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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015**

PERMISSION

REFERENCE: DM/19/1897

DESCRIPTION: HYBRID APPLICATION COMPRISING OF OUTLINE PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF 130 DWELLINGS CONSISTING OF 12NO. 1 BEDROOM APARTMENTS, 27NO. 2 BEDROOM HOUSES, 47NO. 3 BEDROOM HOUSES AND 44NO. 4 BEDROOM HOUSES AND ASSOCIATED ACCESS, TOGETHER WITH CHANGE OF USE OF PART OF THE LAND TO COUNTRY OPEN SPACE, FOLLOWING THE PROVISION OF A NEW PEDESTRIAN TUNNEL UNDER THE RAILWAY. ALL MATTER RESERVED APART FROM ACCESS. UPDATED INFORMATION RECEIVED 10TH JULY REGARDING AIR QUALITY.

LOCATION: LAND TO THE REAR OF FRIARS OAK, LONDON ROAD, HASSOCKS, WEST SUSSEX

DECISION DATE: 16 OCT 2019

CASE OFFICER: STEVEN KING - STEVEN.KING@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 1 year from the date of approval of the last of the reserved matters.

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

Pre commencement

2. No development other than works to construct the road bridge over the Herring Stream shall take place until the pedestrian tunnel under the railway line has been constructed and is available for use by the public. Prior to any works taking place on the tunnel, details of the design, construction and lighting of the tunnel shall be submitted to the Local Planning Authority for its written approval. The scheme shall be implemented in accordance with the approved details.

Reason: In order to provide a safe crossing over the railway line and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation, to be submitted to the local planning authority and approved in writing. The scheme of investigation shall thereafter be carried out in full.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031

4. No development shall take place until a scheme of ecological mitigation has been submitted to the local planning authority and approved in writing. The scheme shall include details of:
 - i. a Construction Environmental Management Plan (CEMP) setting out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction;
 - ii. drainage and pollution prevention details sufficient to demonstrate that there will be no adverse long-term impacts on the ecology of the adjacent stream;
 - iii. a detailed lighting strategy, supported by modelled lux levels, showing measures to be used to minimise light pollution of hedgerows and other wildlife habitats with particular regard to minimising impacts on bat foraging;
 - iv. full details of habitat creation and enhancement measures and a Landscape and Ecological Management Plan (LEMP) to ensure long-term management of retained and newly-created features; and
 - v. a reptile relocation strategy, making provision for retention within the site through suitable habitat creation/enhancement and ongoing management (integrated with the LEMP).

These details shall be informed by ecological survey reports, updated where necessary, in compliance with BS4220: 2013 - Biodiversity. Code of practice for planning and development.

The ecological mitigation scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

5. No development of any kind shall be commenced until a detailed Flood Risk Management Scheme has been submitted to the local planning authority and approved in writing. The scheme shall contain detailed proposals for the management of all types of flood risks within the site, including the detailed design of all proposed bridges, culverts and structures within the floodplain, all necessary flood compensation areas, and any other necessary mitigation measures, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Flood Risk Management Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

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

6. The access to the development shall be constructed in accordance with the approved access plan, No JNY8994-05. The remainder of the main access road, including the proposed bridge, embankments and culvert, shall be constructed in accordance with further details, to be submitted to the local planning authority and approved in writing. No other development on the site shall be commenced until the junction with London Road, and the first 200 metres of the access road, have been provided, at least to base course, in accordance with these approved details.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

Pre occupation

7. No dwelling shall be occupied until the estate roads, footways, turning areas, and parking spaces to serve that dwelling have been provided, at least to base course, in accordance with details to be submitted to the local planning authority and approved in writing.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

8. No dwelling shall be occupied until the submitted Residential Travel Plan, dated 4 June 2018, has been brought into effect. Thereafter, the Travel Plan shall be implemented in accordance with the recommendation set out therein.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

9. No dwelling shall be occupied until a footpath link has been provided from the development to Shepherds Walk, in accordance with details to be submitted to the local planning authority and approved in writing.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

10. No construction work on any dwelling shall commence until a detailed scheme for the provision of the proposed public open space, shown on the approved plan No 10552-OA-02 B, has been submitted to the local planning authority and approved in writing. The open space scheme shall include detailed proposals with regard to layout, landscaping, drainage, equipment, footpaths, cycleways, and boundary treatments within the open space areas and details of the pedestrian bridge over the Herring Stream. The scheme shall also contain proposals for the future management and maintenance of the open spaces, and the timing of provision. The open space scheme shall thereafter be implemented in accordance with these approved details, and the open space shall be kept available for use by the public.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031

11. No construction work on any dwelling shall commence until a detailed scheme of surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall contain details of all proposed attenuation ponds, basins, swales, and other surface water drainage infrastructure, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Surface Water Drainage Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

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

12. No construction work on any dwelling shall commence until a Foul Drainage Scheme for the development has been submitted to the local planning authority and approved in writing. The foul drainage scheme shall thereafter be implemented as approved, and no dwelling shall be occupied until the relevant foul drainage infrastructure to serve that dwelling has been provided.

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

13. No dwelling shall be occupied until an Air Quality Mitigation Scheme for the whole development has been submitted to the local planning authority and approved in writing. The scheme shall contain full details of the mitigation measures that are proposed, and their costs, broadly equating to the emissions mitigation calculation at Table 15 of the submitted Air Quality Assessment report, dated May 2018. The scheme shall also include a timetable for the implementation of these approved mitigation measures. The mitigation measures shall be carried out in accordance with the details and timetable thus approved.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

14. The development shall not be occupied until a detailed scheme for protecting the residential units from noise generated by passing trains and traffic has been submitted to, and approved in writing by, the local planning authority. All works that

form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate thermal comfort and fresh air for the occupants, with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

15. The details of landscaping to be submitted pursuant to Condition 1 shall include a timetable for their implementation, and the landscaping works shall thereafter be implemented in accordance with the timetable thus approved. For a period of five years after planting, any plants or trees which die or are destroyed, or become seriously damaged or defective, shall be replaced by another of the same size and species, at the same place, within the next available planting season.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

16. All existing trees and hedgerows on the site shall be retained unless specifically approved for removal at the reserved matters stage. All trees and hedges to be retained shall be protected during construction by means of protective fencing, in accordance with the details specified in the submitted Arboricultural Implications Assessment, dated 30 April 2018. Within the areas thus fenced, there shall be no excavation, trenching, alterations to ground levels, or storage of materials at any time during the construction period. For a period of five years after the removal of the protective fencing, any tree or hedge which is cut down, uprooted, destroyed, or become seriously damaged or defective, shall be replaced at the same location by another of a size and species to be approved by the local planning authority in writing, within the next available planting season.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

17. No dwelling shall be occupied until details of the play areas and open space areas to be provided within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the details of the layout, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of play space and equipment and to ensure that the play area/s are provided and retained within the development for use by the public and to accord with policy DP24 of the Mid Sussex District Plan 2014-2031.

18. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of for fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

19. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

Construction Phase

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

Monday – Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

21. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

Approved Plans

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £34 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.
3. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	10552-OA-10		17.05.2019
Illustration	10552-OA-01	D	17.05.2019
Survey	LRH/1326/1		17.05.2019
Survey	LRH/1326/2		17.05.2019
Survey	LRH/1326/3		17.05.2019
Survey	LRH/1326/4		17.05.2019
Survey	LRH/1326/5		17.05.2019
Survey	LRH/1326/6		17.05.2019
Survey	LRH/1326/7		17.05.2019
Survey	LRH/1326/8		17.05.2019
Survey	LRH/1326/9		17.05.2019
Survey	LRH/1326/10		17.05.2019
Survey	LRH/1326/11		17.05.2019
Survey	LRH/1326/12		17.05.2019
Survey	LRH/1326/13		17.05.2019
Survey	LRH/1326/14		17.05.2019
Survey	LRH/1326/15		17.05.2019
Survey	LRH/1326/16		17.05.2019
Location Plan	10552-OA-02	B	19.06.2019
Location Plan	10552-OA-03	B	19.06.2019
Access Plan	JNY8994-05		17.05.2019



Divisional Leader for Planning and Economy

NB: IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS FORM

PEOUTZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

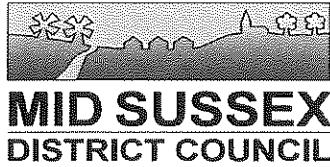
Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.uk.



Construction Charter for Developers

Mid Sussex is an economically vibrant district. The Council welcomes appropriate developments in the District that develop the local economy and improve people's lives. The Council recognises that the environmental impacts during the construction of new developments can at times be inconvenient or unpleasant for those who use the District's roads and pavements, or live nearby. The District Council expects developers to adhere to the following principles on all sites.

1. Stick to your planning permission

Your planning permission has been granted for a specific development (as per the approved plans) and will be subject to conditions and maybe legal agreements. The Council and the local community expect you to stick to these and to give advance notice if anything needs to be changed,

2. Be safe and tidy

Carry out all works with the utmost care for the safety of passers-by as well as your workers - this includes driving vehicles on and off the site. Keep all plant and machinery in safe working order, and all structures safe, by checking them often. Keep your site and roads and pavements around it tidy

3. Be considerate

Carry out all work with consideration for residents, workers, pedestrians, visitors, neighbours, businesses and road users, at all times and with every effort to minimise noise and disturbance. Pay special attention to the needs of those who have difficulties with sight, hearing or mobility, and those in wheelchairs or with prams and pushchairs.

4. Be responsible

It is the responsibility of the main contractor to ensure that all employees, agents, subcontractors, suppliers, drivers and others working on or near the site comply with this Code of Practice. Please note that all sites are responsible for damage made to the public highway as a result of construction activity. Contractors carrying out the work resulting in damage are liable for the full cost of repair.

5. Be accountable

Display a contact board outside the site, giving names and telephone numbers of staff who can easily be contacted to respond to the concerns of residents, businesses and others.

6. Communicate

Keep residents and others informed about unavoidable disturbance such as noise, dust, extended working hours and disruption of traffic. Provide site neighbours with clear information well in advance of starting works, preferably in writing, and perhaps issue regular bulletins about site progress.

