plans.

Reason: In the interest of maintaining biodiversity and ecological value on the site having regard to PPS9 of the National Policy Guidance

6. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Authority. The CEMP shall set out the arrangements for managing all environmental effects of the development during the construction period including traffic, artificial illumination, noise, vibration, dust, erection of temporary fences around retained habitats, prevention of damage to existing habitats, construction site drainage and a system of monitoring these arrangements during the development phase. These arrangements shall be implemented in full throughout the duration of the construction works unless a variation is agreed in writing by the Local Planning Authority.

Reason: In order to minimise the potential environmental impacts of construction on local residents and existing wildlife habitats having regard to Policy ST3 of the Lewes District Local Plan and PPS9 of the National Policy Guidance

7. 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, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent the pollution of Controlled Waters, surface and groundwater having regard to Policy ST14 of the Lewes District Local Plan

8. No dwellings shall be occupied until such time as a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority in

consultation with West Sussex and East Sussex County Councils acting as Highway Authorities. The Plan shall thereafter be implemented as approved.

Reason – To encourage sustainable transport and travel behaviour having regard to PPS13 of the National Policy Guidance

9. Any damage to the public highway of Valebridge Road, Valebridge Drive and Charlwood Road caused during the construction period and as a result of extraordinary traffic generated by the development will need to be made good to the satisfaction of the Local Planning Authority.

Reason – To ensure satisfactory standard of road maintenance in the interest of highway safety having regard to Policy ST3 of the Lewes District Local Plan

10. No work shall be carried out on the site unless an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority. Such a facility shall be retained in working order and operated throughout the period of work on vehicles leaving the site.

Reason – To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the highway, having regard to Policy ST3 of the Lewes District Local Plan.

11. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority, with a view to their subsequent adoption as publicly maintained highway

Reason: In the interest of highway safety and for the benefit and convenience of the public at large having regard to Policy ST3 of the Lewes District Local Plan

12. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to Policy ST3 of the Lewes District Local Plan

13. Before house building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to Policy ST3 of the Lewes District Local Plan

14. The development shall not be occupied until details of the layout and construction details of the emergency access has been submitted to and approved

in writing by the Planning Authority and construction of the access has been completed in accordance with the approved plans.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in the interests of the visual amenities of the locality having regard to Policy ST3 of the Lewes District Local Plan

15. No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant, or their agents or successors in title, has/have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason: To facilitate the recording of finds of archaeological interest having regard to PPG16 of the National Policy Guidance

16. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

17. No deliveries shall be taken at or despatched from the site outside the hours of 0800-1800 Monday to Friday and 0830-1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenities having regard to Policy ST3 of the Lewes District Local Plan.

18. All waste materials arising during the construction period shall be removed from the site and sent for proper and appropriate disposal prior to the completion of the development. There shall be no burning of waste on site.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan.

19. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only.

Reason: To ensure adequate off-street parking provision having regard to Policy ST3 of the Lewes District Local Plan.

20. 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 buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan.

21. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan.

22. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason - To safeguard the amenities of nearby residents and the surrounding countryside having regard to Policy ST3 of the Lewes District Local Plan.

23. Before the development hereby approved is commenced on site, details/samples of all external 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 Policy ST3 of the Lewes District Local Plan.

24. Before the development hereby approved is commenced on site, details/samples of 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 Policy ST3 of the Lewes District Local Plan.

25. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1, Classes A-D of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan.

26. Before the development hereby permitted is commenced on site, details of the facilities for the storage and removal of refuse from the premises shall be

submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason: To secure a proper standard of development having regard to [Policy ST3](#) of the Lewes District Local Plan.

27. No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

Reason – In the interests of road safety having regard to [Policy ST3](#) of the Lewes District Local Plan.

28. No work shall be carried out on site unless provision is available within the site in accordance with details approved by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.

Reason – To avoid undue congestion of the site and consequent obstruction to access having regard to [Policy ST3](#) of the Lewes District Local Plan

29. No development shall take place until a method statement for the protection of badgers and their setts on the site both during and after the construction process has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in accordance with that consent.

Reason – To protect badgers on the site having regard to [PPS9](#) of the National Policy Guidance

30. Prior to any site demolition, the Highway Authority's Area Highway Manager shall be contacted on 0845 6070193 so that the boundary position can be agreed.

Reason: To ensure the safety of persons and vehicles proceeding along the highway having regard to [Policy ST3](#) of the Lewes District Local Plan.

31. In this condition "retained tree" means an existing tree which is to be retained in accordance with the submitted Tree Protection Plan (Ian Keen Ltd – drawing number 5759/02 – June 2007) and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing or protective barriers for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To enhance the appearance and character of the site having regard to Policies ST3 and ST11 of the Lewes District Local Plan.

32. No works or development shall take place until full details of all proposed tree and shrub planting, the siting and density of planting and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To enhance the appearance of the site having regard to Policies ST3 and ST11 of the Lewes District Local Plan.

33. If within a period of five years from the date of the planting any tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the site having regard to Policies ST3 and ST11 of the Lewes District Local Plan.

34. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plans 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.

## **INFORMATIVE(S)**

1. The applicant is advised to contact David Boarer at the West Sussex Fire and Rescue Service on 01243 813667 in respect of the requirement for the provision of fire hydrants within the development and fire appliance access

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plans	5 June 2007	004
Other	5 June 2007	R2
Other	5 June 2007	6329/01 TREE PLAN
Other	5 June 2007	5759/02 TREE PLAN
Other	5 June 2007	ARBORICULTURAL REPORT
Other	5 June 2007	PRE APP PUBLIC CONSULTATION REP.
Other	5 June 2007	SUSTAINABILITY REPORT
Other	5 June 2007	PPS25 FLOOD RISK ASSESSMENT
Other	5 June 2007	SURFACE WATER DRAINAGE STATEMENT
Other	5 June 2007	ADDENDUM TRANSPORT ASSESSMENT
Other	5 June 2007	TRANSPORT ASSESSMENT
Other	5 June 2007	LANDSCAPE ASSESSMENT & STRATEGY
Other	5 June 2007	LANDSCAPE MANAGEMENT PLAN
Other	5 June 2007	ECOLOGICAL APPRAISAL
Other	5 June 2007	PLANNING STATEMENT
Location Plan	5 June 2007	LOC.1
Design & Access Statement	5 June 2007	
Proposed Floor Plans	5 June 2007	002
Proposed Elevations	5 June 2007	002
Proposed Floor Plans	5 June 2007	003
Proposed Elevations	5 June 2007	003
Proposed Elevations	5 June 2007	004
Planning Layout	10 October 2007	PL 011 A
Street Scene	10 October 2007	PL 010 C
Sections	10 October 2007	PL 010 C
Block Plans	10 October	PL 010 C

	2007	
Block Plans	21 November 2007	PL 001 H
Location Plan	21 November 2007	PL 001 H
Proposed Elevations	10 October 2007	PL 005 A
Proposed Floor Plans	10 October 2007	PL 005 A
Proposed Floor Plans	10 October 2007	PL 006 A
Proposed Elevations	10 October 2007	PL 007 A
Proposed Elevations	10 October 2007	PL 008 B
Proposed Floor Plans	10 October 2007	PL 008 B
Proposed Elevations	10 October 2007	PL 009 A
Proposed Floor Plans	10 October 2007	PL 009 A
Other	19 September 2007	SK-03A

**Summary of reasons for decision and any relevant development plan policies/proposal:**

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policies ST1, ST2, ST3, ST11, RES1, RES2, RES9, H2, T1 and WV1 of the Lewes District Local Plan.