



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 6 March 2018

DEVELOPMENT: Outline planning application for the development of approximately 227 dwellings (between 204 and 250 dwellings) with the construction of a new access from Calvert Link, a pumping station and associated amenity space (all matters reserved except for access).

SITE: Land To The West of Phase 1 Kilnwood Vale Crawley Road Faygate West Sussex

WARD: Rusper and Colgate

APPLICATION: DC/17/2481

APPLICANT: **Name:** Crest Nicholson Operations Limited
Address: c/o Savills, 2 Charlotte Place, Southampton

REASON FOR INCLUSION ON THE AGENDA: More than eight representations received which are contrary to the officer recommendation.

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to completion of a legal agreement and appropriate conditions. The legal agreement will secure affordable housing provision (40%), open space provision and contributions to mitigate the impacts of the development. The agreement will also cap the number of dwellings within the whole of the Kilnwood Vale site to 2650 units.

In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Outline planning permission is sought for the development of approximately 227 dwellings on 'Reserve Land' that forms part of the West of Bewbush (West of Crawley) strategic development site. This equates to between 204 and up to 250 dwellings. The proposal includes the construction of a new access from Calvert Link, a pumping station and associated amenity space. Approval is sought for the principle of development and means of access only. Details of appearance, layout, scale and landscaping have not been

submitted for consideration and are Reserved Matters. However in the event that permission is granted the parameter plans as detailed as part of this report would be approved and would guide any Reserved Matters that come forward.

- 1.3 The parameter plans indicate residential densities between 15-55 dwellings per hectare (dph). The higher density is indicated along the southern part of the site with a lower density proposed towards the open space edges. The development would include a range of dwelling types, ranging from 1 – 4 bedrooms. The layout indicates apartment buildings up to 3 storeys high and dwellings up to 2 ½ storeys high. The scheme includes 40% affordable housing.
- 1.4 A landscape buffer is indicated around the south, east and west boundaries of the site. The buffer includes a Local Equipped Area of Play (LEAP) and would also act as a footpath and amenity area around the site. The scheme indicates the retention of the existing attenuation pond to the northern section of the site. Two pocket parks are also proposed within the development. A community orchard is indicated to the north-west corner.
- 1.5 Access to the site is proposed via a new roundabout from the existing access road into the Kilnwood Vale development from the A264. A new footpath is proposed around the western side of the new access road. The proposal also includes an emergency access from Holmbush End which also act as a pedestrian access into Phase 1 of Kilnwood Vale. A section of the existing hedge and trees would need to be removed to accommodate this access.
- 1.6 The application includes the following:
 - Planning Statement
 - Design and Access Statement
 - Environmental Noise Survey and Assessment
 - Arboricultural Statement and Tree Survey
 - Transport Assessment
 - Environmental Impact Assessment
 - Utilities Services and Strategy
 - Land Contamination Assessment
 - Ecology Report
 - Habitats Regulations Assessment: Shadow Screening Report Feb 2018
 - Ashdown Forest Traffic Implications Review

DESCRIPTION OF THE SITE

- 1.7 The site is located north of the A264 adjacent to Phase 1 of the Kilnwood Vale development. The site measures approximately 9.3 hectares and is adjacent to the main access to Kilnwood Vale from a roundabout off the A264. The site comprises a grass pasture which is used for grassing sheep and is surrounded by a tree and hedge boundary. There is an existing attenuation pond at the northern section of the site and a small stream (Hoopers Brook) which runs along the eastern boundary of this site. The brook and substantial trees along the eastern boundary separate the site from houses located within Phase 1. These houses are set at a slightly higher ground level than the application site. There is a general fall across the site from south to north. The access road and the A264 are set at a higher a ground level than the site. To the west of the site are open fields. North of the site is woodland.
- 1.8 The site forms part of the West of Bewbush (West of Crawley) strategic site allocated through the Core Strategy 2007 and the West of Bewbush Joint Area Action Plan (2009) (JAAP) for approximately 2500 homes and other uses, including employment provision. The hybrid application (part outline and part full permission) was granted by Horsham

District Council, in consultation with Crawley Borough Council, in October 2011. A subsequent minor material amendment application was approved in April 2016.

- 1.9 The site is known as the 'Reserve Land.' Under the outline application and JAAP, the site was safeguarded for a period of five years to provide the opportunity to accommodate a Western Relief Road, should it have been determined that the route was necessary to secure future development west of Crawley.
- 1.10 The Kilnwood Vale site is bordered by the residential development of Bewbush, within Crawley Borough, to the east. The High Weald AONB is located across the A264 to the south. The Horsham to London mainline railway runs through the northern portion of the development site. Phase 1 of the main West of Bewbush (West of Crawley) strategic site benefits from full planning permission for the erection of 291 dwellings and associated works. This stage of the development is complete. Works are currently underway at Phase 2 of the site for residential development, including 227 Private Rented Sector units.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 27 - Settlement Coalescence

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

Development Plan Document: West of Bewbush Joint Area Action Plan (2009) (JAAP)

WB1: Neighbourhood West of Bewbush
WB2: Comprehensive Development
WB4: Design
WB10: Dwelling Mix
WB11: Affordable Housing
WB12: Structural and Informal Landscaping
WB13: Biodiversity
WB15: Noise
WB16: Flood Risk / Management
WB17: Household Waste Recycling Facilities
WB18: Recreation and Open Space
WB19: Education
WB21: Sustainability / Sustainable Construction
WB22: Former Inert Landfill Remediation
WB23: Western Relief Road
WB25: Transport
WB26: Utility Infrastructure Provision

Supplementary Planning Guidance:

- 2.2 Planning Obligations and Affordable Housing SPD 2017

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The site is within Colgate Parish which does not currently have a Neighbourhood Plan and is not a Neighbourhood Designation Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/2813	Variation of conditions 3, 4, 7, 8, 9, and 10 of hybrid planning application DC/10/1612 to enable the reconfiguration of the neighbourhood centre, community facilities and open space	Permitted 28.04.2016
DC/10/1612	Outline approval for the development of approximately 2500 dwellings, new access from A264 and a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre and care home, main pumping station, land for primary school and nursery, land for employment uses, new rail station, energy centre and associated amenity space. Full planning permission for engineering operations associated with landfill remediation and associated infrastructure including pumping station. Full permission for the development of Phase 1 of 291 dwellings, internal roads, garages, driveways, 756 parking spaces, pathways, sub-station, flood attenuation ponds and associated amenity space. Full permission for the construction of a 3 to 6 metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway and service provision (land known as Kilnwood Vale)	Permitted 17.10.2011

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning (summarised):** No objection. The application site forms part of the wider Kilnwood Vale strategic development site. The 'Reserve Land' was safeguarded as part of the outline consent to provide the opportunity to accommodate a Western Relief Road, should it be required. The time to confirm the requirement for the WRR has now expired. The land was assessed as an extension to the outline permission permitted at this site.
- 3.3 **HDC Landscape Architect(summarised):** No objection subject to amendments to the Building Heights parameter plan. The plan should be amended to indicate a limit of two storeys to the dwellings proposed adjacent the western boundary.
- 3.4 **HDC Environmental Health (summarised):** No objection.
- 3.5 **HDC Housing (summarised):** No objection. The 40% affordable housing is in accordance with the S106 agreement for this strategic site.
- 3.6 **HDC Drainage Engineer (summarised):** No objection subject to the approval of details for drainage under suitably worded conditions.
- 3.7 **HDC Leisure Services (summarised):** No objection to the type and quantity of open space proposed. Contributions are recommended towards Youth Activity Areas, Parks and Recreations Grounds, MUGAS and Community Centres.
- 3.8 **HDC Air Quality Officer (summarised):** No objection subject to conditions.

OUTSIDE AGENCIES

- 3.9 **WSCC Highways (summarised):** No objection. WSCC acknowledge that the safeguarding period to reserve the land for a potential Western Relief Road has now expired. The proposal would not result in a significant impact in terms of increase in traffic and the principle of the proposed access is accepted.
- 3.10 **Archaeology Consultant (summarised):** No objection subject to a condition requiring the submission of written scheme of investigation for potential archaeological artefacts to be submitted to and approved by the Local Planning Authority prior to commencement of development.
- 3.11 **Ecology Consultant:** No objection.
- 3.12 **Southern Water (summarised):** No objection subject to the works to the water supply to be agreed with Southern Water through the submission of a formal application.
- 3.13 **Thames Water (summarised):** Comment. Conditions are recommended regarding the submission of drainage strategy to be agreed by the Local Planning Authority in consultation with Thames Water.
- 3.14 **WSCC Flood Risk Management (summarised):** No objection.
- 3.15 **WSCC Monitoring and Records Team (summarised):** Comment. Contributions are required to mitigate the impact of the development towards school infrastructure, libraries and fire and rescue services.

- 3.16 **Natural England (summarised):** No Objection. Natural England considers that the development would not have significant adverse impacts on designated sites or protected landscapes.
- 3.17 **Environment Agency:** No comment.
- 3.18 **Clinical Commissions Group (summarised):** No objection subject to a contribution to go towards GP practices in the nearby area.
- 3.19 **Planning Casework Unit (Department for Communities and Local Government):** No comment.
- 3.20 **Sussex Police (summarised):** No objection.
- 3.21 **Gatwick Airport (summarised):** No objection.
- 3.22 **High Weald AONB Advisory Committee (summarised):** Comment. If recommended for approval, the committee recommend the following requirements are met:
- Use of High Weald Colour Study for materials for the development.
 - Drainage proposals should seek to restore the natural functioning of river catchments.
 - Local habitats should be protected.
 - Native plants should be used for landscaping.
 - Controls over lighting should be imposed to protect the dark sky nights of the High Weald.

PUBLIC CONSULTATIONS

- 3.23 **Colgate Parish Council (summarised):** Comment. The Parish have concerns regarding the additional traffic created by this proposal, whether adequate parking will be provided and drainage. The Parish have commented that the affordable housing should be secured and delivered and the possibility of pathway linking the development to Faygate should be explored.
- 3.24 **Wealden District Council (summarised):** Objection. The application proposal does not consider the effect of traffic arising from the development crossing the Ashdown Forest Special Area of Conservation. An appropriate assessment is required to assess the potential air quality impacts on ecology.
- 3.25 **Crawley Borough Council (summarised):** Objection. Crawley Borough Council consider that the delivery of the Western Relief Road is an essential requirement to mitigate the severe road congestion experienced on the western side of Crawley. Release of this land is considered premature and will undermine a longer term approach recognised in the JAAP and the Crawley Borough Local Plan and will put a strain on infrastructure.
- 3.26 56 letters of objection have been received from nearby residents objecting to the application on the following grounds:
- The developers should finish the amenities at the Kilnwood Vale site first before moving onto this site.
 - Residents were sold houses at Kilnwood Vale on the understanding that this land would not be developed for many years.
 - The scheme would result in an unacceptable impact on highway safety. Residents already experience difficulties in entering and leaving the site. The proposed access and egress to this site would worsen the situation.

- The proposal would result in further parking problems for residents of Kilnwood Vale.
- Residents oppose the loss of this green space and loss of views overlooking this field. The field is an attractive feature when entering the site.
- The proposal results in overdevelopment. The development would lose its rural feel.
- The priority of the developer should be to finish the school and shops.
- Concern is raised over loss of trees.
- The proposal would result in a significant impact on the amenity of adjacent residents.
- There has been a lack of consultation on this application.
- Residents object to the use of a cul-de-sac to access the site.
- Concern is raised regarding construction traffic.
- The proposal would put pressure on the existing bus service.
- The scheme would generally diminish the quality of life for residents at Kilnwood Vale.
- Concern is raised regarding the impact on the dark skies of the High Weald AONB.
- Appropriate mitigation should be in place such a bund along the southern boundary.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues for the Local Planning Authority to consider in the determination of this application for Outline planning permission are as follows:
- The acceptability of the principle of the proposed development in the context of the Kilnwood Vale development.
 - The impact on the character and visual amenity of the landscape and locality.
 - The impact on the amenity of neighbouring occupiers.
 - Whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety.
 - Whether the development can be delivered without harming the interests of nature conservation, flooding, land contamination, archaeology.

Principle of Development

- 6.2 In October 2011, outline planning permission was granted for the development of the former Holmbush Farm landfill site (now known as Kilnwood Vale) for the development of the site for approximately 2500 dwellings. Recently, in April 2016, permission was granted for minor material amendments to the approved Kilnwood Vale outline application (ref: DC/15/2813). The main purpose of these amendments was to relocate the position of the approved primary school on site to facilitate its early delivery. This planning permission is now the extant outline permission for the development of the site.
- 6.3 Under the outline permission, a set of parameter plans were approved which guided the development of the Kilnwood Vale site. Similarly, the current proposal also includes

parameter plans as part of application and if approved these will guide the development on the Reserve Land site. The parameter plans relate to Density, Access and Movement, Building Heights, Landscape and Open Space and Land Use.

- 6.4 The development of the Kilnwood Vale site as a strategic development area was established under the West of Bewbush Joint Area Action plan (JAAP). The JAAP set out the principles and includes policies which are adopted and are part of the Local Development Framework. Policy WB23 relates to a potential Western Relief Road. The policy states that the land required for a Western Relief Road (WRR) will be safeguarded from the neighbourhoods primary junction with the A264 through the allocated site until it has been determined whether such a route will be necessary to serve further development West of Crawley, or to meet wider sub regional objectives.
- 6.5 The purpose of the policy, in conjunction with Policy WB27, is to ensure that the Kilnwood Vale development does not prejudice the potential for longer term development west of Crawley, including the potential for western bypass. To this end, the current site was set aside under the approved outline application as open fields and is referred to as the 'Reserve Land.' The outline consent did not grant permission for residential use on this land. However, officers acknowledged at the time of the submission of the outline that, in the event that the relief road didn't come forward, a scheme for residential was likely to be submitted. In the event a residential use application came forward an affordable housing position was set out through the S106 for the Reserve Land.
- 6.6 Under Policy WB23 of the JAAP, it states that the land shall be safeguarded for a period of five years from May 2009 to enable WSCC to fix the alignment of the potential relief road. The safeguarding period expired in May 2014. WSCC have confirmed that that the safeguarding period has expired and that there are no plans for a relief road. The policy also states that the land should also reserved up to the date of the adoption of the last of the two Core Strategy Reviews (referring to both Horsham District Council's and Crawley Borough Council's local plan reviews). Both plans were adopted in 2015 with no reference to a proposed relief road. Therefore the safeguarding period for the WRR has expired.
- 6.7 Crawley Borough Council has objected to the proposal on the basis that the land should be further safeguarded. However, the wording of Policy WB23 only requires the land to be reserved up until 2014. It would therefore be unreasonable to require the land to be safeguarded further without sufficient justification. Without sufficient justification and with no plans in place for a relief road, it is unreasonable to require this land to be reserved for a further period of time.
- 6.8 The principle of the development of this site for housing was not considered under the outline permission. However, at the time it was acknowledged that, in the event that the relief road didn't come forward, a scheme for residential use was likely to be submitted. The site is within the Kilnwood Vale strategic site, as identified in the outline consent, and, in principle, the development of this land is considered appropriate. The Reserve Land would form an appropriate expansion to the existing housing at Kilnwood Vale and, as outlined below, the residential development of this land is appropriate in terms of the quantum of development proposed, its visual impact, highway safety, impact on amenity and other material considerations.
- 6.9 It is therefore considered that, in principle, the development of the Reserve Land for housing is acceptable and in accordance with the JAAP and hybrid permission, subject to other material considerations as outlined below. Additionally, whilst the HDPF has a five year housing supply, the additional housing (up to 250 units) would further assist with the delivery of the 16,000 homes required under the HDPF.

Dwelling Type and Tenure:

- 6.10 In accordance with the NPPF there is a requirement to plan for a mix of housing types. Within this context, Policy 16 of the HDPF requires that the mix of housing types should be based on evidence set out in the latest Strategic Housing Market Assessment (SHMA). The current evidence base indicates a need for smaller units. Policy WB10 of the JAAP states that there should be a mix of dwellings sizes and types within each core phase.
- 6.11 The Design and Access Statement indicates an appropriate mix of housing. The indicative mix is for 1-4 bedroom market units with 78% of the housing allocated for 2 and 3 bedroom units. This would be in accordance with the requirements of the latest SHMA. As this is an outline application, with only the principle and access to be considered, the final mix of dwellings proposed across the site would be considered and controlled as part of a Reserved Matters application and based on the most up to date need at that time.
- 6.12 The applicant has indicated that 40% of the proposed dwellings would be made available as affordable housing. This is higher than the 35% required under Policy 16 of the HDPF. The 40% is proposed for the Reserve Land as this is a requirement of the hybrid approval for this site, in the event that the relief road did not come forward. The 40% affordable housing for the Reserve Land is a requirement under Schedule 4 of the legal agreement. Policy WB11 of the JAAP also requires 40% affordable housing. The requirements of the S106 and Policy WB11 are therefore pertinent to this proposal and is an obligation the developer is committed to.
- 6.13 The S106 agreement also requires the tenure split of 30% affordable rented units and 70% intermediate affordable units. In accordance with the requirements of the S106, the tenure split for the development will also to match this criterion. The scheme is therefore considered in accordance with the requirements of the JAAP and Policy 16 of the HDPF.

Impact on landscape character and the visual amenity of the locality

- 6.14 Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site.
- 6.15 The site currently forms the western part of the Kilnwood Vale site located adjacent to open fields to the west. The development area is set at a lower ground level than the A264 and the main access to the site. This lower ground level will mitigate the visual impact of the development of this site to some degree. Additionally, there are no public footpaths to the west of the site which would allow views of this site and the principle of the development of this site for housing has been established. Notwithstanding this, the loss of this field and the development of this site adjacent to the western edge will result in a visual impact on the landscape character of the area and will change the appearance of the entrance to the site.
- 6.16 Taking into account the need to minimise the visual impact of the development and ensure a good outlook is retained for the existing residents to the east, the height parameters have been formulated to limit the scale of the built development to 2 – 2.5 storeys across the majority of the developable area. Buildings of reduced height and lower densities are indicated on the Density Parameter Plan to be positioned along the western and eastern boundaries, as these are identified as the most sensitive locations in terms of potential visual impacts. The buildings will also be set back from the site boundaries through the incorporation of extensive buffers around the perimeter of the site. This would create a level of enclosure to the development. These buffers would also act as amenity spaces and green linkages (including a LEAP) for residents with pathways indicated around the site utilising the buffers.

- 6.17 The Council's Landscape Officer has commented that the key to successfully integrate the proposal and minimise the landscape impact of the development is the strategic landscape buffers proposed around the development. The Landscape Officer has commented that the dwellings adjacent to the western edge of the site should be a maximum height of two-storey. This would further reduce the visual impact of the proposal. The agent has submitted an amended Building Heights parameter plan indicating that the proposed houses adjacent the western edge will be limited to two-storeys. With this amendment and the buffers in place, the proposal would not result in a significant impact on the landscape character of the area. A condition is recommended that details of the buffers are to be submitted to and approved by the District Council. A condition is also recommended that the approved landscape buffers are to be in place prior to the occupation of the first dwelling on site.
- 6.18 The Reserve Land is part of the Kilnwood Vale wider development site, therefore regard is to be made to the appearance of the proposal in relation to the main site. In terms of density and building heights, the proposal is comparable to the approved dwellings at the main site. Under the outline consent for the wider site, a Buildings Height Parameter Plan was approved for the southern part of the site for buildings between 2-3 storeys. The building heights within the scheme for the Reserve Land includes houses between 2 – 2.5 storeys and apartment buildings of 2, 2.5 and 3 storeys in height. This is consistent and complimentary to the adjacent Phase 1 land.
- 6.19 In terms of residential density, the Reserve Land proposal is for a density between 45-55 dpa at the southern end of the site. The middle section is proposed with a density of 30-45 dpa. A low density of 15-30 dpa is proposed around the borders of the site adjacent to the proposed landscape buffers. The scheme has been proposed this way to reduce its visual impact on the wider area. The density proposed is also appropriate and comparable to the residential density approved at the main site. Phase 1 adjacent the site has a density of between 40 – 50 dpa.
- 6.20 The parameter submitted with this proposal lay out the principles for the development and layout of the site. As an Outline proposal, the appearance and layout of the proposed houses and streets is not for consideration. These details would be addressed through the Reserved Matters process. Under the Reserved Matters, consideration will be given to the design and materials proposed for the dwellings. The design will need to be comparable to the standards achieved for the existing Kilnwood Vale site. This appraisal will also take into account the comments from the High Weald AONB regarding the type of materials they would like to see used in the development. At this stage, having regard to the density and buildings height proposed, the scheme is considered appropriate in relation to the quantum of development proposed for this site.

Highway Impact, Access and Parking:

- 6.21 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.
- 6.22 A Transport Assessment has been prepared to support the proposed development. This assesses potential implications associated with the development. A Travel Plan has been submitted and approved for the wider Kilnwood Vale site. It is proposed that as the Reserve Land forms part of the wider Kilnwood Vale development, the Reserve Land proposal will adhere to the provisions agreed under the Travel Plan. WSCC Highways have commented that a scheme of this size would require its own separate Travel Plan. Consequently, a condition is recommended requiring the submission of a separate Travel Plan for the Reserve Land site to be approved by the District Council.

- 6.23 In terms of access, the primary and only vehicle access to the Reserve Land site will be Culvert Link. This is on the primary route into the wider Kilnwood Vale site and close to the main access from the A264. A new mini-roundabout junction will be constructed to access the Reserve Land. An additional point of access is also proposed to the north east part of the site for emergency vehicles only. This will be controlled by lockable bollards.
- 6.24 The Access and Movement Parameter Plan indicates a primary route from the site access into the central and southern parts of the site. Residential streets will branch from these primary and secondary streets. The alignment and location of the streets would be approved as part of a Reserved Matters Application. The Reserved Matters application will also include details of parking arrangements and will ensure the development meets the County Council standards for parking spaces.
- 6.25 A number of pedestrian and cycling access points will provided along the eastern perimeter of the site. This will enable a good level of permeability to and within the site and will allow direct access to the wider Kilnwood Vale development.
- 6.26 As stated above, the land forming part of this application has been safeguarded within policy WB32 of the Joint Area Action Plan covering the land west of Bewbush development. The safeguarding was in connection with the future development and provision of the Crawley Western Relief Road. The County Council acknowledge that the safeguarding has now expired. The County Council have not allocated this land and have no plans to build a relief road in its current policy.
- 6.27 The County Council Highways Team have assessed the application taking into account the Transport Assessment submitted for the Reserve Land. In the Transport Assessment, the development is assessed against different future scenarios for the likely highway impact of the proposal. The Highways Team have commented that, whilst the development is shown to increase queues and delays, the increases to queues and delays from the proposed development (amounting to at worst increases of an addition of 10 vehicles to queues and a further 14 seconds of delay on the A264 Crawley Road eastbound arm in the PM peak) are not considered to be severe.
- 6.28 Alterations are proposed to the approved development spine road in order to provide a new roundabout to serve the additional development. The Highways Officer has commented that the principle of this arrangement is acceptable. As originally submitted, the Highway Officer commented that a Design Audit and a Stage One Road Safety Report were required to ensure the new access and road were acceptable. The agent subsequently submitted these documents to the County Council. The Highways Officer has commented that the documents do not fully meet the standards required. Consequently, the Highways Officer has agreed to a recommended condition requiring the submission of an additional Design Audit and a Stage One Road Safety Report to be submitted for approval prior to commencement of development.
- 6.29 Subject to the submission of these details, the proposal is considered appropriate in terms of highway safety and would be in accordance with the requirements of Policy 40 of the HDPF.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.30 Policy 33 of the HDPF requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. It is considered that the site is located a sufficient distance from adjacent residential properties to avoid harming the residential amenity of any existing occupiers, in terms of loss of light, outlook or privacy. The nearest residential properties affected by this proposal are sited within Phase 1 of the Kilnwood Vale site adjacent to the eastern boundary of the site. The indicative plans indicate that there would be sufficient distance between the existing houses and the

proposed development with the retention of the existing stream and boundary hedges and trees. The exact location of orientation of the proposed houses along the eastern edge of the Reserve Land will be determined through the Reserved Matters application. It is acknowledged that residents will see the development, however, through the Reserved Matters procedure, the Council can ensure that there is no direct overlooking or loss of privacy for the existing Kilnwood Vale residents within Phase 1.

- 6.31 The indicative layout shows that each dwelling would be provided with its own private rear garden and that adequate separation could be achieved between opposing elevations to ensure that an appropriate living environment is achieved for prospective occupiers. The provision of private rear gardens would be complemented by areas of public open space at the site and the final details of the landscaping would be considered as part of the Reserved Matters application.
- 6.32 The Council Parks and Countryside Team have commented that the level and type of open space provided within the development is acceptable in principle. The proposal includes a LEAP located within the landscape buffers around the site which also act as amenity areas and walkways. Two pocket parks and a community orchard are also proposed within the site. The proposal also retains the established pond to the north of the site. The pond acts as a drainage attenuation pond for the Kilnwood Vale site but is also an attractive amenity enjoyed by existing residents.
- 6.33 The introduction of up to 250 dwellings to this countryside setting would increase the noise levels generated by the site. There would be increased levels of disturbance to adjacent residential occupiers associated with, for instance, the comings and goings of vehicles and the use of rear gardens. However, it is not considered that this would result in an unacceptably harmful impact on the living environment of adjacent residents.
- 6.34 As the site is in close proximity to the A264, a Noise Impact Assessment has been prepared to assess noise sources, such as traffic noise. The assessment was carried out to ensure that associated noise levels do not cause disturbance to existing or future occupiers and are at a suitable level to ensure a high quality environment for future residents.
- 6.35 The assessment identifies areas along the southern boundary with the A264 carriageway that are exposed to high levels of noise. For future development along the southern boundary, mitigation has been recommended to ensure the noise levels inside dwellings and garden areas would be within acceptable limits. This comprises the use of close boarded fencing to act as an acoustic barrier and the inclusion of appropriate glazing specification and vents for dwellings located along the southern edge. The Council's Environmental Health Team has commented that this is an acceptable approach subject to the details being submitted to and approved prior to development commencing. Given the importance of ensuring the protection of future residents, a condition is recommended that the exact details of mitigation measures proposed are to be submitted to and approved prior to the submission of the Reserved Matter application for this site.
- 6.36 In light of the above, it is considered that the development would avoid harmful impacts on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period could also be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

Other Considerations:

- 6.37 The site is currently surrounded by trees and hedgerow and is predominately comprised of grassland. The proposal includes the retention of the majority of the trees around the site.

A limited amount of vegetation and one tree is required to be removed to allow the emergency access to the north east corner of the site. The loss of this tree and the hedgerow are considered appropriate given that the scheme includes the addition of landscaping which will include additional trees. The precise details of the landscaping for the site would be submitted and considered as part of a Reserved Matters application.

- 6.38 The site is located within an Archaeological Notification Area. The Council's Archaeological Consultant has commented that a Written Scheme of Investigation for any archaeological finds is required to be submitted to and approved by the Local Planning Authority. This requirement is recommended as a condition.
- 6.39 The majority of the Kilnwood Vale site was formerly an inert landfill site and required remediation measures to deal with potential contamination. The Reserve Land was not part of the former land fill site and the Council's Environmental Health Officer has commented that there are no obvious land contamination issues with this part of the Kilnwood Vale development.
- 6.40 In terms of drainage, the site is located in Flood Zone 1, where there is a low probability of flooding and where the principle of residential development is considered acceptable. The County Council and District Council's Drainage Officer have both commented that full details of drainage systems are to be submitted to and approved by the Local Planning Authority prior to development commencing.
- 6.41 The Council's Air Quality Officer has commented that the scheme should include measures which should discourage high emission vehicle use and encouraging the uptake of low emission fuels and technologies. This includes the submission of Travel Plan, the inclusion of energy efficient boilers, the provision of facilities for charging plug-in and other low emission vehicles and details of cycle parking. The recommended conditions include the requirement to submit a Travel Plan for approval. The other recommended conditions would be covered through the details to be submitted and assessed in a Reserved Matters application.
- 6.42 With respect to ecology, the proposal includes an Ecology Report. This report states that ecological surveys have been conducted on the site. The conclusion of the report is that the development of this land would not result in a significant impact on ecology including the habitats of any protected species. The Council's Consultant Ecologist agrees with these findings and has raised no objections to the application.

Impact on Ashdown Forest SAC

- 6.43 Wealden District Council (WDC) has objected to the application on the grounds of the potential impact on the Ashdown Forest, Lewes and Pevensey Levels Special Areas of Conservation. The objection is based on a Secretary of State decision in favour of WDC. In this decision, the judge quashed part of the Lewes Joint Core Strategy with the South Down National Park on the grounds that Lewes had failed to consider the cumulative ecological impact on the Ashdown Forest. WDC have objected to the scheme at the Reserve Land on the grounds that it is unproven that the traffic created by this proposal would result in air pollution which would detrimentally affect the biodiversity and ecology at the three SACs.
- 6.44 To adequately address the objection, a scheme must first submit a Habitats Regulations Assessment (HRA) together with a transport assessment. A transport assessment takes into account the Annual Average Daily Traffic (AADT) generated by a proposal. If the results of the HRA are that the effect of a proposal on a Special Area of Conservation is likely to have significant effects, then a assessment is required which assesses a proposal in combination with other development.

- 6.45 In response to the objection from WDC, the applicant has submitted a Traffic Implications Review and a Habitats Regulations Assessment: Shadow Screening Report. Under the Traffic Implications Review, the report concludes that the uplift in traffic and the resulting impact on the Ashdown Forest generated by this proposal, would not be consequential enough to warrant an assessment which takes into account the effects of the proposal in combination with other development. WSCC Highways have commented that they have no objection to the methodology used in the assessment.
- 6.46 Under the extant Outline permission, an assessment was made for the development of up to 2,650 dwellings in both relevant traffic models and the EIA in support of the application which included a Transport Assessment. To limit the impact of the proposal on adjacent SACs, the applicants have proposed to enter into a legal agreement to cap the number of dwellings across the whole of the Kilnwood Vale development to 2,650. This cap will be lifted if and when the Council is satisfied that the additional units will not result in significant likely impacts on the Ashdown Forest SAC. As such the planning permission for up to 250 dwellings on the Reserve Land will simply enable residential development across the full extent of the established site area for Kilnwood Vale for up to 2,650 dwellings, which has been fully assessed under the EIA and Transport Assessment for the outline permission. On this basis, the proposed development on the Reserve Land will result in no additional AADT to the committed Kilnwood Vale development which has already been assessed through the outline approval.
- 6.47 The HRA submitted looks at the potential impact of the proposal on nearby SACs (Ashdown Forest SAC, Lewes Downs SAC and Pevensy Levels SAC). With proposed cap of 2,650 dwellings in place, the report concludes that there will be no associated increase in NOx as a result of development of the Reserve Land application. The current proposal should therefore be considered nugatory and indistinguishable from background variations. Therefore, even the in-combination effect of the Reserve Land is not likely to lead to a significant effect upon the SACs or their qualifying features.
- 6.48 On this basis, the Council's Consultant Ecologist has recommended that Horsham District Council as the Competent Authority would not require the second stage of the Habitats Regulations Assessment, an 'Appropriate Assessment' to be completed, and the proposed development can proceed without adverse effects on the integrity of the Special Areas of Conservation at Ashdown Forest, Lewes Down or Pevensy Levels.

Legal Agreement

- 6.49 Policies 39 and 43 of the HDPF require new development to meet its infrastructure needs. Under the adopted CIL regulations, the Kilnwood Vale site is exempt from CIL charges. It is therefore appropriate for this scheme to include the provision of commuted sums for specific local projects to mitigate the impact of the proposal (if considered necessary). This is considered a fair approach to deal with the cumulative pressure on existing qualitative and quantitative deficiencies in the surrounding area.
- 6.50 This site is within the strategic allocation for Kilnwood Vale and the site area for the wider development which has extant outline planning consent. Under the Environmental Impact Assessment for the outline approval, mitigation measures were included for 2,650 dwellings. A number of these measures were secured through the Legal Agreement for the Kilnwood Vale site. The mitigation measures and contributions already secured under the outline are a material consideration in the determination of this application.
- 6.51 As outlined above the applicant has requested a cap limiting the number of dwellings within the whole of the Kilnwood Vale development to 2,650. It is recommended that the S106 outlines the potential contributions required for the additional units generated by this proposal which would take it over this number. In the event that the restriction on numbers

is removed, the S106 will require that additional contributions to be paid to mitigate the impact of the additional units over and above the 2,650 units.

- 6.52 A legal agreement is also required to secure the provision of the affordable housing provided. The applicant has also been advised that a deed of variation is required to the original S106 for the outline permission to also cap the numbers of dwellings across the development to 2,650.

Conclusion:

- 6.53 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the JAAP. The 'Reserve Land' was safeguarded as part of the outline consent to provide the opportunity to accommodate a Western Relief Road however the deadline to confirm the requirement for the WRR has now expired. The development of this site for further housing is accepted as part of this strategic site and the quantum of development proposed is considered appropriate.
- 6.54 The scheme is also considered to be in accordance with the requirements of the HDPF and NPPF and subject to final details to be considered at Reserved Matter stage would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, impact on residential amenity, trees, sustainability, ecology and flooding.

7. RECOMMENDATIONS

- 7.1 That planning permission be delegated for approval to the Development Manager subject to completion of a legal agreement and appropriate conditions.

In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

Conditions:

1. Plan numbers.
2. {\b Plans Condition}: The detailed design of the development proposed through Reserved Matters application pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans and supporting documents:

Plan	Drawing Number	Date Received
Access and Movement Parameter Plan	16375/C101G	12.11.2017
Building Heights Parameter Plan	16375/C102M	23.01.2018
Landscape and Open Space Parameter Plan	16375/C103H	23.01.2018
Density Parameter Plan	16375/C104K	12.11.2017
Land Use Parameter Plan	16375/C105F	23.01.2018

Reason: As the LPA has had regard to these drawings in determining whether the amount of development proposed can be accommodated within the site in an acceptable way in accordance with Policy SD1 of the Horsham District Planning Framework (2015).

3. {\b Outline Condition}:
- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 - (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
 - (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

4. {\b Pre-Commencement Condition}: No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:
- i. hours of operation
 - ii. the parking of vehicles of site operatives and visitors
 - iii. the anticipated number, frequency and types of vehicles used during construction
 - iv. the method of access and routing of vehicles during construction
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding, where appropriate
 - v. the provision of wheel washing facilities if necessary
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of adjacent properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. {\b Pre-Commencement Condition}:
- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

6. {\b Pre-Commencement Condition}: No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- All trees on the site shown for retention on the approved Arboricultural Statement as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. {\b Pre-Commencement Condition}: No dwelling shall be occupied until the emergency access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be retained in accordance with the approved plans.

Reason: As this matter is fundamental to ensure an appropriate emergency access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. {\b Pre-Commencement Condition}: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

9. {\b Pre-Commencement Condition}: No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 & 38 of the Horsham District Planning Framework (2015).

10. {\b Pre-Commencement Slab Level Condition}: No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

11. **{\b Pre-Occupation Condition}**: Prior to occupation of the first dwelling, plans and details of the proposed roundabout access shown on drawing number JNY9408-01 shall be submitted to and approved by the Local Planning Authority. The submission shall be supported by way of a Stage One Road Safety Audit and a formal statement outlining the design standards and guidance applied to the roundabout design. The roundabout, as approved, shall be provided prior to the occupation of the first dwelling on site.

Reason: As this matter is fundamental to ensure safe and satisfactory access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12. **{\b Pre-Occupation Condition}**: Prior to the first occupation of any part of the development hereby permitted, full details of all landscape buffers shall be submitted to and approved by the Local Planning Authority in writing. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

13. **{\b Pre-Occupation Condition}**: Prior to the first occupation of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

14. **{\b Pre-Occupation Condition}**: Prior to the first occupation of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 & 38 of the Horsham District Planning Framework (2015).

15. **{\b Regulatory Condition}**: The Reserved Matters application shall include a scheme for sound attenuation against external noise for the units adjacent the southern boundary as outlined in the Environmental Noise Survey and Assessment Report (15257B-1). The approved sound attenuation works shall be completed before the dwellings are occupied and be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the units adjacent to the southern boundary and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Notes to Applicant:

1. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane queries / applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues, (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
3. In formulating the Reserved Matters application, the applicant's attention is drawn to the High Weald AONB Colour Study (<http://www.highweald.org/high-weald-aonb-management-plan/evidence/420-home/research-reports/2307-high-weald-colour-study.html>).
4. In formulating the Reserved Matters application, the applicant's attention is drawn to the High Weald AONB dark night skies policies. These requirements must be taken into consideration when considering all external lighting for the development of the Reserve Land.

Background Papers: DC/10/1612, DC/15/2813, DC/17/2481