



## HAYWARDS HEATH TOWN COUNCIL

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16<sup>th</sup> May, 2023

To all Councillors on the Planning Committee and others for information

Dear Councillor,

You are hereby requested to attend a meeting of the **Planning Committee** to be held on **Monday, 22<sup>nd</sup> May 2023 at 7:30pm** in the Council Chamber, 40 Boltro Road, when the following business will be transacted.

Yours sincerely,  
**Steven Trice**  
Town Clerk

### AGENDA

1. To receive apologies for absence.
2. To confirm the minutes of the extraordinary meeting of the Planning Committee held on Tuesday, 2<sup>nd</sup> May 2023.
3. To note Substitutes.
4. To receive Declarations of Interest from Members in respect of any matter on the agenda.
5. To note any appeals lodged or appeal decisions made, and licensing applications.

Appeal Decided: **Garage block rear of 34–56 America Lane (DM/21/2129 refers);**

Licensing Applications: **None.**

6. To consider planning applications for comments and observations to be submitted to Mid Sussex District Council (MSDC).
7. To consider any items that the Chairman agrees to take as urgent business.

*'During this meeting the public are allowed to film the Committee and officers only from the front of the public gallery, providing it does not disrupt the meeting. **Any items in the Exempt Part of the agenda cannot be filmed.** If another member of the public objects to being recorded, the person(s) filming must stop doing so until that member of the public has finished speaking. The use of social media is permitted but all members of the public are requested to switch their mobile devices to silent for the duration of the meeting.'*

Committee Members: S Inglesfield (Chair), D Pascoe (Vice Chair), A Bashar, N Chapman, S Ellis, B King, D Nicholson, A Platts.

## HAYWARDS HEATH TOWN COUNCIL

### PLANNING COMMITTEE

#### Minutes of the Extraordinary meeting held on Tuesday, 2<sup>nd</sup> May 2023

C N Laband (*Chairman*)  
A C McPherson (*Vice Chairman*)  
Mrs C Cheney  
C C J Evans \*\*  
Mrs S J Inglesfield  
R A Nicholson  
M J Pulfer  
S Wickremaratchi

\* Absent

\*\* Apologies

Also present: Cllr R Bates and Cllr S Ellis.

143. The following apologies were received:

Member	Reason for Absence
Cllr C C J Evans	Personal and family commitments

144. **Minutes**

The Minutes of the meeting held on Monday, 17 April 2023 were taken as read, confirmed as a true record and duly signed by the Chairman.

145. **Substitutes**

There were none.

146. **Members' Declarations of Interest**

Councillor Mike Pulfer made the following declaration:

"I declare a personal interest in all planning applications under agenda item 6 as an elected Member of Mid Sussex District Council (MSDC) and as an appointed Member of the (MSDC) Planning Committee. I further reserve the right to alter my views should the applications come before the Planning Committee, based on contributions from the public, other Members or reports from MSDC Officers."

147. **DM/22/2272 – Land at Hurst Farm, Hurstwood Lane**

Members were presented with the notes from four Planning Working Group Meetings that had scrutinised the planning application. Members raised three matters,

- A statement should be included in the S106 requirements to ensure that the land the Town Council was due to adopt be protected if the preferred developer went into administration, so the land was not an asset of the company and sold on.
- An incomplete line in the S106 requirements section of the representation, which needed additional wording regarding the Planning Inspector's concerns over the loss of green land for the housing development. It was noted that the reason the Planning Inspector was satisfied with the Town Council Neighbourhood Plan Policy was the

increase in the value of the green land it wished to use for the Cemetery, Allotments and Country Park.

- Members also noted that the traffic data collected by the Town Council was not comprehensive and that analysed was no worse than the highways data presented in the application. Therefore, the Town Council referred to the application's data.

With this the Chairman moved to adopt the representation with the addition of the first two points above, whilst noting the third point. Generally, Members were unanimously supportive of the application, but Cllr Nicholson raised concerns about the traffic speeds on Fox Hill. He stated a lack of confidence in the Planning Authority and the Highways Authority to address the speeding issues and traffic issues that already exist in the area and will be exacerbated by the planning application. Then Members **RESOLVED** to make the following representation

### **Land at Hurst Farm 375 Homes Land to the east and west of Hurst Farm, Hurstwood Lane.**

Outline application for development of up to 375 new homes, a 2-form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.

This report provides an application overview, plus PWG discussion notes, terminating the report with concluding comments and Condition requirements, beginning on page 6.

### **Comments made to date by the PWG - Planning Working Group**

Members considered and measured the application against the requirements of Haywards Heath Neighbourhood Plan (HHNP) policy H1 in the first instance making the following comments.

- There was a considerable amount of data to read, digest and understand so a formal response was not going to be made in one meeting. This data included twelve environmental statements and numerous design and access statements amongst the paperwork submitted to support the application.
- It was noted that the application would not exactly meet the requirements of the HHNP. but the principle of development had been agreed through the document so it was a case of balancing the application benefits against any negatives.
- The work of the PWG identified issues of concern within the current application so to make comment and require/suggest ways to make the application more acceptable and then focus on list of benefits. The benefits of the application were of course the infrastructure provided (school, county park, allotments, cemetery and 375 houses with 115 affordable).
- The potential negatives centred around biodiversity, water neutrality, drainage, car parking, flooding air quality and a lack at the present time of traffic capacity of data.
- Green space/connectivity was also an area that needed to be reviewed as the cumulative space provided in the developable area was to be added to the total associated with HHTC land interest, and parking needed to be looked at - with the potential requirement for controlled parking zones to be in place before occupation. On this basis the comments made on the previous application were re-affirmed and agreed to be included in the new representation.
- The amount of open space being made available was still questioned as the original plans circa 2014 did not include the school (now housing) across Hurstwood Lane (10.9 acres coming to

HHTC after 2.4 was lost). It was noted that even though the HHNP in 2016 was subsequently adopted with the school (late addition) the agreement for development on the land was sold on the basis of the increase of value/usage of the land, which was deemed to be open space even though the developable area was closed to the public. It was felt that this was still a burning issue with a number of individuals/organisations/agencies having an interest in the provision open space and other planning matters. Some of whom live in the vicinity or have a general interest in the open space provision provided. These individuals/organisations/agencies will make robust and frankly worthy comments on the loss of open space. It was also noted that one of the issues to review was the moving of the school from south of Greenhill Way to the bottom of Hurstwood Lane and the implication of traffic and the travel to school plan. So, the housing now being on the proposed school site will be a harder vista from those from Greenhill Way with two storey houses than a playing field with the school falling away down the hill. However, it was agreed that a school was badly needed and there wasn't another site available in the Town. It was confirmed that there had been no further loss of land from the original application due to the swap of housing with the school.

- It was noted that there would be no blocking off of access to the open space that HHTC will adopt and the open space within the main developable area was additional green space, which would act as a green corridor.
- Cycle path up to Fox Hill via the going behind the Grange to mitigate going on busier routes was welcomed with a designated crossing to link up established paths into the ancient woodland.
- Doctors' surgeries provision was raised. It was noted that HHTC could not push for a doctor's surgery as the NHS has made their representation and the number of houses was deemed not be a strategic site. This would be the same for dentists, doctors and other provision. So HHTC could only raise concerns on the lack of infrastructure in an ever-growing Town.

#### **Other matters raised/actions.**

- The Town Clerk was asked where the traffic data was that the Deputy Clerk had asked for from MSDC. It was noted that this data will be forensically assessed to push for additional highway infrastructure. This was coupled with concerns about the police response.
- Applicant data analysed and confirmed by councillors. See Highways & Transport report for detailed comments below.

#### **Haywards Heath Neighbourhood Plan**

Policy E3 - A site is allocated off Hurstwood Lane to provide new allotments; **Noted and agreed that the application meets the HHNP policy.**

Policy E4 - A site is allocated off Hurstwood Lane to provide for a new cemetery; **Noted and agreed that the application meets the HHNP policy.**

Policy H1 - Land at Hurst Farm, Hurstwood Lane - Land is allocated either side of Hurstwood Lane for a mixed-use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments (11.5ha) **Noted and agreed that the application meets the HHNP policy. Presumption of development was made by the adoption of the HHNP. Open space at 11.5 again during the inspection and was presented during the adoption of the HHNP.**

Policy E6 - New major development will be required to promote Green Infrastructure opportunities within the site and establish and / or enhance links between this and existing Green Infrastructure in

the immediate vicinity of the site; **Noted and agreed that it meets HHNP policy. Detail to be reviewed during consideration of the Environmental reports.**

Policy E7 - New development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained; **From the data provided it was agreed that application met the HHNP policy.**

Policy E8 - New major development proposals, defined as 10 or more dwellings, 1000 m2 floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable; **This matter could not be agreed and would be picked up under the detailed reserve matters application on the housing design.**

Policy E11 Major Development proposals sited on the edge of Haywards Heath or in a visually prominent location will be required to be supported by an assessment of the views to and from the proposed development.

**HHTC have reviewed the views and have concerns regarding the height of the houses in the parcel of land to be developed across Hurstwood Lane, south of Greenhill Way.**

Policy E13 - Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development propose; **This matter could not be agreed and would be picked up under the detailed reserve matters application on the housing design.**

Policy B1 - Planning permission for new retail development will be granted within the town centre provided it can be demonstrated that it is in accordance with policies E9, and E10;

**N/A**

Policy T1 - Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services; **Noted and agreed that the application meets the HHNP policy.**

Policy T2 - Planning applications for new major development proposals will be required to contribute towards the funding of cycle routes to Haywards Heath Railway Station and the town centre; **N/A**

Policy L3 - Land is allocated as open space to provide a landscape setting to the proposed Allotments and Cemetery **Noted and agreed that the application meets the HHNP policy.**

- Anscombe Wood cycle/walking connectivity was discussed and established routes were confirmed and discussed along with the thought that further works
- The matter that the construction of an underpass Lack of Under Pass a worry
- Road spurs and broadband into Country Park
  
- Members were content with point 7.9.3.
- *The indicative masterplan includes a high-quality scheme of landscaping enhancements, new open space and allotments. This is reflective of the Applicant's aspirations to ensure that the development is sustainable and providing a healthy environment for the site's future residents. Across the site, avenues of green space are providing that support a range of amenity greenspace, natural greenspace and play space. Allotments are located west of the site. The residential dwellings will provide passive surveillance to these areas. The integration of different scales and types of functioning landscape supports a high-quality transition across the site and the provision of sustainable transport links.*

- 7.6.9
  - During public consultation ahead of the application, there have been concerns raised about the impact of the school on this junction and the suggestion that it should be signalised. The application team have explored this option but concluded that it would not be the best solution as it would require significant alterations to the junction including removal of the corner green space and trees. However, this reconfiguration is required to avoid the junction being located on the private driveway that sits on the corner of the junction and the access to the Fox & Hounds carpark. WSCC have argued that the junction capacity benefits for the AM peak would also be offset by increased delays outside the peak period when the traffic signals would remain in operation but not be required. WE do not accept difficulty as valid excuse for non-delivery of a professionally configured traffic light system.
- Housing Mix 30% affordable agreed as policy –However, we do not see the value to the community for the provision of one-bedroom houses.
- 7.14.1. Policy DP41 of the Mid Sussex District Plan seeks to promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex. This policy further sets out that “Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate”. Supported by Members.
- 7.14.6 Overall, the drainage strategy for the site demonstrates how it could accord with the NPPF and MSDC and LDC policy requirements. This ensures that surface water on the site will need to a flood risk, accounting for the 1 in 100-year flood event plus climate change allowance. Supported by Members.

The Town Council has no issue with the **Air Quality** assessments and is satisfied with the information provided within the application. The Town Council also welcomes the comments of the Environment Protection Officer and supports the requirement laid out in the representation.

*Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer. Reason: to preserve the amenity of local residents regarding air quality and emissions.*

**Noise** – no comment

**Bio-Diversity** – The Town Council requires a blanket TPO on the trees along Hurstwood Lane, and wishes to ensure that the Ancient Woodland is protected within the application area. This supports the legislative requirement for a minimum 10% net biodiversity net gain

**Water Supply** - The Town Council is satisfied that there is sufficient provision of water to enable supply to the development

**Grey Water/Flooding** - Mention was made of pumping stations (existing and proposed) and the concerns regarding the condition of the Victorian Sewers that will see a substantial increase in required capacity due to the increase in housing. Concern was also raised how storm water will be handled as there is no soak away proposed, due to the clay in the ground. This has led to the Town

Council requiring sight of how this water will be dispersed so to understand and ensure that there is protection given to desired provision of the Town Council's Allotments and Cemetery.

**Green Space** - The Town Council promoted and it was accepted at the inspection of the Neighbourhood Plan that opening up and development of community facilities on the open space across Hurstwood Lane would improve the quality of the green space, which mitigated the green land being developed upon. We note the housing parcel across Hurstwood Lane is no bigger than the land allocated for the school at the time of adoption of the HHNP. To this end, the Town Council is comfortable with the land allocated for Allotments, Cemetery, Country Park alongside the Ancient Woodland. To complement the aspirations of the Town Council, we are pleased see to the swathe of green space within central developable parcel of land, which will provide for a wild wildlife corridor coming from the Country Park. This must be protected from development.

**Climate Change** - Street Lighting – green location of the site and the resulting wildlife it is required that lighting be a maximum of 3000K (kelvins) so to minimise the impact on the wildlife, as required in the MSDC 2023 Section 18 District Plan version.

**Waste Management** – it is required that the solution for rubbish collection for all houses located across Hurstwood Lane, of which some (15 total) fall within the Lewes District, is collected by one service provider not two as happening along Greenhill Way and the houses outside of the Haywards Heath jurisdictional boundary. This arrangement is not satisfactory as it is not good for the environmental footprint of the development in the long term. MSDC and LDC must cooperate professionally to protect our environment.

**Storage and recycling** - All such facilities should not be visible from the public footpath and should be provided within the curtilage of the property. Communal recycling area should be considered at the detailed Reserved Matters application level.

**Utilities** – Gas, electric and broadband should all be placed in a single utilities trench so that installation and maintenance is simplified, and that the provision, including water, should be brought up to the boundary of the Country Park, Allotments and Cemetery so that community facilities have access to each service and have the ability to use Superfast Broadband services across the entire site.

### **Haywards Heath Town Council Statutory Comments/Conditions**

The Hurst Farm site is specifically identified in Policy H1 of the Haywards Heath Neighbourhood Plan (HHNP), adopted in December 2016 as a developable site. The new school is supported under policy H1 and specifically the provision of a Cemetery under policy E4, provision of allotments under policy E5. The Country Park is stated in the HHNP, sitting across the Town/District and County border in the Parish of Wivelsfield.

Having duly considered the application at an extra-ordinary meeting of its Planning Committee dated 2nd May 2023, the Town Council **supports in principle the outline planning application, for development of 375 new homes.** Under the Localism Act, the HHNP confirms this is what the community needs in this location. Members of the Town Council's Planning Committee have scrutinised the outline application, highlighting concerns which must be addressed to validate the application.

Concerns are listed as material planning considerations, which in some instances should have Conditions attached to make the application acceptable in Planning Terms, which include, but are not limited to:

- The Town Council notes **375 homes** are proposed in the application versus approximately supported 350 in the HHNP.

- **Condition 1:** Adoption of a **detailed Masterplan** by the applicant is required. This must include the design and the style of the housing/flats.
- **Condition 2:** The Town Council requires a Construction Management Plan, to include wheel washing, use of tonneau covers for earth moving vehicles, onsite parking for site/construction workers, and ancillary road cleaning. This CMP must include a Tree Management Plan\*.
- **Condition 3:** Working hours of works and stacking of construction deliveries, restrictions are required to protect neighbouring residential amenity – 08:00 to 18:00 Monday-Friday, 09:00 to 13:00 Saturday. No work permitted Sundays or Public Holidays: Objective to protect residential amenity.
- **Condition 3:** The Town Council requires that the Town's **green spaces and roads** are protected **See Highways & Transport Section.**
- **Condition 4:** Electric car charging points provided for all dwelling on the site, plus allowance for any future proofing required, to deliver the Environmental protection requirements of the HHNP and MSDP.
- **Hurstwood Lane Closure. See Highways & Transport Section Conditions.**
- **Traffic Lights Fox Hill: See Highways & Transport Section Conditions.**
- **Pedestrian access, pathways, crossings to and through the site to enable access. Condition =** All cycle pathways must be designated as Public Rights of Access/Way. This provides the pedestrian access/connectivity needed to meet existing and future access needs to the Town. If this is not possible then additional fund must be provided to meet these accessibly needs. These must be DDA compliant, including the Anscombe Wood cycle/pathway.
- **Condition 5:** Affordable Housing Mid Sussex District Plan policy DP31 requires 30% affordable housing is placed on the site. Affordable housing provision must include a housing mix and be varied in location (maximum 10-unit concentration) supported by pepper-pot delivery and integration of the affordable housing with open market housing.
- **Condition:** Adoption of roads - **See Highways & Transport Section**
- **Parking See Highways & Transport Section**
- **Bin collections: Condition 6 :**The Town Council requires that all euro bins/commercial bins that offer the opportunity for ASB/Statutory noise issues, are protected by a **CONDITION** that there are no collections before 07:00 This will be a Reserved Matters Issue. The Environmental Protection team have routinely required similar conditions on other developments in Mid Sussex.
- **Tree management plan \*** to ensure protection of existing trees from destruction along with a long-term management plan for conservation/protection/replacement for trees and along with confirmation of funding arrangements.
- **Green spaces, buffer zones and ancient woodland Condition 7** that 15m buffer zones must be upheld in line with Mid Sussex District Plan policy DP36. The Town Council requires that all grass verge and road damage/restoration costs are the responsibility of the developers at their expense



- The Town Council welcomes the site design, **protecting the existing listed buildings** on the developable land and requires that Hurst House and barns are protected from the development of housing, as required in the extant Neighbourhood Plan. **Condition 8**

**The Town Council requires developer consultation for the design of site, houses and apartment buildings, before final discussions with Mid Sussex District Council, as the relevant planning authority. This is a pre-reserved matters requirement, detailed in the NPPF - National Planning Policy Framework, requiring Parish/Town Council involvement under localism legislation.**

- Any **Pollution, Light, Air, Water, flood risk**, topography, springs, waste/drainage issues must adhere to SUD and EA requirements.
- **Play spaces - Conditions** requiring delivery under must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.
- **Landscaping - Conditions** requiring delivery must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.

### **Section 106 Requirements**

If the Planning Application is approved, the Town Council require ownership for the land designated for the County Park, Allotments and Cemetery by a clear and unconditional transfer of Land to the Town Council.

Development of these Community facilities is to replace the loss of the green space being developed for housing within the Planning Application.

The Inspector raised serious concerns during inspection of the HHNP over the potential loss of green space but allowed this to be balanced by the re-provision of land, which increases the quality of land usage for the residents of the Town.

Currently the Town Council has no information on land transfer requirements nor the implications of the proximity of the School and the associated access arrangements and car parking.

It is also required that conditional clauses are put in the S106 agreement and subsequently any sale agreement that the land is protected for the community if the purchasing developer goes in liquidation as the Town Council does not wish for land to be sold on by the receiver.

**Before determination of this application, the Town Council must agree details of the land transfer.**

**Condition 8: For the absence of doubt, without the outright provision of the Country Park, Burial Ground and Allotment Land Provision to Haywards Heath Town Council, covered by a clear and unambiguous S106 agreement confirming this commitment, the Council Strongly object.**

**This forms the backbone of a longstanding commitment from MSDC in favour of HHTC, further confirmed in the Neighbourhood Plan which was subsequently affirmed when the current District Plan was made by Mid Sussex District Council.**

**Highways and Transport – see report below,  
Application DM/22/2272 Land at Hurst Farm 375 Homes  
Haywards Heath Town Council - Highways and Transport Report**

In this document, HHTC reviews the applicant’s data for the observed peak hour traffic for Hurstwood Lane and the B2112 Fox Hill.

We fully accept the raw data supplied by the applicant, Homes England in their submission. Our interpretation of the Key Raw Data however focusses upon the substantial number and Excess Speed of vehicles using the highway at this location.

WSCC analysis focusses largely upon 85% average speeds, whilst considered statistically relevant, this does not address the severe risk to pedestrians at this vulnerable location. They will likely argue that Average Speeds are close enough to the Limit to be professionally acceptable.

Official Dept for Transport Data confirms the average breach of speed limit in Great Britain 30 MPH is 50% during peak hours. **However \* Fox Hill Speed averages are 74% over the limit.**

**This means our residents have a \*52% greater chance of death or permanent disability if involved with a motor vehicle in Fox Hill than almost anywhere else when a 30 MPH limit applies, based upon the applicant’s and official DFT data.**

**Traffic Data**

Applicant data confirms existing predevelopment traffic Peak Flows (07:00 to 10:00 and 15:00 to 19:00 daily M-F) in up/down Hurstwood Lane in March 2020 as 786 and 1084 totalling >1870 Peak hour, with 4000 daily Traffic movements = >300 VMPH.

The closure of Hurstwood Lane will force this traffic to route via the relief road A272 towards Fox Hill and Wivelsfield Road/Rocky Lane Roundabouts before heading South on the B2112. There is no other viable route. This Adds >300 VMPH to existing peak flows of >970 PH on B2112/Foxhill using the same applicant data set, totals over 1270 peak VMPH.

**This equates to an extra 30% peak loading.**

**Table 1 below = Applicant data for periods >7 days normal use in May 2016 and March 2020**

HAYWARDS HEATH, B2112 FOXHILL S. OF FOX & HOUNDS		Site Number 00003443 Site FB2112001L03											
Homes England/WSP Speed Report (Speed Limit 30 Mph) for FOX HILL													
Total Volume	<26Mph	26-<31	31-<36	36-<41	41-<46	46-<51	51-<56	56-<61	61-<66	66-<71	71-<76	76-<81	=>81
May-16	11037	451	2375	3976	2641	1122	340	95	26	7	4	0	0
Mar-20	10711	373	2471	4347	2291	864	264	72	18	8	2	1	0
	21748	>90% COS	90%	10% COS	<2% COS/Chance of Survival								

Table 2 below

Total Flows				Grid Ref 533763,121828					
Within limit	90% COS	<10% COS	ZERO COS		Totals	In excess > Speed Limit		ACPO Points/Ban	
2826	3976	2641	1594	May-16	11037	8211	74.4%	4235	38.4%
2844	4347	2291	1229	Mar-20	10711	7867	73.4%	3520	32.9%
5670	8323	4932	2823		21748	16078	74%	7755	36%
26%	38%	23%	13%						

Table 2 shows Daily average totals and percentages of vehicles:-

- ~30 MPH Speed Limit = 26% 2835 Daily = 90% Chance of Survival
- 31-36 MPH = 38% 4,161 Daily Injury is severe
- Above 36 MPH 36% 3877 Daily Pedestrian injuries at these speeds would likely prove fatal.

This threat to Pedestrians and other vulnerable road users will be further exacerbated by the additional School traffic during the critical peak periods, and by routine traffic flows emanating to/from the southern side of the Hurst Farm residential development during the critical School Drop/Collection hours.

Combining these movements and adding in the impact of ~400 Peak VMPH traffic from the new school, provides a huge cumulative impact at this bullseye location. This is likely to be over 1800 VMPH during the vulnerable school drop off hours. This represents an 85% Peak increase at a location where excessive speed is a known issue on the B2112, an overstretched network route, already operating over capacity.

Combining this road network stress with the known/documented speeding issues are critically relevant in Mid Sussex, specifically at the Fox Hill location. This is a material Planning Consideration.

**Councillors should note that Pedestrians and other vulnerable road users are now legally our most important Highway users, especially in terms of vulnerability and must, by default be given appropriate priority by all other users.**

**Potential advice provided to MSDC Planning Committee members**

This is open advice provided by experienced Councillors at MSDC/HHTC to assist committee members when considering determination of this application:

The Planning Committee Chair and Senior officers will likely advise committee members that a Highway's Officer reports should be given considerable weight and cannot easily be challenged by Councillors. The Head of Legal Services can confirm that Officers provide professional advice and guidance, however ultimately Councillors make decisions, based upon the evidence presented by the applicant, material planning considerations such Neighbourhood and District Plans, the NPPF and relevant Legislation such as the Town and Country Planning Act 1990. Moreover, MSDC must legally consider all evidence provided by statutory consultees before making a decision, which includes this submission.

Previously, MSDC Planning Officers have helpfully confirmed that Councillors should balance expert advice when considering planning applications but should not be necessarily persuaded by

that guidance if sufficient facts or alternative data is presented which fundamentally challenge or contradict that advice. Moreover, the Chartered Institution of Highways and Transport confirm that Highways experts are fallible. This is explained later.

You will also likely be advised that conditioning an approval could lead to an appeal, which can sometimes be correct, but not always. Conditions can be challenged easily without appeal using the following Section 73 process (outlined below)

### **SECTION 73 Applications**

Critically, if a Condition is attached to an application to make it acceptable in Planning Terms, then potentially it can be removed after Planning approval via a successful Section 73 application.

**This is a simple process, and an appeal would not be required.**

The applicant, Homes England have routinely used Section 73 Applications to change or amend conditions attached to extant Planning Permissions. E.G., 21/3279 Approved in December 2022 and 23/0747 which is under consideration. They have used the same process to engage with other LPA's.

If the application is approved with Traffic Lights Conditioned, the applicant could make a commercial decision whether the protection given by Traffic Lights provided sufficient and protection value for our community, or alternatively decide that this infrastructure contributions is simply too expensive.

### **THE CHARTERED INSTITUTION OF HIGHWAYS & TRANSPORTATION**

has published advice detailing their professional concerns relating to changes in road networks.

[www.ciht.org.uk/media/8069/road\\_safety\\_auditing.pdf](http://www.ciht.org.uk/media/8069/road_safety_auditing.pdf)

**Page 4** "The purpose of a road safety audit is to review a scheme's ongoing design, ensuring, wherever possible, any potential hazards are eliminated or minimised before construction begins. It follows the principle that "prevention is better than cure" and "that it's far easier (and cheaper) to change design elements on a page than to make alterations to a new piece of highway."

**Page 5** "Audits are required, even when professional highway designers are expected to use the latest design standards. This is because each scheme is a unique design and, generally, a balance between operational efficiency, cost, environmental factors and the priorities of the client. (**Not the community**) Even when full compliance with the latest standards is achieved: • **highway designers may lack the skills to spot potential safety hazards, especially the knowledge of human-vehicle-road interaction"**

**Page 6** states "Road safety audits check that a scheme meets the safety needs of all road users – drivers, pedestrians and cyclists. **Special attention is given to whether the needs of vulnerable road users are being met, as experience indicates that highway designs focus largely on motor vehicles. In this case, vulnerable would mean anyone not in control of a vehicle, such as pedestrians, passengers waiting for transport, and roadside vendors.** However, that may also include motorcyclists and bicycle users. The audit process ensures the scheme design takes account of all road users but also factors in other considerations, such as the local climate and weather, **road user indiscipline, difficulties of law enforcement and whether the proportion of vulnerable road users is higher than average"**

**Neither the applicant, nor the WSCC Highways have provided any evidence or indeed reassurance that the CIHT professional advice has been understood or considered in their collective responses, specifically those related to primary road users at this specific location.**

### **Conclusion**

This report analyses and consolidates the extensive traffic data supplied by the applicant, Homes England's consultants WSP. It closely mirrors previous data verified by WSCC Highways Officers on 2016, and sample testing by HHTC indicates that these traffic volumes are close to these daily averages at peak times.

Irrespective of other Planning issues which Haywards Heath Town Council Planning committee have considered, the traffic volumes and speeds on the B2112 at the junction of Fox Hill and Hurstwood Lane are simply too high, and the risk to our community will be further exacerbated by increased use of the B2112 and the additional routine flows generated the development of this site.

Councillors should decide this application based on the facts. Critically, the data provided by the applicant proves overwhelmingly that Highway safety is severely compromised by the absence of traffic lights at this junction. This is a material planning consideration, and notwithstanding any other concerns, and for the avoidance of doubt, the Town Council cannot support approval without a clear Planning condition requiring installation of Traffic Lights to control traffic at this Key Road Junction. This is necessary to make the application for 375 homes acceptable in Planning Terms.

**Without this Condition 9 to provide essential Highways Infrastructure Contributions to fund Traffic Lights at the Hurstwood Lane/B2112 Fox Hill Junction, Haywards Heath Town Council Object to this application in the strongest possible terms.**

Lastly whilst we have concerns that the use of a Section 73 application could undermine this process, we believe it provides a genuine and well used safeguard for MSDC, when determining this application. As detailed above, as it provides a clear, legally sound planning process to remove the threat of a Planning Appeal for this specific reason by the applicant.

#### **SOURCES**

**\*\* Source 2013 WSCC Public Website Highways Data \*\***Source 2016 and 2020 data submitted by Homes England/WSP to support Planning Application DM 22/2272

THE CHARTERED INSTITUTION OF HIGHWAYS & TRANSPORTATION

[www.ciht.org.uk/media/8069/road\\_safety\\_auditing.pdf](http://www.ciht.org.uk/media/8069/road_safety_auditing.pdf)

#### **Additional Highways & Transport Section comments**

- **Traffic Management Plan** must be agreed with West Sussex County Council The use of Section 106 monies is crucial to ensure that monies are not used on unsustainable bus services that will leave the site isolated in future years.
- **Sustainable Transport and Parking** was deferred until the meeting on the 14<sup>th</sup> with highways responses. However- understanding that the plans are indicative there was concern regarding the provision of buses due to there being a lack of turning circles.
- **Hurstwood Lane Closure. Condition 10** The Town Council has concerns for residents' road safety, and requires before construction commences, that Hurstwood Lane is closed permanently to public through traffic before construction commences. This will require West Sussex County Council cooperation and delivery via a TRO.
- **Safe Green Space**, the Town Council welcomes the comments of the applicant that surveillance of the main green space will be managed as part of the layout of the site. This is in line with the requirement with the detailed design in the Masterplan.
- **Condition 11:** The Town Council requires **roads are adopted** and/or an estate management plan, with a management company appointed, before first unit occupation. We accept that minor spur roads will be privately maintained by residents
- **Parking** the HHNP requires sustainable delivery/enforcement of off-street parking. Following informal officer advice, which supports a new Controlled Parking Zone on the site. The specific objective is to prevent antisocial parking from nearby residential districts and commuters. The opportunity to deliver a fully integrated scheme, before first occupation will allow a streamlined implementation process, together with the associated cost saving this will approach deliver. This coordinated approach is especially required to protect from parking around the open parkland space, and thus allow natural surveillance, together with a free flow for pedestrian and vehicle



traffic in this arterial bus-route location. The roads elsewhere in the development which should remain free from car parking.

- **Traffic Lights Fox Hill Condition 11: Acknowledging the considerable road safety issues -** The Town Council require a **condition** requiring the developer to provide an additional set of traffic lights placed at the South-eastern tip of the site, at the junction with Hurstwood Lane and B2112 Fox Hill. This will allow traffic to move systematically and provide a safe crossing for residents using the school, community facilities and accessing services from the south of the site and vice versa for commuting, entertainment and leisure. This is critical, because Hurstwood Lane as a commuter rat-run will be blocked, therefore increasing traffic movements down through Fox Hill. Traffic lights will reduce speed and provide much needed traffic calming in the Fox Hill area to protect pedestrians and other vulnerable road users from severe harm. **See main reports above.**
- **Protecting Biodiversity Condition 12 - Street Lighting –** green location of the site and the resulting wildlife it is required that lighting be a maximum of 3000K (kelvins) so to minimise the impact on the wildlife, as required in the MSDC 2023 Section 18 District Plan version.

Ends

**148. Items Agreed as Urgent by the Chairman**

In light of the meeting being the last Planning Committee of the Council term Members congratulated the Chair and the Deputy Town Clerk for their diligent and hard work in making the Town Councils planning comments robust and exemplar. The Chair responded by thanking all Councillor on the Committee for the team work that supported his and officer's work.

**The meeting closed at 6:27pm.**

**ITEM 5**

**NOTIFICATION OF APPEAL DECIDED WITH THE PLANNING INSPECTORATE**

<b>Date Decided</b>	<b>References</b>	<b>Site</b>	<b>Description</b>	<b>Appeal Decision</b>	<b>Procedure</b>
21.04.2023	AP/22/0018 APP/D3830/W/21/3289527 (DM/21/2129 refers)	Garage block rear of 34-56 America Lane HAYWARDS HEATH	Demolition of existing garages and erection of 8 new dwellings (6 x one- bedroom flats and 2 x two-bedroom flats). (Amended plans and additional information received 04.10.2021.)	Allowed	Written Representation

## ITEM 6

### Week 1

**DM/23/0432 - HHeath F/Club, Hanbury Park Stadium, Allen Rd Bentswood & Heath East**

Approval for the installation of office containers to provide additional office space and meeting room accommodation, the reinstatement/refurbishment of tea room, educational classroom space and community gym including the demolition of existing garage and relocation of storage container.

**DM/23/0491 - Clover Court, Church Road Bentswood & Heath West**

G2 - Holly group - reduce canopies to finishing height of 6m. G4 - Western Red Cedar - Reduce canopies to finishing height of 10m. Remove deadwood and crown lift to 2m over garages.

**DM/23/0583 - Land East of Oldfield Franklands**

The erection of a dwelling house, a double garage and landscaping with associated works.

**DM/23/0933 - 3 Dairymans Cottages, Oakhurst North Central**

Single storey side extension and rear garden store

**DM/23/0952 - 23 Sergison Road Lucastes & Bolnore**

T1 - Norway Maple 'Crimson King' - Reduce crown by approx 2 metres in height and radial width. Remove dead branches

**DM/23/0972 - Penland Farmhouse, Hanlye Lane Cuckfield North West**

Outline permission for the demolition of the existing property at Penland Farm and the construction of four dwelling houses with all matters reserved except for access. Access to be from the South from Timbergate Drive.

**DM/23/1003 - Ecotecture Ltd, 31 Sussex Road Ashenground**

Replace existing glass door and window to office front, with low level brick cavity wall and new double glazed door and windows.

**DM/23/1008 - 10 Sunte Close North East**

Rear wrap around side extension.

**DM/23/1010 - 10 Sunte Close North East**

Loft conversion.

### Week 2

**DM/23/0410 - Pennington House, Franklands Village Franklands**

Proposed three bay mobility scooter shelter.

**DM/23/0431 - HH Football Club Hanbury Prk Stadium Allen Rd Bentswood & Heath East**

Approval for change of use and installation of storage/shipping containers including one office container within existing car park for general storage.

**DM/23/0612 - 2 Fairfield Way North Central**

Proposed two storey rear extension, front porch, garage extension, a new front bay window, new workshop and 6ft fence to rear boundary.

**DM/23/0685 - 322 Franklands Village Franklands**

Silver Birch and Cherry tree - Fell.

**DM/23/0706 - 89 Farlington Avenue Bentswood & Heath East**

Demolition of the existing garage and construction of a single storey rear extension. Change roof covering and amended fenestration. (Revised description agreed, revised plans and further information received 20.04.2023)



**DM/23/0977 – Karmel, 50 Lucastes Avenue** **Lucastes & Bolnore**  
T1 Hazel - Reduce overhanging branches back past fence line. T2 Hazel - Fell.  
T3 Field Maple - Fell. T4 Ash - Fell. T5 Dead Ash - Fell.

**DM/23/1019 - 37 Sunte Close** **North East**  
Remove existing rear extension/conservatory, new ground floor rear and side extensions.

**DM/23/1024 – Birnam, Fox Hill Village** **Franklands**  
Proposed detached garage

**DM/23/1027 - Water Tower, Princess Royal Hospital** **Franklands**  
The removal of 3 No. antennas, The installation of 3 No. antennas, Installation of 1 No.  
internal cabinet, Installation of 3 No. BOB units on a new interior cable ladder

**DM/23/1028 - Water Tower, Princess Royal Hospital** **Franklands**  
The removal of 3 No. antennas, The installation of 3 No. antennas, Installation of 1 No.  
internal cabinet, Installation of 3 No. BOB units on a new interior cable ladder

**DM/23/1033 - 19 Summerhill Close** **North Central**  
Proposed first floor rear and side extension. Proposed loft conversion with rear pitched roof  
dormer and two roof light windows.

**DM/23/1034 - CircleOfSupport Rm 4 Oathall Hse 68-70 Oathall Rd** **Bentswood & Heath East**  
T1 - Holm Oak - Remove stem leaning over road. Reduce the remaining stem growth by 2m to  
secondary growth points. T2 - Holm Oak - Reduce the dominant side of the crown by 2.5  
meters to re-balance growth structure. T3 - Holm Oak - Crown reduction/ pollard by 3m.

**DM/23/1055 - The Coach House, Balcombe Road** **North Central**  
Alterations to the roof to form two additional rooms in the roof space.

**DM/23/1076 - 4 Wychperry Road** **Lucastes & Bolnore**  
Single storey rear extension with amendment to existing patio steps.

### **Week 3**

**DM/23/1096 - 61 Penland Road** **North West**  
Single-storey front porch and associated external and internal alterations

**DM/23/1100 - The Red House, 8 Muster Green North** **Lucastes Boltro**  
T1 Beech - Crown reduction by 4 meters.

**DM/23/1121 - 8 The Droveaway** **Lucastes Boltro**  
T1 Ash - fell.

**DM/23/1122 - 17 Oathall Avenue** **Bentswood & Heath East**  
Proposed porch, single storey rear infill extension, first floor partial extension  
& associated internal alterations.

**DM/23/1125 - 5 Lucas Way** **Lucastes & Bolnore**  
T1 Sycamore - Fell.

**DM/23/1129 - 92 Penland Road** **North Central**  
Single storey side extension and alterations.

**DM/23/1153 - 11 Lucastes Avenue** **Lucastes & Bolnore**  
T1 - Fell.

**Week 4**

**DM/23/0674 - 35 Blunts Wood Road**

**Lucastes & Bolnore**

Loft conversion and single storey rear addition

**DM/23/1019 - 37 Sunte Close**

**North East**

Remove existing rear extension/conservatory, new ground floor rear and side extensions.

**DM/23/1176 - 1 St Pauls On The Green**

**Bentswood & Heath East**

T31 Oak - Crown reduction by 2 meters. Crown thinning by 10%.

**DM/23/1193 - 6 Oathall Avenue**

**Bentswood & Heath East**

T1 - Oak - Reduce by 2metres all over and remove major dead wood as overhangs neighbouring property, play area and house.