

MID SUSSEX DISTRICT COUNCIL**PLANNING COMMITTEE B****7 JUN 2018****INDEX TO ITEMS REPORTED****PART I – RECOMMENDED FOR APPROVAL**

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None	N/A	

MID SUSSEX DISTRICT COUNCIL

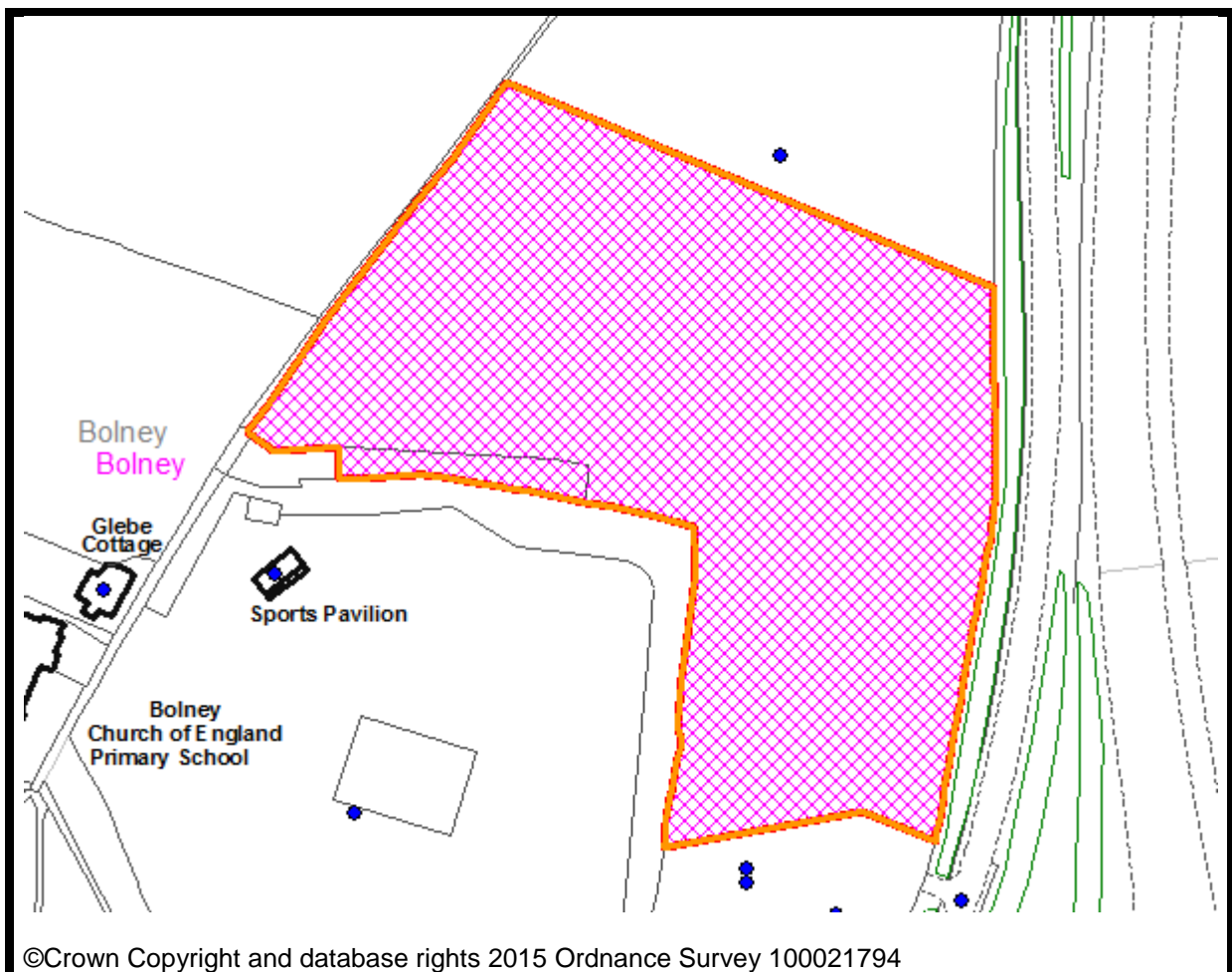
PLANNING COMMITTEE B

7 JUN 2018

PART I – RECOMMENDED FOR APPROVAL

Bolney

1. DM/17/4392



**LAND NORTH AND EAST OF BOLNEY CRICKET CLUB THE PAVILION
GLEBE FIELD**

**PROPOSED ERECTION OF 30NO. DWELLINGS COMPRISING OF 2NO.
ONE BEDROOM APARTMENTS, 10NO. TWO BEDROOM HOUSES, 10NO.
THREE BEDROOM HOUSES AND 8NO. FOUR BEDROOM HOUSES WITH
ASSOCIATED DEVELOPMENT. AMENDED PLANS RECEIVED 19TH FEB
2018**

STEVEN LEWIS

GRID REF: EAST 526278 NORTH 122799

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Classified Roads - 20m buffer /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th April 2018

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Mr Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader - Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 30 dwellings on land to the north and east of Bolney Cricket Club, the Pavilion, Glebe Field and associated development. The proposal would comprise 2 x 1 bedroom apartments, 10 x 2 bedroom houses, 10 x 3 bedroom houses, 8 x 4 bedroom houses. The scheme would provide 30% affordable housing (9 units).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. The development plan for this part of Mid Sussex comprises the District Plan and the Bolney Neighbourhood Plan. The National Planning Policy Framework (NPPF) is an important material planning consideration.

The site is allocated for residential development in the Bolney Neighbourhood Plan under policy BOLH4a for approximately 30 dwellings. As such the principle of developing the site accords with the development plan and is acceptable.

It is considered that the design and layout of the scheme is acceptable, as is the impact on the character of the landscape. It is not considered that the proposal would cause significant harm to the amenities of any existing neighbouring properties.

It is considered that satisfactory access can be provided to the site and that it can be satisfactorily drained.

The site is considered to be in the setting of the grade I listed St Mary Magdalene Church. It is considered that the proposed development would cause less than substantial harm to the setting of this listed building. Officers consider that this less

than substantial harm, which has been given significant importance and weight to reflect the statutory requirements in the Planning (Listed Buildings and Conservation Areas) Act 1990, is outweighed by the significant positive benefits of delivering housing, including affordable housing on a site that has been allocated for development in a made Neighbourhood Plan.

The proposed housing mix does not fully comply with policy BOLH1 in the Neighbourhood Plan because the number of 4 bedroom units exceeds the percentage set out in this policy. However the scheme does accord with the percentage requirements of 1, 2 and 3 bedroom units in this policy. This conflict does weigh against the scheme. However, the District Plan policy in relation to housing mix is not so prescriptive. Overall it is considered that the scheme does provide a reasonable mix of dwelling types and taken in the round, the conflict with part of policy BOLH1 in the Neighbourhood Plan would not in itself be a reason to resist this application.

To conclude it is considered that the proposed scheme complies with the development plan as a whole. It will provide 30 dwellings on an allocated site and will assist the Council in delivering the housing units that it is required to provide. In light of the above the application is recommended for approval.

RECOMMENDATION

Recommendation A: It is recommended that planning permission be approved subject to the completion of a satisfactory legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions set in Appendix A

Recommendation B: It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 6th September 2018, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary infrastructure and affordable housing and as such conflicts with Policies DP20 and DP31 of the Mid Sussex District Plan and Policies BOLH3 and BOLA4 of the Neighbourhood Plan.'

SUMMARY OF REPRESENTATIONS

20 letters of objection:

- proposed houses will be overbearing for the residents of The Street and Paynesfield and will significantly overlook these properties;
- single storey properties should be located on the western side of the site to avoid overlooking;
- not against a sensitive development of the site;
- proposal should be for a smaller number of houses at the bottom of the hill;

- will result in a loss of view to existing properties;
- development will adversely affect the conservation area and the setting of the listed St Mary Magdalene Church;
- proposal results in too small a space for the public footpath which will result in it becoming impassable in bad weather;
- does not represent the size of accommodation required in the village;
- primary school will become oversubscribed and is limited as to how many more students it can accommodate;
- proposed 10 parking spaces for the school do little to alleviate the current parking issues;
- adding extra traffic to already busy junctions will exacerbate the problem;
- lighting should be given careful consideration, including a preferred option of no lighting;
- transport statement is inaccurate and should be amended to show that only 1% of people in Bolney use the train;
- consideration should be given to linking to the development to the south to provide vehicular access to the site;
- village has no services to accommodate the development;
- encircling the cricket ground will not be in keeping with the rural setting and could result in vandalism of the ground and pavilion

SUMMARY OF CONSULTEES

County Planning Officer

Requires infrastructure contributions towards the following:

Education Primary £94,781
 Education Secondary £102,005
 Libraries £8,907
 Total Access Demand (TAD) £93,450

Highway Authority

No objection subject to conditions.

Highways England

No objection subject to conditions.

WSCC Flood Risk Management

No objection subject to conditions.

Landscape Architect

Recommend for approval in principle subject to the imposition of conditions.

Archaeological Officer

No objection subject to conditions.

Sussex Police

No overriding concerns with the amended layout.

Historic England

No comments to make.

Ecological Consultant

No objection subject to conditions.

Conservation Officer

The proposal would cause harm to the setting of nearby heritage assets. This harm would, under paragraph 134 of the NPPF, stand to be weighed against any potential public benefits arising from the scheme which may include that it has been allocated for residential development in the Neighbourhood Plan.

Urban Designer

This is not an ideal development site both because of traffic noise from the adjacent A23 and the awkward slopes. The open space is nevertheless sensibly positioned along the London Road boundary where it can provide a buffer to the road and allow the houses on the southern part of the site to integrate with the consented scheme to the south. The revised drawings now address my previous concerns in terms of the northern part of the site as the access road has been re-configured parallel and adjacent to the tree belt that fully reveals the attractive trees to the public realm and avoids potential overshadowing issues as the houses now front-on rather than back-on to the trees. While the layout is well designed, the elevations still rely on ubiquitous pastiche styling that does little to give the scheme a sense of place, and some of the frontages are still poorly composed. Because of the improvements in the layout I will nevertheless withdraw my objection to this planning application, but I would like conditions included that address the worst elements of the elevations in addition to conditions covering facing materials (including the application of facing materials to address my concerns on peeled away facades) and landscaping (including boundary treatment and pergolas over the parking serving plots 26-29).

Community Leisure Officer

Requests infrastructure contributions:

£31,519 is required to make improvements to play equipment (£24,156) and kickabout provision (£6,845).

£29,980 is required to upgrade the facilities at Bolney Cricket Club.

£13,023 is required to make improvements to increase capacity at the Rawson Hall.

Drainage Officer

No objection subject to conditions.

Environmental Protection Officer

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Housing Enabling and Development Officer

The applicant is proposing a development of 30 dwellings which gives rise to an onsite affordable housing requirement of 30% (9 units). The mix proposed will meet a broad range of housing needs and comprises of 2 x 1 bed flats, 6 x 2 bed houses and 1 x 3 bed house. The applicant is aware that in order to comply with current policy, 7 units should be for affordable rent and 2 units for shared ownership (the shared ownership units requested being 1 x 2 bed and 1 x 3 bed house). In order to assist community cohesion and social integration the development must also be tenure blind.

BOLNEY PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

This application seeks full planning permission for the erection of 30 dwellings on land to the north and east of Bolney Cricket Club, the Pavilion, Glebe Field and associated development.

RELEVANT PLANNING HISTORY

There are no planning applications on the site itself of direct relevance to this planning application. Planning permission has been granted on land directly to the south of the site under reference 13/03506/FUL for 10 affordable dwellings. This consent expired on 14th March 2014.

More recently planning permission was granted on 22nd December 2017 under reference DM/17/0962 for 12 affordable homes on land directly to the south of this site. This application was put forward as a rural exceptions housing site as the proposal was for 100% affordable housing.

SITE AND SURROUNDINGS

The site comprises a single parcel of land located to the west of London Road and lying south of the centre of the village. It is a broadly L shaped parcel of land that dog

legs around Glebe Field. There is a fairly substantial fall in levels through the site from west to east.

To the east there is tree and hedge screening and then London Road, which runs parallel to the A23 which is located further to the east. To the west there is a hedge screen along the field boundary. Beyond this there is a public right of way that runs from north to south alongside the western boundary of the site. Beyond this the land is laid to grass and falls away with the rear gardens of the houses on The Street further to the west. To the north is a long open field laid to grass. To the south and southwest, there is a strong tree screen with Glebe Field beyond this.

The nearest dwelling to the site is Glebe Cottage which is some 50m to the southwest. The boundary of Glebe Cottage also marks the boundary of the Conservation Area. St Mary Magdalene's Church is a grade I listed building and is some 160m to the southwest of the site.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP). The site is allocated for development in the Bolney Neighbourhood Plan (BNP).

APPLICATION DETAILS

This application seeks full planning permission for the erection of 30 dwellings on land to the north and east of Bolney Cricket Club, the Pavilion, Glebe Field and associated development. The proposal would comprise 30 dwellings comprising of 2 x 1 bedroom apartments, 10 x 2 bedroom houses, 10 x 3 bedroom houses, 8 x 4 bedroom houses. The scheme would provide 30% affordable housing (9 units).

Vehicular access to the site would be from the London Road to the east. This access road would then dog leg into the site with a number of cul-de-sacs arranged off it. The scheme would provide car parking spaces in the western side of the site and a pedestrian link through to the existing public right of way that runs along the western boundary of the site. The layout of the site has been amended during the course of the application so that the access road now allows the proposed houses to face onto the trees that form the boundary onto Glebe Field.

The layout of the site provides for areas of open space on the eastern side of the site with underground gas storage and underground treatment plants being proposed either side of the access road. A play trail is proposed within the open space on the eastern side of the site. At the south eastern corner of the site the plans show a surface water attenuation pond.

The proposed houses would be of a fairly traditional design and would utilise a pallet of materials including bricks, tile hanging, weather boarding and render.

LIST OF POLICIES

District Plan (DP)

The District Plan was adopted on 28th March 2018.

Relevant policies include:

DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

Bolney Neighbourhood Plan (BNP). Made plan with full weight.

BOLBB1 - Built-up Area Boundary
BOLE1 (Protect and Enhance Biodiversity)
BOLD1 (design of new Development)
BOLH1 (Residential Development Mix)
BOLH3 - (Affordable Housing)
BOLT1 (Transport Impact)
BOLT3 (Off Street parking)
BOLH4a (land opposite the former Queens Head Public House)
BOLA4 (Securing Infrastructure)

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Para 12 states *"This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be*

approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The principle of development;
- Affordable housing and mix;
- Landscape Impact;
- Highways/Transport matters;
- Impact on Public Right of Way;

- Design and layout;
- Noise;
- Neighbour amenity;
- Impact on Heritage Assets;
- Trees and Ecology;
- Drainage;
- Infrastructure;
- Impact on Ashdown Forest;
- Archaeological matters;
- Planning Balance and Conclusion

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Using this as the starting point the development plan in this part of Mid Sussex consists of the District Plan and the Bolney Neighbourhood Plan.

The National Planning Policy Framework (NPPF) is a material consideration.

The site is allocated for residential development in the BNP under policy BOLH4a. This states:

"Planning permission will be granted for residential development on 2 hectares of land opposite the former Queens Head Public House, as shown on Map 3, subject to the following criteria:

- *the provision of approximately 30 new dwellings, with a proportion of affordable housing provided in line with the requirements of the MSDC District Plan; and*
- *the provision of a range of house types and in accordance with Policy BOLH1 of this Plan; and*
- *a layout and design that addresses the requirements of Policy BOLD1; and*

- *the provision of a minimum of 10 public parking spaces to serve Bolney C.E.P. School subject to viability considerations; and*
- *Take every available opportunity to provide a link to the existing footpath to the west of the site providing access onto The Street and to provide pedestrian links to the school; and*
- *Incorporate green space within the site to integrate the development and take account of its context and the land levels within the site; and*
- *the provision of a comprehensive landscaping scheme; and*
- *appropriate vehicular access off London Road; and*
- *seeking to provide a connection to the nearest point of adequate capacity in the sewerage network, or alternative, to the satisfaction of the wastewater provider."*

In light of the site allocation in the BNP it is clear that the principle of a residential development of the site accords with the development plan. As such as a starting point it is necessary to make an assessment of the application against the criteria that are set out in policy BOLH4a.

Affordable housing and mix

The planning application is for 30 dwellings and provides for 9 affordable dwellings. This would accord with the relevant criteria of policy BOLH4a and policy DP31 in the DP.

In relation to the mix of housing provided on the site, policy BOLH4a refers back to policy BOLH1. This states

"To support sustainable communities and to reflect current and future local housing needs, housing developments are expected to provide a mix of all dwellings that fall within the following ranges subject to viability considerations:

1-and 2-bed dwellings: a minimum of 40% of all dwellings, reflecting a balance of both 1-bed and 2-bed properties

3-bed dwellings: 20-40% of all dwellings

4+ -bed dwellings: a maximum of 15% of all dwellings

An alternative mix of dwelling size provision will only be permitted if a robust justification is provided to the satisfaction of the local planning authority that the scheme as a whole would reflect the most up to date housing needs evidence available taking into account viability considerations."

The scheme provides the following mix of dwellings:

1 and 2 bed units	12	This equates to 40% of the total.
3 bed units	10	This equates to 33% of the total.
4 bed units	8	This equates to 27% of the total.

As such there is a conflict with part of policy BOLH1 because the policy refers to a maximum of 15% of the dwellings being 4 bedroom units whereas the scheme proposes 27% of the dwellings being 4 bedroom units. This conflict does weigh against the proposals. However policy DP30 Housing Mix in the DP is less

prescriptive. It specifies that *"To support sustainable communities, housing development will: provide a mix of dwelling types and sizes (including affordable housing) that reflects current and future housing needs"*

The applicants have provided the following comments in relation to this matter:

"As you are aware Policy BoLH1 of the neighbourhood plan outlines a requirement of 40% (min) of 1 and 2 beds, 20-40% of 3 beds and 15% (max) 4 + beds.

Where this is not met, the policy allows MSDC to consider a justification.

The present proposal provides 40% - 1 and 2 bedroom units, over 30% - 3 bedroom units and the remainder in four bedroom units.

Whilst the proposed housing mix exceeds the 15% of 4 or greater bedroom units, it is clear that the mix meets the necessary provisions of smaller units required by the policy.

The accompanying text to the neighbourhood plan policy references the West Sussex SMHA (update 2012). The SMHA update does not make specific recommendations for open market housing mix, but does recommend a greater number of family units and 4 bedroom units in open market housing will be required.

When considering the housing mix for new developments, we very carefully look at local demand and market conditions. The current mix was proposed on the basis of professional advice and likely demand.

Based on our conversation we consulted local agents again to ascertain the most up to date the demand for open market housing on the site. The agents that responded all requested a higher proportion of 4 bedroom and family sized units.

I attach the letters received, from these it can be seen there is a very strong demand for 4 bedroom units in the area."

The comments of the applicants are noted. It is considered that overall the proposed scheme does provide a reasonable mix of dwellings. The majority of the units are smaller dwellings (this includes 2 by 1 bed units and 10 by 2 bed units). In order to be fully compliant with policy BOLH1 in the Neighbourhood Plan, the number of 4 bedroom units would have to change from 8 to 4. Whilst the failure to fully comply with policy BOLH1 must weigh against the scheme, this must be considered alongside all of the other planning matters, such as the design and layout of the scheme.

Landscape Impact

The application is accompanied by a Landscape Visual Impact Assessment (LVIA). This has been assessed by the Councils Landscape Architectural Consultant who has confirmed that this provides an accurate assessment of the potential impacts that the development would have on the local landscape and views. It is however

clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately a subjective one for the decision maker to make.

The Councils Landscape Consultant has stated *"The proposed landscape strategy and masterplan would provide a high quality landscape setting for the development. The landscape buffer and the fact that the houses would be set back from the boundary on the western side of the development would ensure that views to the new houses from the old village are largely screened."*

"The mitigation measures proposed between the site and public right of way 18Bo would ensure that the development does not detract from the amenity of this path. The open space proposed between the built development and London Road will provide a buffer to London Road and the wider AONB countryside. The proposed use of native trees within the development is welcomed as this will ensure that the development will be integrated with local landscape character."

The Landscape Consultant has suggested that it would be preferable for there to be a planted landscape buffer of 10m to 15m on the northern boundary of the site. The plans show a buffer of some 2m on the northern boundary comprising a 1.5m post and rail fence with a native hedge planted behind, supplemented with standard trees 3m in height.

Whilst the request for a much larger landscape buffer to the north is noted, it is felt that this would not be proportionate for what is a relatively minor development on an allocated site in a non-designated landscape. It is felt that the proposed buffer should be sufficient to adequately soften this development in the wider landscape. It is an inevitable consequence of allocating land for residential development that there will be a significant change to the landscape at the local level. Overall it is considered that the layout and design of the scheme is satisfactory in relation to its impact on the landscape and policy BOLH4a of the BNP is met.

Highways/Transport matters

Policy DP21 in the DP states

"Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the*

countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);

- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so."

This reflects the guidance in paragraph 32 of the NPPF which states:

Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

The full comments of the Highway Authority are set out in the appendices. In summary they have confirmed that acceptable visibility splays can be provided for the development based on the posted speed limit. The Highway Authority has also confirmed that they accept the points that have been raised in the Road Safety Audit

that has been carried out. The proposal would not result in a severe cumulative impact on the London Road in terms of traffic generation; it is an inevitable consequence of the site being allocated for development that there will be more vehicular movements on the network at this point.

The Highway Authority have stated that *"The transport choices of cycling and bus are therefore quite limited and the lack of good pedestrian connectivity also suggests that the residents of the new dwellings would be very dependent on private cars, even for relatively short journeys."* This is accepted. However the starting point is that fact that this site has been allocated for development in a Neighbourhood Plan and therefore notwithstanding the fact that prospective residents may be fairly reliant on the private car, this would not be a reason to resist the application since the principle of developing the site for a residential scheme has been established through the Neighbourhood Plan. The Highway Authority has also stated that *"The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within Bolney village. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues."*

Overall there is no objection to the scheme from the Highway Authority subject to conditions. It is considered that access arrangements to the scheme are satisfactory and that there is no conflict with policy DP21 of the DP or policy BOLT1 of the BNP.

Impact on Public Right of Way

There is a public right of way (PROW) to the western side of the site that runs from north to south. It is not possible for the applicants to interfere with the legal line of the public footpath or to encroach upon it. The plans show that the dwelling on plot 13, which would be the closest to the PROW, would be some 4m away from the footpath at its closest point. The main rear garden to this property would be to the north rather than to the west. The end elevation of plot 14 would be some 4m from the PROW its closest point. This property would have its main private garden to the south of the dwelling.

It is considered that it will be necessary to secure an appropriate boundary treatment alongside the PROW so that it does not become hard edged and poorly surveyed. It is considered that a post and rail fence would be appropriate along the boundary of the PROW as this would ensure that the route maintained its open feel and could be viewed from the new dwellings. With such a condition in place there would be no conflict with policy DP22 of the DP.

Design and layout

Policy DP26 in the District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The NPPF advises that good design is indivisible from good planning.

It is considered that the revisions that have been achieved to the layout have significantly improved the scheme, on what is a challenging sloping site. The houses on the southern side of the site now face onto the tree belt along the southern boundary and this opens these trees out onto the public realm and also avoids potential overshadowing issues as the houses now front-on rather than back-on to the trees. The public open space is sensibly positioned on the eastern side of the site to provide a buffer to the road and allow the houses on the southern part of the site to integrate with the consented scheme to the south.

It is considered that the requirement in the Neighbourhood Plan policy BOLH4a for a minimum of 10 car parking spaces to serve the Bolney C. E. P School have been satisfactorily accommodated within the scheme , together with a link to the public right of way. It is considered that the scheme provides for a reasonable buffer to the field to the north which should allow sufficient planting to soften the rear boundary fencing of the proposed dwellings.

The Councils Urban Designer has no objection to the overall layout of the scheme. He has recommended that conditions be imposed to control the details of the elevations of the proposed dwellings, including the application of facing materials to address his concerns on peeled away facades and landscaping.

It is considered that overall the design of the individual dwellings is satisfactory. They are of a traditional design and are not objectionable. All of the dwellings would meet the national dwelling space standards.

In relation to crime prevention, Sussex Police have advised that overall they have no overriding concerns with the proposals. They have suggested that the rear garden fencing for the properties at the southern end of the site should be 1.5m fencing topped with a 0.3m trellis. This would allow some natural surveillance over this boundary, which backs onto Glebe Field. This can be controlled by a planning condition.

Overall it is considered that policies BOLD1 and BOLH1 of the BNP are met together with policy DP26 of the DP in respect of the design and layout of the scheme.

Noise

Part of policy DP29 in the DP states *"Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development."*

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The main source of noise for future occupiers of the houses would be from the A23 to the east. The application is accompanied by an acoustic report that the Councils Environmental Health Officer (EHO) has been able to consider.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout.

The applicants acoustic assessment (Oct 2017) demonstrates that required internal daytime and night time noise levels can be met by installing standard double glazing, but only with windows closed in many habitable rooms. As the windows need to be kept closed to achieve acceptable noise levels, additional ventilation is required. The Councils EHO has advised that a ventilation strategy will be required for the dwellings and that this can be secured by a planning condition. Subject to such a condition it is considered that policy DP29 of the DP would be met. It is also worth noting that there is a consented residential scheme immediately to the south of the site that is equally impacted by noise from the A23, so it is clear that this issue is not a bar to development in this location.

Neighbour amenity

Policy DP26 in the DP seeks to avoid proposals that would cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings.

The nearest dwellings to the northwest of the site are some 144m away from the boundary of the site at Paynesfield, which is a cul de sac off The Street. These properties are at a lower level than the application site. Objections have been received from a number of properties on The Street and Paynesfield relating to concerns about overlooking.

It is considered that given the distances involved, the proposal would not cause significant harm to the occupiers of any of the properties to the west of the site. Whilst the new dwellings would be visible as they would be at a higher level, the substantial distance between the site and the neighbouring properties means that the scheme would not be overly dominant or overbearing. As such it is considered there is no conflict with policy DP26 of the DP.

Impact on Heritage Assets

The proposed development would be some 40m to the northeast of the edge of the Conservation Area. The Councils Conservation Officer has stated *"The application site is an open field to the east of Bolney Village, and to the north east of the southern part of Bolney Conservation Area. The field is separated from the Conservation Area by the cricket pitch and a belt of woodland, however I would consider it to be within its setting, which is defined within the NPPF as the surroundings in which a heritage asset is experienced. A footpath passes along the western edge of the site entering the village centre by the primary school. Views from the path take in both the application site to the east and the Conservation Area to the south west. Just to the south of the school is Grade I listed St Mary Magdalene Church, which dates from the 12th century."*

The proposed development would be some 170 to the northeast of St Mary Magdalene Church, which is a grade I listed building. The Councils Conservation Officer has stated that *"I would consider the site to be also within the broader setting of the Church, despite the lack of intervisibility between the two, as the character of the site will affect the manner in which the special interest of the Church, as an ancient place of worship in a rural setting, is appreciated, in particular by those passing along the footpath which runs between the two."*

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The NPPF sets out the government's policies for sustainable development. A core planning principle of this framework is to conserve heritage assets in a manner appropriate to their significance (para.17). When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation. The more important the asset, the greater the weight should be. It explains that the significance of a heritage asset can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Para. 132). Paragraphs 133 and 134 explain that any harm would have to be justified by public benefits that clearly outweigh that harm.

NPPF paragraph 129 advises that the effect of a proposal on the particular significance of a heritage asset must be assessed "including by development affecting the setting of a heritage asset". The NPPF goes beyond the requirements of the 1990 Act to preserve the setting of heritage assets, and encourages local authorities to seek opportunities for new development to enhance or better reveal their significance (Para. 137).

Policy DP34 in the DP states that development will be required to protect listed buildings and their settings. Policy DP35 in the DP states that development will also protect the setting of the conservation area.

The Conservation Officer has stated that *"The alterations to the layout provide a slightly softened, greener edge to the development on its western edge adjacent to the public footpath, however in my view this does not mitigate the harm which would be caused by the proposal to the setting of the nearby heritage assets. This harm would, under paragraph 134 of the NPPF, stand to be weighed against any potential public benefits arising from the scheme which may include that it has been allocated for residential development in the Neighbourhood Plan."* It is considered that there are no reasons to disagree with the views of the Conservation Officer that the harm to the nearby heritage assets can properly be described as less than substantial.

Therefore in relation to the impact on the setting of the listed building, it is therefore necessary to consider whether according to Para 134 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

It is considered that the significant benefits of the scheme (provision of new housing on a site that has been allocated for housing through a Neighbourhood Plan, including affordable housing, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

In relation to the setting of the Conservation Area, it is considered that its setting has been protected as a result of the layout retaining the tree belt along the southern and western boundaries, whilst acknowledging that the wider setting will be changed as a result of this site being allocated for housing through the Neighbourhood Plan.

In light of the above, it is considered that the scheme complies with policies DP34 and DP35 of the DP, the requirements of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Trees and Ecology

Policy DP38 in the District Plan seeks to protect and enhance biodiversity.

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Paragraph 118 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (such as):

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh its loss."*

The application is accompanied by an Extended Phase 1 Habitat Survey and a Protected Species Survey, Mitigation and Enhancement Report that are available on file for inspection. The site comprises an arable field with narrow field margins on the eastern and western sides. Along the southern boundary is a woodland shaw that divides the site from the cricket pitch. The western boundary is marked by a species rich hedgerow.

The applicants report concludes that no rare or invasive botanical species were identified during the survey and the habitats were consistent with an arable field with grassland margins. The woodland shaw and the species rich hedgerow are the most significant ecological features and the report advises that these should be retained. Surveys to determine the presence or likely absence of Great Crested Newts (GCN) in pond P1 were undertaken and no evidence of GCN was recorded. The survey states that seven species of bat have been recorded using the Site and general bat activity levels were considered to be low. A soprano pipistrelle bat roost was also identified tree T2 and, should this tree be removed, pruned or indirectly affected by

the scheme, then an EPS licence may be required. A sensitive lighting strategy has been recommended.

The Councils Ecological Consultant has assessed the applicants supporting information and has raised no objection to the scheme subject to conditions. The tree referred to above as T2 is an Oak tree on the western boundary of the site and it is to be retained as part of the scheme. In light of the above it is considered that the scheme is acceptable in relation to ecological matters.

The applicant's arboricultural report is available on file for inspection. It shows that the important trees on the southern and western boundaries of the site would be retained. Since this report was produced, the layout has been amended so that the trees on the southern boundary will now be in the public realm rather than in private rear gardens. This is a further improvement to the scheme that means there will be no pressure from future occupiers to carry out works on these trees. The houses on the western boundary would have rear gardens some 17m in depth and this is considered to be more than sufficient to ensure that there should be no undue pressure from future occupiers to carry out works on these trees. It is considered that the scheme is acceptable in relation to its impact on and relationship with the trees on the boundary.

Drainage

Policy DP41 of the DP seeks to ensure that new development can be satisfactorily drained without causing a risk of flooding off site. The applicants have submitted a Flood Risk Assessment that is available on file for inspection. The Site is located in Environment Agency Flood Zone 1, namely, areas with a low probability of flooding from main rivers.

In summary the drainage strategy for the site shows surface water being conveyed from the western side of the site down to the south eastern side to an attenuation pond. The outflow from this pond is controlled via a hydrobrake and is then conveyed by gravity to a pond to the north. This pond then discharges at the greenfield rate to a culvert under the A23 to a watercourse and series of larger ponds. The Councils Drainage Engineer has stated that the proposal offers the opportunity for betterment in relation to surface water discharge compared to the current unregulated position. Further details will be required regarding the details of the cellular attenuation systems, details and sections of the proposed attenuation pond, details and sections of the proposed retaining gabion wall structure, finalised supporting calculations, finalised supporting drainage layout plans, including exceedance flow routes and a finalised maintenance and management plan. All of these matters can be properly secured by a planning condition.

It is proposed that foul drainage would be dealt with by a treatment plant located on the eastern side of the site.

It is considered that the site can be satisfactorily drained and that the technical details of this can be controlled by a planning condition, thereby complying with policy DP41 of the DP.

Infrastructure

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 203 and 204. Respectively, these paragraphs state:

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

and:

"Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

Policy DP20 of the DP requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. A similar requirement is found in policy BOL4A in the BNP. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

West Sussex County Council Contributions:

Library £8,907
Education Primary £94,781
Education Secondary £102,005
TAD £93,450

District Council Contributions:

Bachelors Field £31,519 is required to make improvements to play equipment
Formal sport £29,980 to upgrade the facilities at Bolney Cricket Club
Community buildings £13,023 to make improvements to increase capacity at the Rawson Hall
Local community infrastructure £16,960 to go towards the extension to greenspace at Batchelors Field to include the woodland areas to the east

It is considered that the above contributions are justified and would meet the test of the CIL Regulations.

The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is

only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

A legal agreement is being progressed to secure the required infrastructure contributions and affordable housing. With such a legal agreement in place policy DP20 of the DP would be met.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The views of Wealden District Council on the impact of the development on the Ashdown Forest SAC are noted. A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file.

Archaeological matters

The application is accompanied by an Archaeological Desk Based Assessment. This concludes that based on known evidence, there is a low potential for remains dating to all periods. The Councils Archaeological consultant has recommended that the archaeological work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. It is considered that this would be acceptable to comply with policy DP34 of the DP.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. The development plan for this part of Mid Sussex comprises the District Plan and the Bolney Neighbourhood Plan. The NPPF is an important material planning consideration.

The site is allocated for residential development in the Bolney Neighbourhood Plan under policy BOLH4a for approximately 30 dwellings. As such the principle of developing the site accords with the development plan and is acceptable.

It is considered that the design and layout of the scheme is acceptable, as is the impact on the character of the landscape. It is not considered that the proposal

would cause significant harm to the amenities of any existing neighbouring properties.

It is considered that satisfactory access can be provided to the site and that it can be satisfactorily drained. Subject to conditions, it is considered that the proposed dwellings can be properly insulated to protect the amenities of future from noise.

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the LPA to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the LPA would receive a New Homes Bonus for each the units proposed.

The New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community are all factors that weigh in favour of the proposal.

There would be some adverse impact on the landscape as a result of the change from a green field site to a housing development. This is an inevitable consequence of developing the site. The principle of this impact has been found to be acceptable by virtue of the fact that the site has been allocated for development in the Neighbourhood plan. In relation to the specific impacts from this proposal on the landscape, it is not considered that they are so significant that they would warrant refusal of this scheme on this ground.

The site is considered to be in the setting of the grade 1 listed St Mary Magdalene Church. It is considered that the proposed development would cause less than substantial harm to the setting of this listed building. Officers consider that this less than substantial harm, which has been given significant importance and weight to reflect the statutory requirements in the Planning (Listed Buildings and Conservation Areas) Act 1990, is outweighed by the significant positive benefits of delivering housing, including affordable housing on a site that has been allocated for development in a Neighbourhood Plan.

The proposed housing mix does not fully comply with policy BOLH1 in the Neighbourhood Plan because the number of 4 bedroom units exceeds the percentage set out in this policy. However the scheme does accord with the percentage requirements of 1, 2 and 3 bedroom units in this policy. This conflict does weigh against the scheme. However, the District Plan policy in relation to housing mix is not so prescriptive. Overall it is considered that the scheme does provide a reasonable mix of dwelling types and taken in the round, the conflict with part of policy BOLH1 in the Neighbourhood Plan would not in itself be a reason to resist this application.

Overall it is considered that the proposed scheme complies with the development plan as a whole. It will provide 30 dwellings on an allocated site and will assist the

Council in delivering the housing units that it is required to provide. In light of the above the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Pre commencement conditions

2. No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reasons for above: To safeguard the amenity of residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the District Plan (2014 - 2031) and Policy BOLH4a of the Neighbourhood Plan.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

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

5. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

6. No development shall take place until details of the materials to be used on the access road, parking areas and courtyards have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

7. No development shall take place until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

9. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- A protection plan for existing habitats showing the specification and location of fencing to be maintained until practical completion of all development works other than landscaping (this should be integrated with any tree protection measures required);
- A habitat enhancement and management plan;
- A lighting plan showing how light spill onto wildlife habitat and interference with bat foraging will be minimised.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To protect and enhance biodiversity in accordance with Policy DP38 and 109 and 118 of the NPPF.

Pre occupation conditions

10. The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy

DP21 of the District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

11. The development shall not be occupied until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 142 to the north and 2.4 by 143 metres to the south have been provided at the proposed site vehicular access onto London Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy BOLH4a of the Neighbourhood Plan.

13. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy BOLH4a of the Neighbourhood Plan.

14. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy BOLH4a of the Neighbourhood Plan.

15. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping (including boundary treatment and pergolas over the parking serving plots 26-29), which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

16. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

17. The 10 public car parking spaces shown on plan number 10575-FA-02 A shall be provided prior to the occupation of the last dwelling hereby permitted and shall be retained for public parking thereafter.

Reason: To comply with policy BOLH4a of the Neighbourhood Plan.

18. The link to the public right of way to the west of the site shown on plan number 10575-FA-02 A shall be provided prior to the occupation of the last dwelling hereby permitted and shall be retained as a link from the site to the public right of way thereafter.

Reason: To improve pedestrian links through the site and to comply with policy BOLH4a of the Neighbourhood Plan.

19. Prior to occupation of any of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

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

Construction phase

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

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

21. No burning of construction waste shall take place on the development hereby permitted.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

22. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In the interests of health of future occupiers and to accord with the guidance within the NPPF.

Approved Plans

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

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

INFORMATIVES

1. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	10575-FA-01	-	26.10.2017
Block Plan	10575-FA-02	-	26.10.2017
Proposed Site Plan	10575-FA-03	-	26.10.2017
Site Waste Management Plan	10575-FA-04	-	26.10.2017
Parking Layout	10575-FA-05	-	26.10.2017
Tree Survey	10575-FA-06	-	26.10.2017
Proposed Sections	10575-FA-07	-	26.10.2017
Proposed Floor Plans	10575-FA-10	-	26.10.2017
Proposed Elevations	10575-FA-11	-	26.10.2017
Proposed Floor Plans	10575-FA-12	-	26.10.2017
Proposed Elevations	10575-FA-13	-	26.10.2017
Proposed Floor Plans	10575-FA-14	-	26.10.2017
Proposed Elevations	10575-FA-15	-	26.10.2017
Proposed Floor Plans	10575-FA-16	-	26.10.2017
Proposed Elevations	10575-FA-17	-	26.10.2017
Proposed Floor Plans	10575-FA-18	-	26.10.2017
Proposed Elevations	10575-FA-19	-	26.10.2017
Proposed Floor Plans	10575-FA-20	-	26.10.2017
Proposed Elevations	10575-FA-21	-	26.10.2017
Proposed Floor Plans	10575-FA-22	-	26.10.2017
Proposed Elevations	10575-FA-23	-	26.10.2017
Proposed Floor Plans	10575-FA-24	-	26.10.2017
Proposed Elevations	10575-FA-25	-	26.10.2017
Proposed Floor Plans	10575-FA-26	-	26.10.2017
Proposed Elevations	10575-FA-27	-	26.10.2017
Proposed Floor Plans	10575-FA-28	-	26.10.2017
Proposed Elevations	10575-FA-29	-	26.10.2017
Proposed Floor Plans	10575-FA-30	-	26.10.2017
Proposed Elevations	10575-FA-31	-	26.10.2017
Proposed Floor Plans	10575-FA-32	-	26.10.2017
Proposed Elevations	10575-FA-33	-	26.10.2017
Proposed Floor Plans	10575-FA-34	-	26.10.2017
Proposed Elevations	10575-FA-35	-	26.10.2017
Proposed Floor Plans	10575-FA-36	-	26.10.2017
Proposed Elevations	10575-FA-37	-	26.10.2017
Proposed Floor Plans	10575-FA-38	-	26.10.2017

Proposed Elevations	10575-FA-39	-	26.10.2017
Proposed Floor Plans	10575-FA-40	-	26.10.2017
Proposed Elevations	10575-FA-41	-	26.10.2017
Proposed Floor Plans	10575-FA-42	-	26.10.2017
Proposed Elevations	10575-FA-43	-	26.10.2017
Proposed Floor Plans	10575-FA-44	-	26.10.2017
Proposed Elevations	10575-FA-45	-	26.10.2017
Proposed Floor Plans	10575-FA-46	-	26.10.2017
Proposed Elevations	10575-FA-47	-	26.10.2017
Proposed Floor Plans	10575-FA-48	-	26.10.2017
Proposed Elevations	10575-FA-49	-	26.10.2017
Proposed Floor Plans	10575-FA-50	-	26.10.2017
Proposed Elevations	10575-FA-51	-	26.10.2017
Street Scene	10575-FA-100	-	26.10.2017
Street Scene	10575-FA-101	-	26.10.2017
Survey	LRB/1601/1	-	26.10.2017
Survey	LRB/1601/2	-	26.10.2017
Survey	LRB/1601/3	-	26.10.2017
Survey	LRB/1601/4	-	26.10.2017
Survey	LRB/1601/5	-	26.10.2017
Drainage Details	17627AU-301-001	-	26.10.2017

APPENDIX B – CONSULTATIONS

Bolney Parish Council

No objection

County Planning Officer

Summary of Contributions

Education			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	70.0		
	Primary	Secondary	6th Form
Child Product	0.8643	0.8643	0.4667
Total Places Required	6.0501	4.3215	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£8,907		
Population Adjustment	64.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	30		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	70.0		
Net Parking Spaces	91		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£94,781
Education -	£102,005
Education - 6th Form	No contribution required
Libraries	£8,907
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£93,450

Total Contribution	£299,143
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 30 Net dwellings and an additional 91 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.

b) The deed would provide for payment of the financial contribution upon commencement of the development.

c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2018. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on additional facilities at Bolney CofE Primary School.

The contributions generated by this proposal shall be spent on the replacement of temporary buildings with permanent facilities at Warden Park Secondary Academy.

The contributions generated by this proposal shall be spent on expansion of the facilities at Haywards Heath Library.

The contributions generated by this proposal shall be spent on safety improvements on roads and lanes within the Parish and the Strategic routes and junctions of the A272 and A23, as identified in the Bolney Neighbourhood Plan.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school - **7** year groups (aged 4 to 11)
- Secondary School - **5** year groups (aged 11 to 16)
- Sixth Form School Places - **2** year groups (aged 16 to 18)

Child Product is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2017/2018, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - **£15,666 per child**
- Secondary Schools - **£23,604 per child**
- Sixth Form Schools - **£25,600 per child**

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£4,591** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2017/2018 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSSC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2014/2015 is £1,100 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable

transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£550).

Sustainable transport contribution = (net car parking - occupancy) x 550

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

Highway Authority

I refer to your consultation in respect of the above planning application and would provide the following comments.

Summary - The proposal seeks 'Full' Planning permission for access only for 30 residential dwellings. The proposal will result in a new vehicle access onto London Road. The road according to WSCC records is subject to a 60 mph speed limit. Given the sites close proximity with the A23 the Local Planning Authority (LPA) may wish to seek the views of Highways England (HE) on how the proposals may implicate the nearby road which they maintain.

The LHA (Local Highways Authority) has previously requested further information to the proposals from the highway point of view. This was on the basis that speeds had not been demonstrated along London Road. The application is now supported by a revised Transport Statement (TS); this includes TRICS data and a newly commissioned Stage 1 Road Safety Audit (RSA) with Designer's Response. Upon inspection of the information and statements submitted the LHA would now be in a position to support the application from the LHA's perspective.

Access - Access to the proposed is via a new bellmouth. There is an existing pedestrian footway along the London Road frontage; the footways are of sufficient width for the proposed use. The area is street lit.

The RSA has identified 4 problems with the proposed access. In summary the Designer has agreed all areas that the Auditor has raised as problems. The Audit is summarised below, point by point:

2.2.1 - Insufficient Stopping Sight Distance-Accepted by the Designer the trimming back of vegetation will be reviewed at the Detailed Design Stage.

2.2.2 - Insufficient warning of the proposed development access junction-The Auditor recommends adequate warning signs and contrasting road surfacing are provided. The Designer confirms that a review will be provided at the Detailed Design Stage.

2.3.1 – Insufficient Visibility Splay-The splays have been undertaken in accordance with Design Manual for Roads and Bridges (DMRB) parameters. More detail is set below on visibility parameters.

2.3.2 - Potential vertical alignment visibility. A level area was recommended at the site access of 5 metres from the highway. This will be provided at the Detailed Design stage.

2.5.1 - Lack of street lighting at the access. The Audit Team that street lighting is provided at the Detailed Design Stage. The Designer accepts this recommendation.

The visibility splays have not been based upon 85th percentile recorded by ATC surveys with speed limits of:

48.6 mph northbound
48.7 mph southbound

The visibility splays have not been based upon 85th percentile recorded by ATC surveys. However with the trimming of vegetation, the applicant has demonstrated that visibility splays of 2.4 by 142 metres are achievable to the north and 2.4 by 143 metres are achievable to the south. These sightlines are within the requirements set out within Design Manual for Roads and Bridges (DMRB) given the posted speed limit. Taking account of local context and traffic flows, the LHA consider that DMRB guidance is appropriate in this instance. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto London Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access has now been demonstrated as acceptable and 'Safe and Suitable' in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF), the works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Layout - There are no concerns with the layout of the site. The access road will take the form of a 4.8 metre wide arrangement with 8 metre kerb radii. An internal footpath is provided within the site, this should be 1.8 metres in width. This is considered suitable as this will be a low speed, low traffic environment. Swept path diagrams have been provided showing larger vehicles turning paths within the site, this would be required. The applicant should liaise with MSDC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has been stated that the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation is in accordance with the demand from the PDC. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

Trip Generation and Capacity - The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 15 and 16 two way movements in the morning and evening peak hours respectively. The LHA acknowledges that the TRICS outputs are based upon sites

considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments.

It is recognised that this proposal would give rise to a more intensive use of London Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

Construction - Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from London Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along London Road in light of the carriageway width and presence of other vulnerable road users.

Sustainability and Accessibility - The village itself has a primary school, pre-school, public house, village café, and much further to the west a petrol filling station and village store. The latter is on the opposite side of the A272, so pedestrians have to cross the busy traffic flow to reach it. Although there is a continuous footway linking the site to the village to the north, the footway links to the west are not particularly good. The existing tarmac footway heading south and west to School Lane, The Street, and petrol filling station/village store runs along the A272 and is narrow for most of its length. It is also quite greasy with a high degree of leaf litter. It is though separated from the A272 traffic by a grass verge of varying width, so is not immediately next to live traffic. School Lane and The Street both lack separate footway provision, so after leaving the A272 footway, pedestrians would have no choice but to walk along the carriageway in these roads. However, both are quite lightly trafficked and existing residents seem used to doing this and it is not a high speed environment. The public footpath (19Bo) route between the site and School Lane is narrow and overgrown and the surface is greasy and lacks drainage. It is the more direct western route to the village and the school, but is unlikely to be used much in its current state and has little in the way of lighting or overlooking, so cannot be considered secure.

As regards cycling, there are no separate cycle ways in the vicinity of the site, although there is a cycle network sign pointing along London Road. This road is generally lightly trafficked and wide enough to allow cyclists to share the carriageway in reasonable safety and to access local facilities or for recreational purposes. Bus services are also infrequent and the nearest stops would appear to be north of Rycroft Road which is some distance away from the site by foot even though there is a continuous footway leading to them. The transport choices of cycling and bus are therefore quite limited and the lack of good pedestrian connectivity also suggests that the residents of the new dwellings would be very dependent on private cars, even for relatively short journeys. There would be scope for the developer to improve the existing A272 footway links in lieu of WSCC's required TAD contribution.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within Bolney village. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

Conclusion - Based on the revised TS, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended:

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 142 to the north and 2.4 by 143 metres to the south have been provided at the proposed site vehicular access onto London Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Section 106 Contributions

No part of the development shall be occupied until provision of the footway works alongside London Road has been constructed in accordance with plan JNY9318-02 Rev C.

Reason: In the interests of road safety and local amenity.

INFORMATIVE

S278 Works-The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Highways England

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case, particularly the A23 around Bolney.

Having examined the above application for the erection of 30 houses, I can confirm that Highways England has no objection, in principle, to the proposals. However, if,

as planning authority, you are minded to grant consent for the development, Highways England formally requests the planning authority to apply a condition, as follows:

- *A Construction Traffic Management Plan must be submitted and approved before any works take place. The approved plan must be implemented and strictly adhered to throughout construction. The plan shall, as a minimum, restrict deliveries and HGV movements within the network peak periods and must include measures such as wheel washing to mitigate the impact of construction on the Strategic Road Network.*

I trust that the above is of assistance. Please find attached our formal HEPR response.

WSCC Flood Risk Management

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current uFMfSW mapping shows that the majority of proposed site is at low risk from surface water flooding. There is higher risk associated with the pond on the eastern boundary of the site.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourse running across of the site although local or field boundary ditches, not shown on Ordnance Survey mapping, exists around near to the site.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Future development - Sustainable Drainage Systems (SuDs)

The Flood Risk Assessment for this application proposes that sustainable drainage techniques (attenuation basin and geo-cellular storage units) would be used to control the surface water run-off from this development to Greenfield run-off rates, with discharge to the pond/watercourse system. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual

and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Landscape Architect

With reference to your letter of 27th February 2018 asking for comments on the above application, having reviewed the documents I have the following comments with regard to the potential landscape and visual impacts.

1) Summary Recommendation

Recommend for approval in principle subject to the imposition of conditions

It is noted that the application could comply with Paragraph 17, Core Planning Principles of the NPPF which states that planning should:

Take account of the different rolls and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic beauty and character of the countryside and supporting thriving rural communities.

It is noted the application documentation could meet the requirements of Section 7, paragraphs 56 -68 of the NPPF which addresses the issue of good design by the application of planning conditions.

It is noted the application documentation has met the requirements of Section 109 of the NPPF with regard to the need to protect and enhance valued landscapes.

It is accepted that the potential adverse impacts on landscape character and visual amenity can be mitigated.

Landscape Policy Context

1. The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).

2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create **a strong sense of place and improve the character and quality of an area and the way that it functions.**

3. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external hard works and planting.

Landscape and Visual Context

4. The Landscape and Visual Impact Assessment (LVIA), ADAS October 2017, submitted to support the application provides an accurate assessment of the baseline landscape and visual context of the site.

5. The LVIA provides an overview of the national, county and district landscape character assessments for the site and surrounding area. The key characteristics which are relevant to the site and surroundings are highlighted.

6. The characteristics from the published assessments which are most relevant to the application site are:

- Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.
- Pattern of small, irregular-shaped assart fields and larger fields, and small pockets of remnant heathland.
- Dispersed historic settlement pattern, close to Horsham, the principal settlements Cuckfield, Haywards Heath and Lindfield and a few villages and hamlets.
- Some busy lanes and roads including A and B roads bounding the area to the west, and other roads crossing north to south, including the A23 Trunk Road.
- Varied traditional rural buildings built with diverse materials including timberframing, Horsham Stone roofing, Wealden stone and varieties of local brick and tile-hanging. Apart from Cuckfield, Lindfield and the ridge line settlements, the villages are few and small: Ansty, Bolney, Scaynes Hill and Warninglid.

7. Management guidelines for the High Weald Fringes in the Mid Sussex LCA area which would be relevant to this site are:

- Increase tree cover in and around villages, agricultural and other development including along the approach roads to settlements and along busy urban routes.
- Conserve, strengthen and manage existing hedgerows and hedgerow trees and replant hedgerows where they have been lost.
- Protect existing views from the area and avoid skyline development, paying particular attention to the siting of telecommunications masts.
- Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness.

8. It is noted that the site is an allocation in the Bolney Neighbourhood Plan as an extension to the built up area boundary. The old village of Bolney sits on a gentle ridge and the site is part of the open landscape which falls away from the ridge towards the London Road. The open nature of this slope and potential views from the High Weald AONB which lies to the east would make this field sensitive to development.

Potential Impacts and Mitigation Measures

9. The LVIA provides an accurate assessment of the potential impacts that the development would have on the local landscape and views.

10. The proposed landscape strategy and masterplan would provide a high quality landscape setting for the development. The landscape buffer and the fact that the houses would be set back from the boundary on the western side of the development would ensure that views to the new houses from the old village are largely screened.

11. The mitigation measures proposed between the site and public right of way 18Bo would ensure that the development does not detract from the amenity of this path. The open space proposed between the built development and London Road will provide a buffer to London Road and the wider AONB countryside. The proposed use of native trees within the development is welcomed as this will ensure that the development will be integrated with local landscape character.

12. The open field which extends from the southern part of the site north to Ryecroft Road would probably have been divided into several fields in the past. The proposed hedgerow and tree planting along the northern boundary of the site would provide a new landscape boundary feature and this is welcomed. However the new houses would only be a few metres from this proposed hedge and there would not be enough space to plant large species of tree, such as oak, adjacent to these properties. The houses would therefore be prominent in views from the north and in particular footpath 18Bo for its length from Ryecroft Road to the site boundary. The houses on this boundary would potentially be visible in views from the High Weald AONB and footpath 9Bo, viewpoint 6. It is recommended that a wider treed buffer is required on this boundary and this may be achieved by taking a few more metres of land from the field to the north to allow large trees to be planted adjacent to the houses which will screen them in the long term. A planted area of ten to fifteen metres would allow an adequate landscape buffer to be established. It is also recommended that the hedge is planted as a double row of plants and is left to grow tall, to be similar to the hedge on the boundary with London Road. The suggested buffer would also ensure that the gardens of these houses are screened as domestic paraphernalia such as sheds and trampolines would have an adverse impact on countryside character and views.

13. Should the planning authority be minded to permit the development it is recommended that the following are required as conditions:

- i. Implementation of the indicative landscape masterplan as submitted to support the application.
- ii. Details of boundary materials around the site and between gardens. It is recommended that, where fences are required, these are timber post and rail/wire fences. Mixed native species hedges could be used to reinforce boundaries. This would ensure that the development is well integrated with the character of this semi-rural location. Close board fencing should be avoided as these are suburban and detract from rural character.

- iii. High quality surfacing materials chosen from a limited palette and which complement the proposed building materials.
- iv. Positive management of the existing boundary hedges and trees.
- v. Existing trees to be retained on the site to be protected in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction.
- vi. A long term management plan to ensure the successful establishment and care of the landscaped areas.

Archaeological Officer

The application site is relatively large (c.2.1ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by CgMs consulting) has been submitted in support of this application, providing additional information on the archaeological background of this site. The assessment is acceptable, and concludes that based on known evidence, there is a low potential for remains dating to all periods; certainly in the medieval and post medieval periods the site appears to be located on the periphery of the known settlement of Bolney. However the assessment also acknowledges that particularly given the lack of archaeological interventions in the vicinity of the site, there is also potential for as-yet-unknown archaeological remains to be present, particularly for earlier periods.

Given the relatively unknown archaeological potential of the site, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work (evaluation) is required in relation to this proposed development. The evaluation will likely involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that are and may be present on the site, and the results of the evaluation will enable suitable mitigation measures to be developed if necessary. I will need to agree a specification for the evaluation before the trenching can begin.

In the absence of any evidence to suggest that remains of a standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological work be carried out in advance of planning permission (although it is of course better that the work be carried out at the earliest opportunity). In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Sussex Police

Thank you for your correspondence of 02nd November 2017, advising me of an amended planning application for the proposed erection of 30 dwellings comprising of 2 one bedroom apartments, 10 two bedroom houses, 10 three bedroom houses, 8 four bedroom houses with associated development, at the above location, for which you seek advice from a crime prevention viewpoint. Amended plans received 19th February 2018.

I have had the opportunity to examine the detail within the application and I note that the amendment has removed the previously mentioned 3 No five bedroom houses and has replaced them with an increase in the quantity of 3 & 4 bedroom houses. The overall quantity of dwellings however remains the same at 30. A new design and layout of the development has been created.

I have no overriding concerns over the new design and layout of the amended plans and in the main the majority of my previous comments within my recent correspondence PE/MID/17/032/A/ remain extant. I would however like to add the following comments.

My concerns over the adjacent cricket pitches' northern boundary concealing unobserved access to the dwellings, has been alleviated with the introduction of a buffer zone accompanied with very good levels of natural surveillance from the overlooking dwellings. However there still is some concern from the eastern boundary concealing unauthorised access to the rear gardens of plots 22/23 - 30. A solution here would be to construct the rear garden perimeter fences from 1.5 metre high close board fencing topped with 300mm of trellis. This solution provides a security height of 1.8 metres and surveillance into what would have been previously an unobserved area.

The new design and layout has positioned two dwellings to the front of the 10 space parking court adjacent to the public right of way (PROW). This has created good natural surveillance over it and the surveillance from these two dwellings should act as capable guardians to the car park and vehicles within.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Historic England

Thank you for your letter of 27 February 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Ecological Consultant

Recommendation

The woodland shaw between the proposed development and cricket ground appears to be of ecological interest due to age of trees and some ground flora species that are known as ancient woodland indicator plants. However, the presence of four such species is not definitive evidence of ancient origin and may be found in old hedgerows from which this feature may have developed. Indeed, review of 1875 County Series mapping shows only a thin line of trees indicative of a well-treed hedgerow. Therefore, there does not appear to be a policy requirement (under DP37) for a 15m minimum buffer as advised in the supporting ecological report. Nevertheless, the same sort of pressures are likely to apply from adjacent development so the risk of deterioration from indirect impacts should be considered even though the feature may not support the same high level of biodiversity typically supported by ancient woodland. MSDC will need to balance the risk against any benefits in favour of development and the layout proposed.

I note that the species rich hedge along the northern half of the western boundary is to be retained with public open space adjacent, which is good to see and I have no other concerns in relation to biodiversity subject to the following conditions if consent is granted:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A protection plan for existing habitats showing the specification and location of fencing to be maintained until practical completion of all development works other than landscaping (this should be integrated with any tree protection measures required);

A habitat enhancement and management plan;

A lighting plan showing how light spill onto wildlife habitat and interference with bat foraging will be minimised.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To protect and enhance biodiversity in accordance with Policy DP38 and 109 and 118 of the NPPF.

Conservation Officer-comments on amended scheme

The alterations to the layout provide a slightly softened, greener edge to the development on its western edge adjacent to the public footpath, however in my view

this does not mitigate the harm which would be caused by the proposal to the setting of the nearby heritage assets. This harm would, under paragraph 134 of the NPPF, stand to be weighed against any potential public benefits arising from the scheme which may include that it has been allocated for residential development in the Neighbourhood Plan.

Conservation Officer - comments on Original scheme

The application site is an open field to the east of Bolney Village, and to the north east of the southern part of Bolney Conservation Area. The field is separated from the Conservation Area by the cricket pitch and a belt of woodland, however I would consider it to be within its setting, which is defined within the NPPF as the surroundings in which a heritage asset is experienced. A footpath passes along the western edge of the site entering the village centre by the primary school. Views from the path take in both the application site to the east and the Conservation Area to the south west. Just to the south of the school is Grade I listed St Mary Magdalene Church, which dates from the 12th century. I would consider the site to be also within the broader setting of the Church, despite the lack of intervisibility between the two, as the character of the site will affect the manner in which the special interest of the Church, as an ancient place of worship in a rural setting, is appreciated, in particular by those passing along the footpath which runs between the two. It is suggested in the submitted Built Heritage Statement that the site may once have been glebe land associated with the Church, which if true would be a further point of note in terms of the impact of the character of the site on the appreciation of the asset's special historical interest.

The current proposal is for a development of 30 new dwellings with associated access, parking and landscaping. The proposal will have a fundamental impact on the existing open and rural character of the site, which will become 'suburban' in nature.

In my opinion, this change in the character of the site will be to the detriment of the manner in which the special interest of both the Bolney Conservation Area (lying in the character of the village as an ancient, and fairly compact, rural settlement, which has evolved over centuries bedded within its landscape setting) and of St Mary Magdalene (as an historic country church within the settlement) is appreciated, in particular by those passing along the footpath which leads between the western boundary of the site and the village centre. This is because the development will intrude upon, and detract from, the existing rural character of the setting of both of these assets.

I would consider the harm caused to the special interest of both heritage assets to be less than substantial, in terms of the guidance set out in the NPPF. The proposal should therefore be judged against the criteria set out in paragraph 134 of that document. Although the NPPF does not allow for gradations of harm within the 'less than substantial' category, in my opinion were a scale in place the harm caused in this instance would be at least at the mid level (not low as the applicant suggests), as I would place significant weight on the importance of the rural character of the setting of both assets to the appreciation of their special interest.

I would also consider the proposal contrary to policies B10 and B15 of the Local Plan, and policies DP32 and DP33 of the emerging District Plan.

Looking at Uniform it would appear that HE have not been consulted - I would suggest they should be as the proposal affects the setting of a Grade I building.

Urban Designer

Summary and Overall Assessment

This is not an ideal development site both because of traffic noise from the adjacent A23 and the awkward slopes. The open space is nevertheless sensibly positioned along the London Road boundary where it can provide a buffer to the road and allow the houses on the southern part of the site to integrate with the consented scheme to the south. The revised drawings now address my previous concerns in terms of the northern part of the site as the access road has been re-configured parallel and adjacent to the tree belt that fully reveals the attractive trees to the public realm and avoids potential overshadowing issues as the houses now front-on rather than back-on to the trees. While the layout is well designed, the elevations still rely on ubiquitous pastiche styling that does little to give the scheme a sense of place, and some of the frontages are still poorly composed. Because of the improvements in the layout I will nevertheless withdraw my objection to this planning application, but I would like conditions included that address the worst elements of the elevations in addition to conditions covering facing materials (including the application of facing materials to address my concerns on peeled away facades) and landscaping (including boundary treatment and pergolas over the parking serving plots 26-29).

Layout

The mature trees that define the boundaries with the adjacent cricket ground are an attractive feature, and the layout has now been redesigned to allow the attractive tree belt on the northern boundary of the cricket ground (to the south of the northern part of the application site) to be fully revealed by re-orientating the access road and houses so they face the trees avoiding both overshadowing of back gardens and unattractive rear garden boundaries bordering the cricket ground.

In respect of the tree belt on the east side of the cricket ground (west side of the application site) there is little option but for the houses on plots 25-30 to be organised with their gardens backing on to the tree belt as this arrangement has been approved on the adjacent site, and it would be even more unacceptable for them to back-on to the proposed open space and A23. The quality of the trees is generally inferior to the other tree belt with tree T27 suffering from extensive crown dieback and the large oak T25 will in any event be revealed by a sizeable separation gap between plots 24 and 25 where it will soften the proposed parking in this area.

The north-western boundary of the site has also been redesigned and shows a softer edge along the adjacent public right of way resulting from the re-positioning of both the car park (which I understand is principally for the purposes of the school) and the access road serving the houses along this boundary. Natural surveillance is maintained as these houses (on plots 13,14,21) incorporate windows directly facing

the PRW with sight lines preserved with the threshold area laid out with grass only (omitting the hedge that featured in the previous scheme).

The long boundary between plots 6 and 7 is a dead hand on the road frontage but these houses are at least orientated southwards so they provide some animation. The long run of close-boarded fencing is nevertheless an unattractive feature and a mature hedge may be necessary to avoid this as the topography negates a brick wall as it will need to be awkwardly stepped up the slope.

The northern boundary will be a new field division and it is therefore important that it is softened as much as possible to ensure the rural character of the undeveloped part of the field is maintained. The drawings show this to be achieved by planting trees and shrubs along the boundary and by designing a buffer zone to avoid back gardens directly bordering the field.

I have concerns about the design of the open space on each side of the site entrance in the area denoted for underground gas storage and treatment plant, and this will need to be dealt with through a landscape condition.

Elevations

The scheme benefits from the effort made to model the return elevations on the corner houses, and from the fact that the chimneys appear to have been designed so they are useable. The roof pitches are also generally well-profiled.

While some improvements have been made to the building design, there are still too many poorly composed facades and I have the following concerns:

- The street elevations show an inconsistent application of materials with the same building types employing different facing materials (such as plots 25-28). Some of the houses also feature facing materials that incongruously peel away at the side or rear and the drawings are unclear how the junction between the materials will be designed (plot 2, 3, 4, 9-11, 15, 16, 21-24). These features are an exercise in facadism that undermines that integrity of the architecture.
- Rainwater downpipes need to be shown particularly as they have not been properly accommodated and will clutter the façade on some buildings such as on plot 5 and the rear of 25 and 28 where the two windows that break the eaves line will generate the need for 3 rainwater downpipes.
- Plots 25-28 - The symmetry of these semi's are upset by the different floor levels. The stepped configuration of the windows and facing materials is incongruous. Only a relatively modest amount of additional excavation/soil movement is required to address this as the entrance doors are adjacent to each other.
- Half-landing windows look out of place particularly when they appear on front elevations (it would be better if these windows extended to the eaves line) such as on plots 9+10+29. The oversized entrance canopy on plot 10 also has an awkward relationship with the half landing window because of its proximity.
- Plot 11+13+15 - The landing windows are uncomfortably squeezed by the porch roof.
- The high eaves line above the garages on plots 9-12+16 results in a poorly proportioned façade and a dormer window too close to the eaves.

- The extended canopies on plot 24 and 30 are unbalanced.

The site layout suggests pergola type structures enclosing the parking spaces (that were discussed at the meeting with the applicants) serving units 26-29 but no elevations have been received.

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 30 residential dwellings on Land North And East Of Bolney Cricket Club, The Pavilion, Glebe Field, The Street, Bolney RH17 5QP on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Bachelors Field, owned and managed by the Council, is the nearest locally equipped play area approximately 250m from the development site. This facility will face increased demand from the new development and a contribution of £31,519 is required to make improvements to play equipment (£24,156) and kickabout provision (£6,845). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £29,980 is required to upgrade the facilities at Bolney Cricket Club.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £13,023 is required to make improvements to increase capacity at the Rawson Hall.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Drainage Officer

Recommendation:

No objection subject to conditions.

Summary and overall assessment

The proposed surface water discharge figures have been given as 4.1 ls⁻¹, as this matches the QBar green field figure for the 0.8ha area of the impermeable developed area. It should be noted that the remaining 1.3ha of the site will also continue to contribute to this, so the total run-off rate discharging to the pond would be higher than 4.1; in addition the proposed treated foul will also discharge here too. But because discharge for the 0.8ha is restricted to 4.1 there is a clear betterment when compared to the pre-existing greenfield run-off rate of the whole site:

Event	Restricted discharge (0.8ha) + Remaining GF discharge (1.3ha)	Pre-developed whole site (2.1ha)
1:1	4.1 + 05.6 = 09.7 ls ⁻¹	0.92 ls ⁻¹
1:30	4.1 + 15.1 = 19.2 ls ⁻¹	24.4 ls ⁻¹
1:100	4.1 + 21.3 = 25.4 ls ⁻¹	34.4 ls ⁻¹

Moving forward, the proposed development should still fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

In order to meet with the proposed condition, we will need to see:

- a. Details of the cellular attenuation systems.
- b. Details and sections of the proposed attenuation pond.
- c. Details and sections of the proposed retaining gabion wall structure.
- d. Finalised supporting calculations.
- e. Finalised supporting drainage layout plans, including exceedance flow routes.
- f. A finalised maintenance and management plan.

For the correct use of SuDS, the proposed development drainage should look to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.

- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area.

This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water with controlled discharge to existing pond, which in turn will discharge to a culvert under the A23 to a watercourse and series of larger ponds.

Foul Water Drainage Proposals

It is proposed that the development will utilise on site treatment.

Suggested Conditions

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

Environmental protection Officer

The Idom Merebrook acoustic assessment (Oct 2017) demonstrates that required internal daytime and night time noise levels can be met by installing standard double glazing, but only with windows closed in many habitable rooms (traffic noise from the nearby A23 and London Road is the predominant noise source). As the windows need to be kept closed to achieve acceptable noise levels, additional ventilation is required. The acoustic report acknowledges that as a result of this, a ventilation strategy will be required (see recommended condition below) in order to avoid residents being forced to choose between being disturbed by noise or overheating/lack of fresh air. In my opinion MEV or MVHR systems will be required in order to provide adequate ventilation/cooling for affected bedrooms.

The applicants will therefore need to submit details of the ventilation strategy, which should not itself cause the required noise levels to be exceeded, and should note that attenuated trickle vents are not considered to afford sufficient ventilation for thermal comfort in affected bedrooms.

In the event that planning permission is granted, I would recommend that the following conditions are applied:

Conditions:

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

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

- **Soundproofing (external):** No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise

levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reasons for above: To safeguard the amenity of residents.

- **Deliveries and collections during construction:** No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 07:00 to 19:00 hours

Sat 08:00 to 13:00 hours

Reason: To protect the amenity of residents.

- **Construction Management Plan** - No development shall take place until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. Thereafter all works shall be carried out in accordance with the approved plan throughout the construction period.

The plan shall provide for:

- i) measures to control the emission of dust and dirt during construction
- ii) measures to control noise and vibration during construction

Reason: To protect the amenity of residents

Contaminated Land Officer

Main Comments:

The application erect 30 dwellings on land that was previously used for agricultural purposes.

Agricultural land has the potential to have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc.

As such in this instance it is appropriate to attach a discovery strategy, so that in the event that contamination is found, works stop until such time that an assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

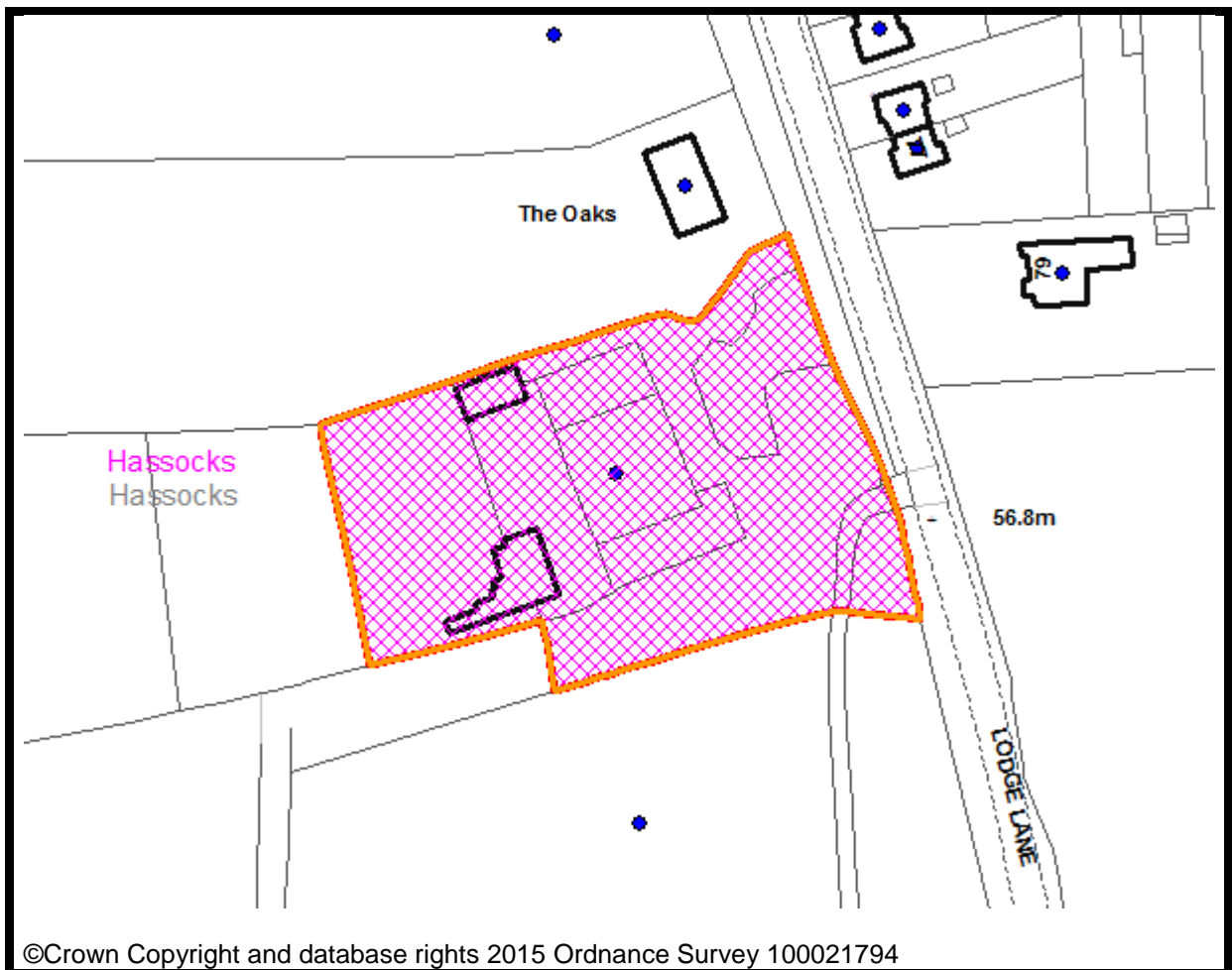
1) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Housing Enabling and Development Officer

The applicant is proposing a development of 30 dwellings which gives rise to an onsite affordable housing requirement of 30% (9 units). The mix proposed will meet a broad range of housing needs and comprises of 2 x 1 bed flats, 6 x 2 bed houses and 1 x 3 bed house. The applicant is aware that in order to comply with current policy, 7 units should be for affordable rent and 2 units for shared ownership (the shared ownership units requested being 1 x 2 bed and 1 x 3 bed house). In order to assist community cohesion and social integration the development must also be tenure blind.

Hassocks

2. DM/17/5124



**SUSSEX LANTERN SOUTHDOWN FARM LODGE LANE HASSOCKS
PROPOSED NEW DAY CARE CENTRE AND RETENTION OF EXISTING
PLANT ROOM AND POTTERY BUILDING.
SUSSEX LANTERN
GRID REF: EAST 531341 NORTH 114841**

POLICY: Article 4 Direction / Areas of Special Control for Adverts /
Countryside Area of Dev. Restraint / Classified Roads - 20m buffer /
Radon Gas Safeguarding Zone / South Downs National Park /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 3rd April 2018

WARD MEMBERS: Cllr Gordon Marples / Cllr Michelle Binks / Cllr Sue
Hatton /

CASE OFFICER: Mr Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for the erection of a proposed new day care centre and retention of existing plant room and pottery building at Southdown Farm, Lodge Lane, Hassocks.

It is considered that there is policy support for this proposal which would provide a facility that would contribute to creating sustainable communities. Whilst the proposed building would be a relatively large structure, it is considered that its traditional design is appropriate for its setting in the countryside, adjacent to the South Downs National Park. Given the very poor condition of the site it is felt that the proposal would result in an enhancement to the character of the area.

It is considered that the visibility from the access that is currently provided on the site is satisfactory. Whilst the vast majority of people using the facility would arrive by car, it is not considered that this would result in highway capacity issues on Lodge Lane.

Whilst the building would be visible to the occupiers of the properties around the site, especially the dwelling to the northeast, it is not considered that it would be so overbearing or dominant as to cause significant harm.

In light of all the above it is considered that the application complies with policies DP12, DP17, DP18, DP21, DP25, DP26 and DP41 of the District Plan, policies 5 and 8 of the emerging Neighbourhood Plan and the application can be supported.

RECOMMENDATION

Recommendation A: It is recommended that planning permission be approved subject to the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

8 letters of objection:

- proposal is for a very large building on the boarder of the South Downs National Park;
- proposal is contrary to policy 8 Character and design of the Hassocks Neighbourhood Plan;
- the accounts of Sussex Lantern suggest that their funding is insufficient and residents are concerned they will run out of money and leave a half finished structure;
- creation of an additional access will cause a highway safety issue;

- Lodge Lane is narrow with a 60mph speed limit and there is no footway;
- building is out of scale with the local area;
- late night opening until 11.30pm two evenings a week will create noise and disturbance;
- visibility from the site entrance is very poor;
- concerned about noise and pollution that will be coming from vents and plant required to run a swimming pool;
- rear balcony will overlook our garden

SUMMARY OF CONSULTATIONS

South Downs National Park Authority

In light of the submission, the impact on strategic views from the Downs appears to be limited, although the appropriate level of detail still has not been provided. Therefore it is difficult for me to comment further on the likely impacts from varying distances and viewpoints within the National Park, but on this occasion we do not wish to make any further comments.

Highway Authority

No objection subject to condition

West Sussex County Council Lead Local Flood Authority

Site is at low risk from surface water flooding. The proposed development site is also shown to be at low risk from ground water flooding based on the current mapping

Environmental Health Officer

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

MSDC Drainage Engineer

No objection subject to condition

HASSOCKS PARISH COUNCIL OBSERVATIONS

RECOMMEND REFUSAL. The proposed application is for a very large building, within a countryside setting adjacent to the South Downs National Park. There is no special justification for such an application and the proposal is contrary to Policy 8: Character and Design, of the Regulation 16 Hassocks Neighbourhood Plan.

INTRODUCTION

This application seeks planning permission for the erection of a proposed new day care centre and retention of existing plant room and pottery building.

RELEVANT PLANNING HISTORY

Planning permission was granted in April 2007 under reference 07/00084/FUL for the "conversion of existing farm buildings currently providing facilities allied to the caravan site use (including campsite shop), storage, commercial engineering repairs and equestrian operations to a day care centre providing facilities for blind, partially sighted, disabled, seriously infirm and mobility sufferers, including hydrotherapy area and various natural treatment areas, utilising the existing access off Lodge Lane."

A subsequent planning application under reference 07/3803/FUL sought permission for minor modifications to the windows and doors of the previously approved scheme. Permission for these minor changes was granted under delegated powers on 30th January 2008.

Planning permission was then granted in August 2008 under reference 08/02376/FUL for the provision of a new day care centre for blind, partially sighted, disabled and seriously infirm persons, including hydrotherapy area and various natural health treatments. The new building permitted by this consent was on the site of previous farm buildings that had planning permission to be converted into the aforementioned facility but subsequently suffered storm damage.

Whilst some works to implement the 2008 consent did take place on site, the pre commencement planning conditions attached to this permission were not discharged. As such a lawful start on implementing that consent was not made. Therefore the 2008 planning permission has now expired.

SITE AND SURROUNDINGS

The site of the application is on the western side of Lodge Lane to the south of Keymer village in a rural setting. The access to the site is from Lodge Lane. There is no footway adjacent to the road at the point of access to the site. The site lies within the Countryside as defined in the District Plan. The site is in an unattractive condition in an otherwise attractive area. The foundations of previous buildings are still on site, as are large areas of hard standing.

To the north there is a 1.8m timber fence on the boundary and then single storey outbuildings. To the northeast is a detached house called The Oaks. To the east there is a tree and hedge screen between 2 and 3m in height and then beyond this are fields on the opposite side of the road. There are houses to the northeast of the site. To the south there are grassed fields that are used for camping in association with Southdown Way Caravan and Camping Ground. To the west there is more limited screening and then open fields.

The site is boarded by the boundary of the South Downs National Park to the south, west and north. There are attractive views to the South Downs to the south.

APPLICATION DETAILS

This planning application seeks consent for the provision of a new building to be used as a day care centre and for the retention of an existing plant room and pottery building. The building would have a broadly rectangular footprint measuring some 40m by 19m with two forward projections on the northern and southern ends of the building. It would be set back some 29m from Lodge Lane. It would be a two storey building with a maximum ridge height of 9.5m with the upper storey being contained within the roof space, served by roof lights. External materials would be brick, timber boarding and a plain clay tiled roof. The main entrance would be located in a central glazed feature on the eastern elevation of the building. There would be a first floor terrace area on the rear (west) side of the building.

Internally the ground floor would provide treatment rooms, meeting rooms, offices, a lounge and a hydrotherapy pool. At first floor level there would be meeting rooms, training room, an IT room and library room.

The plans show that there would be 29 car parking spaces located to the front (east) of the building.

The plant room and pottery building is located on the north-western side of the site. It is a building that was originally approved on the previous 2008 consent at the site and it has been constructed. It is a pitched roof building measuring 10.5m by 6m.

The opening hours of the building are proposed to be 08.30 to 18.00 Monday to Friday and 09.00 to 12.30 on Saturday with no opening on Sundays or bank holidays. In addition it is proposed the building would be open until 23.30 on two nights of the week. The applicants state that there would be 3 full time and 5 part time staff plus self-employed physiotherapists.

The applicants have submitted a supporting statement that is available on file for inspection. The main points of this are set out below:

"This application is a modification and modernisation of a scheme for a day care centre on this site which has previously received Planning permissions for this use.

The applicants, Sussex Lantern, are a Charity helping blind, partially sighted and disabled people. It was founded by the blind Victorian, Dr William Moon, in 1860 to provide support and training for blind people of all ages. In 2002 physically and infirm people were added to the Charity's constitution on the advice of the Charity Commission, enabling disabled people to access the services provided at a specialist care centre.

Sussex Lantern's philosophy is to enhance, stimulate and develop the health and well-being of Blind, Partially Sighted and Disabled People of all ages through fitness, health, sport, training, leisure and recreation thereby developing the skills and confidence of individuals and support for their families and carers.

The detailed plans reveal a very similar footprint and internal layout to the previously approved schemes. However, the added benefit is that the current application depicts a far more pleasing design.

A fully pitched roof building is now proposed emulating the style of traditional model farm buildings. External materials continue this theme with the usage of local stock, first quality, facing bricks and weatherboarding to walls all under plain clay tiled roofs. Powder coated aluminium windows and doors, all coloured to anthracite grey or similar, complete the overall effect.

The original farm complex of buildings was particularly unsightly, a condition which was compounded by the surrounding adjacent land being unattractive. Now that the caravan and camping complex has been created immediately to the South of the application site, a far more pleasing situation exists. The campsite buildings have been constructed to a traditional style and all the intentions of the Planning approval for that part of the overall site have worked as envisaged. Consequently, the Day Care Centre building needs to complete the overall picture, especially when viewed from outside the site and at distance.

Sussex Lantern have been without proper facilities for a long period of time since they vacated premises in Brighton. They now wish to move on with the Keymer site to provide the exclusive facility they envisage."

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP12: Protection and Enhancement of Countryside

DP17: Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC)

DP18: Setting of the South Downs National Park

DP21: Transport

DP25: Community Facilities and Local Services

DP26: Character and Design

DP41: Flood Risk and Drainage

Neighbourhood Plan

Hassocks Parish Council submitted the Regulation 16 Submission version Neighbourhood Plan in June 2016. The Hassocks Neighbourhood Plan is still emerging and is not a "made" plan. It does not therefore form part of the development plan and can only attract limited weight in the determination of planning applications.

Policy 5: South Downs National Park

Policy 8: Character And Design

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role.

Paragraph 12 This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Principle of Development
- Design and impact on character of area
- Highways impact
- Impact on residential amenity
- Drainage
- Impact on Ashdown Forest

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) Any local finance considerations, so far as material to the application, and
- c) Any other material considerations."

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan.

The site lies in the countryside as defined in the District Plan. Within this area policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty. Part of the policy advises that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape value of the District and it is necessary for agriculture or is supported elsewhere by a specific policy reference elsewhere in the plan, a development plan document or relevant Neighbourhood plan.

The landscape impact of the proposal will be assessed later in this report. Policy DP25 relates to community facilities and local services. Part of the policy states "*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported*".

It is considered that the services that would be provided by the development would comply with this element of policy DP25. It would provide a specialist service to a particular group within the community. It is also worth noting that whilst the site is within the countryside, it is on an area of land that has had buildings on it in the past rather than being in open undeveloped countryside.

Design and impact on character of area

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the setting of the South Downs National Park. Policy DP18 states:

Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.

A similar ethos is found in policy 5 of the emerging Neighbourhood Plan.

The National Parks and Access to the Countryside Act 1949 sets out the purposes for which National parks were designated, namely to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of their special qualities by the public. It is also necessary to bear in mind that the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks.

Policy DP26 of the District Plan seeks to achieve high quality design in new developments. It states:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;

- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.

A similar ethos is found in policy 8 of the emerging Neighbourhood Plan.

The South Downs National Park Authority has been consulted on this planning application as they are the adjoining Local Planning Authority. In their initial comments they raised an objection on the basis that the applicants had not provided a Landscape and Visual Impact Appraisal and without this they considered that insufficient information had been submitted to demonstrate that the proposal would conserve and enhance the landscape setting in accordance with the National Park's first purpose. The applicants have submitted some further information to support their case. In their final comments the South Downs National Park Authority state *"In light of the submission, the impact on strategic views from the Downs appears to be limited, although the appropriate level of detail still has not been provided. Therefore it is difficult for me to comment further on the likely impacts from varying distances and viewpoints within the National Park, but on this occasion we do not wish to make any further comments."*

Whilst the application has not been accompanied by a full Landscape and Visual Impact Appraisal, it is considered that there is sufficient information to come to an informed decision about the impact of the proposed development on the setting of the SDNP.

The proposed building is a substantial structure. It will be visible from Lodge Lane, especially in winter when the trees are not in leaf. The building will also be visible from the top of the South Downs, where it will be seen against the backdrop of Hassocks. The site is currently in a poor condition and detracts from the character

and appearance of the area and the setting of the SDNP. It is also relevant that there did used to be a number of buildings on the site that have now been removed. As such there is a history of development on the site impacting on the landscape.

It is your officer's view that the proposed redevelopment of the site would not detract from the setting of the SDNP. The proposal would bring a site that has been previously developed back into productive use with a traditionally designed building. There would be a clear change in views around the site arising from the construction of this relatively large building on what is now a partially cleared site. It is considered that this would be a positive change that would represent an enhancement of the character of the area.

It is considered that the building itself is an acceptable design. It has been designed as a barn style building, using traditional materials. Whilst not completely symmetrical due to the internal layout, it is considered to be a well ordered building. There is an opportunity to enhance the landscaping around the site, which would provide a benefit to the character of the area.

Overall, it is considered that policies DP18 and DP26 of the DP and policies 5 and 8 of the emerging Neighbourhood Plan are met in terms of the design of the proposal and its impact on the setting of the South Downs National Park.

Highways impact

The proposed access to the site would be to the southern end of the site and would consist of a crossover that would allow two vehicles to pass one another. This access point itself already exists and is currently fenced off. Discussions have taken place with the applicants and the Highway Authority regarding the achievable visibility from this access. The applicants have advised that they have cut back the hedgerow either side of the access and have provided photographs showing the visibility that is available from the access.

The Highway Authority has not objected to the application, noting that the application is similar to the previously approved scheme on the site. Whilst there is no direct footway link to the site they note that the use will involve people needing to visit the site by car. In relation to visibility they state *"Improvement to visibility has already been proved through cutting back of plants and the applicants would accept a condition. However, it is not possible to condition visibility. This is because further visibility improvements cannot be made without the removal of more planting and the ensuing impact on the appeal of the site. Regular maintenance of the vegetation must take place and it appears likely that the applicants will do this."*

In respect of visibility, the Highway Authority has therefore confirmed that the visibility that has currently been achieved on the site is satisfactory. This has been achieved by the applicants cutting back vegetation that they have control over without causing harm to the character of the area. It is considered that it would be appropriate to impose a planning condition to ensure that the currently achieved visibility splay is retained in the future.

It is not considered that the volume of traffic that would be associated with this proposal would have a severe impact on the highway network. As such, whilst accepting that the vast majority of users of this facility would arrive by car, it is felt that the application would be in general conformity with policy DP21 of the District Plan.

Impact on residential amenity

Policy DP26 of the District Plan seeks to avoid development that causes significant harm to the amenities of existing residents. The nearest dwelling to the site is The Oaks, which is some 15m to the northwest of the site.

The Oaks has a large rear garden that is some 59m in length. The proposed new building would be inset some 3m from the mutual boundary with The Oaks. There are a number of single storey outbuildings on the mutual boundary within The Oaks. Whilst the proposed building would be clearly visible from the garden of The Oaks, it is not considered that it would be so dominant or overbearing that it would result in significant harm to their amenities. The north elevation facing The Oaks would have 6 roof lights in the roof slope. These would be at a sufficient height to prevent overlooking. It will be necessary to impose a condition regarding a privacy screen in relation to the balcony on the rear of the building to prevent direct overlooking to the north into The Oaks.

The building would be some 110m away from 79 Lodge Lane. It is not considered that the building itself will have any significant impact on the amenities of this property. The access to the site is some 35m southeast of 79 Lodge Lane. It is not considered that the use of the access would result in significant harm to the amenities of 79 Lodge Lane, for example from vehicle noise or car lights shining into their property.

The Councils Environmental Health Officer (EHO) has requested that various conditions be imposed relating to soundproofing, lighting and deliveries. It is considered that these conditions are all reasonable and necessary.

Concerns have been raised about plant/extract equipment that might be required for the swimming pool. The elevations of the building do not show plant and equipment on the exterior of the building. If the applicants did wish to install exterior plant and equipment, this would require planning permission in its own right.

Drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

The site is located within a low risk Flood Zone 1. Flood Zone 1 is classified as land considered to have a potential flood risk of less than 0.1% (1 in 1000 year) Annual Exceedance Probability (AEP) from fluvial sources.

This is a slightly unusual case in that drainage works have been undertaken on the site in relation to the previous 2007 and 2008 consents that have been referred to in

the planning history section of this report. These drainage works were agreed by Building Control but details were not submitted to the Planning Department at the time to discharge the drainage conditions attached to those consents and therefore in relation to planning law, a lawful start was not made on implementing those 2007 and 2008 consents.

In light of this planning history, the Councils Drainage Engineer has reconsidered the original drainage response that asked for further information. On the basis that there is no real flood risk concern, the Drainage Engineer has advised that the details of the drainage of this site could satisfactorily be controlled by a planning condition. This would require the details of the drainage layout to be submitted prior to works commencing on the site to implement this planning permission. With such a condition in place it is considered that policy DP41 of the District Plan would be met.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

A HRA screening assessment for the development has been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file.

Other matters

Concerns have been raised about the ability of the applicants to fund the proposal. This is not relevant to the determination of the planning application. A planning permission runs with the land rather than with an applicant. It is necessary to assess the planning merits of the proposal against the relevant development plan policies.

CONCLUSION

To summarise, it is considered that there is policy support for this proposal which would provide a facility that would contribute to creating sustainable communities. Whilst the proposed building would be a relatively large structure, it is considered that its traditional design is appropriate for its setting in the countryside, adjacent to the South Downs National Park. Given the very poor condition of the site it is felt that the proposal would result in an enhancement to the character of the area.

It is considered that the visibility that is currently provided on the site is satisfactory. Whilst the vast majority of people using the facility would arrive by car, it is not considered that this would result in highway capacity issues on Lodge Lane. Whilst the building would be visible to the occupiers of the properties around the site, especially the dwelling to the northeast, it is not considered that it would be so overbearing or dominant as to cause significant harm.

In light of all the above it is considered that the application complies with policies DP12, DP18, DP21, DP25 and DP26 of the District Plan, policies 5 and 8 of the emerging Neighbourhood Plan and the application can be supported.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 8 of the Neighbourhood Plan.

3. No development shall take place until details of the materials to be used on the parking and turning areas have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 8 of the Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements Policy DP41 of the District Plan 2014 - 2031.

5. Development shall not begin until a scheme providing for on-site parking for construction workers has been sent to and approved in writing by the Local Planning Authority. The scheme shall be carried out throughout the construction period.

Reason: To ensure highway safety and to comply with policy DP21 of the District Plan 2014 - 2031.

6. The building shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

7. The building hereby permitted shall not be occupied until a plan showing the maximum achievable visibility splays from the access has been submitted to and approved in writing by the Local Planning Authority. The said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 m above the level of the adjoining carriageway thereafter.

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

8. The building shall not be occupied until details of a privacy screen for the rear balcony have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be erected in accordance with the approved details and shall be retained thereafter.

Reason: To protect the amenities of the adjoining residential property and to comply with policy DP26 of the District Plan 2014 - 2031.

9. The building shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 8 of the Neighbourhood Plan.

10. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 8 of the Neighbourhood Plan.

11. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In the interests of health of future occupiers and to accord with the requirements of the NPPF.

12. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031

13. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday And Public/Bank holidays: None permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031

14. Demolition/Construction work shall not commence until a scheme for the protection of neighbouring properties from noise generated during demolition/construction work has first been submitted to, and approved in writing by, the Local Planning Authority, The scheme shall be in accordance with BS 5228-1:2009 'Noise and Vibration control on construction and open sites'.

Reason: To protect neighbouring residents and residences from noise and vibration and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031.

15. No operational use of any plant & machinery to the development shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne and structure-borne noise from the operational activities of the plant & machinery from adversely affecting neighbouring residents.

Reason: To protect the amenity of neighbouring residents and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031

16. The building shall not be occupied until measures have been implemented in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority, to prevent odour from operational activities at the premises affecting neighbouring residents.

Reason: To protect the amenity of neighbouring residents and to accord with Policy 26 of the Mid Sussex District Plan 2014 - 2031.

17. Prior to the installation of any external lighting to commercial units on the site, details of light intensity, spread and any shielding and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light. Relevant information is available from the following site: <https://www.theilp.org.uk/documents/obtrusive-light>

Reason: To protect the amenity of neighbouring residents from light spill or reflection and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031.

18. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of 08:00 - 18:00 hours Monday to Friday, between the hours of 09:00 - 13:00 hours on Saturdays, Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents and to accord with Policy 29 of the Mid Sussex District Plan 2014 - 2031.

19. The application has been assessed and determined on the basis of the schedule of plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

20. The premises shall not be open to clients except between the hours of 08.30 to 18.00 Monday to Friday and 09.00 to 12.30 and shall not be open to clients on Sundays or Public Holidays apart from up to two days between Monday and Friday when the premises may be open to clients until 23.30.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of demolition/construction waste materials shall take place on site.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Block Plan	OV/SL/P/GT/06		14.12.2017
Proposed Floor Plans	OV/SL/P/GT/01		14.12.2017
Proposed Floor Plans	OV/SL/P/GT/02		14.12.2017
Proposed Elevations	OV/SL/P/GT/04		14.12.2017
Proposed Elevations	OV/SL/P/GT/05		14.12.2017
Proposed Roof Plan	OV/SL/P/GT/03		14.12.2017

APPENDIX B – CONSULTATIONS

HASSOCKS PARISH COUNCIL

RECOMMEND REFUSAL. The proposed application is for a very large building, within a countryside setting adjacent to the South Downs National Park. There is no special justification for such an application and the proposal is contrary to Policy 8: Character and Design, of the Regulation 16 Hassocks Neighbourhood Plan.

South Downs National Park Authority

Final comments

In light of the submission, the impact on strategic views from the Downs appears to be limited, although the appropriate level of detail still has not been provided.

Therefore it is difficult for me to comment further on the likely impacts from varying distances and viewpoints within the National Park, but on this occasion we do not wish to make any further comments.

Original comments

Thank you for consulting the South Downs National Park Authority on the above application. I would like to apologise for the delay in providing comments.

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

The application is not supported by a Landscape and Visual Impact Appraisal and there is only a limited assessment of the potential impact of the development proposal upon the setting of the National Park. Without further information it is not possible to fully assess the impact of the new building upon the setting of the National Park in terms of its overall design, scale, massing and height. South Downs National Park Authority would therefore raise an objection to the proposal on the basis that insufficient information has been submitted to demonstrate that the proposal would conserve and enhance the landscape setting in accordance with the National Park's first purpose.

Highway Authority

There are no specific highways issues apart from visibility (see below). Therefore there is no objection to the proposed use subject to any conditions below.

The proposal seeks permission to provide a new day care centre on a partly developed site. The application has been made after previous consent for the change of use on the site.

The application does not differ much from the original consent in that it seeks to provide a similar size and scale of facilities. Parking provision is also similar to that approved earlier.

There is no direct footway link to the site but the day care facility will need clients to visit the site by car. It is likely that visits will be pre-arranged.

Improvement to visibility has already been proved through cutting back of plants and the applicants would accept a condition. However, it is not possible to condition visibility. This is because further visibility improvements cannot be made without the

removal of more planting and the ensuing impact on the appeal of the site. Regular maintenance of the vegetation must take place and it appears likely that the applicants will do this.

CONDITION

CONSTRUCTION TRAFFIC (PARKING)

Development shall not begin until a scheme providing for on-site parking for construction workers has been sent to and approved in writing by the Local Planning Authority. The scheme shall be carried out throughout the construction period.

Reason: To ensure highway safety.

West Sussex County Council Lead Local Flood Authority

West Sussex County Council (WSSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk and drainage.

Flood Risk Summary

Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding. The proposed development site is also shown to be at low risk from ground water flooding based on the current mapping

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Current Ordnance Survey mapping shows no ordinary watercourse running across or near to the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Future development - Sustainable Drainage Systems (SuDS)

There is no drainage information contained within the application and the majority of section 12 (Assessment of Flood Risk) of the Application Form has been left blank.

There is not enough information contained within this application to comment further. Further information is required to help clarify as to whether Defra's Non Statutory Technical Standards for Sustainable Drainage Systems will be met.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments

whilst having surface water benefits too. More information can be found in the West Sussex County Council Policy for Management of Surface Water
https://www.westsussex.gov.uk/media/10391/ws_llfa_policy_for_management_of_surface_water.pdf

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Environmental Health Officer

Given the location of this proposed development, Environmental Protection recommends the following conditions to protect nearby residents:

Conditions:

Construction hours: Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays And Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents.

Deliveries: Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sunday And Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Control of Demolition/Construction noise: Demolition/Construction work shall not commence until a scheme for the protection of neighbouring properties from noise generated during demolition/construction work has first been submitted to, and approved in writing by, the Local Planning Authority, The scheme shall be in accordance with BS 5228-1:2009 'Noise and Vibration control on construction and open sites'.

Reason: To protect neighbouring residents and residences from noise and vibration.

Soundproofing (Plant & Machinery): No operational use of any plant & machinery to the development shall commence until measures have been implemented in

accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne and structure-borne noise from the operational activities of the plant & machinery from adversely affecting neighbouring residents.

Reason: To protect the amenity of neighbouring residents.

Odour control: No development shall commence until measures have been implemented in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority, to prevent odour from operational activities at the premises affecting neighbouring residents.

Reason: To protect the amenity of neighbouring residents.

Lighting (Operational): Prior to the installation of any external lighting to commercial units on the site, details of light intensity, spread and any shielding and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light. Relevant information is available from the following site: <https://www.theilp.org.uk/documents/obtrusive-light>

Reason: To protect the amenity of neighbouring residents from light spill or reflection.

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of 08:00 - 18:00 hours Monday to Friday, between the hours of 09:00 - 13:00 hours on Saturdays, Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of demolition/construction waste materials shall take place on site.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Contaminated Land Officer

Main Comments:

Having looked at the site history I can see that a site investigation has already been undertaken by Ashdown Site Investigation Limited as part of planning application 08/02376/FUL.

This investigation did not find any contaminants that were above the screening levels used.

However there will always remain a small level of risk in those areas that are untested, and therefore a discovery strategy should still be attached.

Recommendation:

Approve with conditions

1) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

MSDC Drainage Engineer

Final comments

For this very bespoke situation, whereby site foundations and a drainage arrangement have already been installed for longer than four years, and there being no real flood risk concern, and the proposed development being only the addition of the superstructure, we are willing to allow this proposed development to continue to the detail design stage subject to condition.

We do stress that this is a unique situation, and we would normally ask for clear details as set out in Ms James' consultation response. But because the current site arrangements appear to not be creating or exacerbating any local flood risk, we suggest the following condition:

C18D - Single Dwelling

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the

Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

In order to meet with this condition, we will need to see an as built drainage layout plan showing all routes and connections for foul water and surface water.

Original comments

Recommendation:

Further information required

Summary and overall assessment

No details have been provided in relation to the surface water drainage of the site.. As such we will require the following further information before providing a response;

- a. Evidence that the SuDS hierarchy has been used to determine how surface water shall be managed on site.
- b. Following application of the SuDS hierarchy we will require outline information into the proposed surface water drainage system on site.
- c. An outline drainage plan showing both surface and foul water drainage systems.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.

- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. However, surrounding areas are shown to have increased surface water flood risk. There are not any historic records of flooding occurring on this site. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

No details of how surface water drainage shall be managed on the site have been provided. Given the scale of the development use of sustainable drainage systems (SuDS) should be evaluated for the site. We will require evidence that the SuDS hierarchy has been applied to the development, and SuDS will be used within the development site where possible before providing further response in relation to the application. We have found no evidence of surface water sewers within proximity to the site.

Foul Water Drainage Proposals

No details have been provided as to how foul water drainage shall be managed on site. The application states foul water shall discharge into the existing sewer system. Given the function of the proposed development and potentially high foul water discharge volumes from the site, evidence of correspondence with Southern Water will be required.

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

[Planning Practice Guidance - Flood Risk and Coastal Change](#)

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances](#) - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

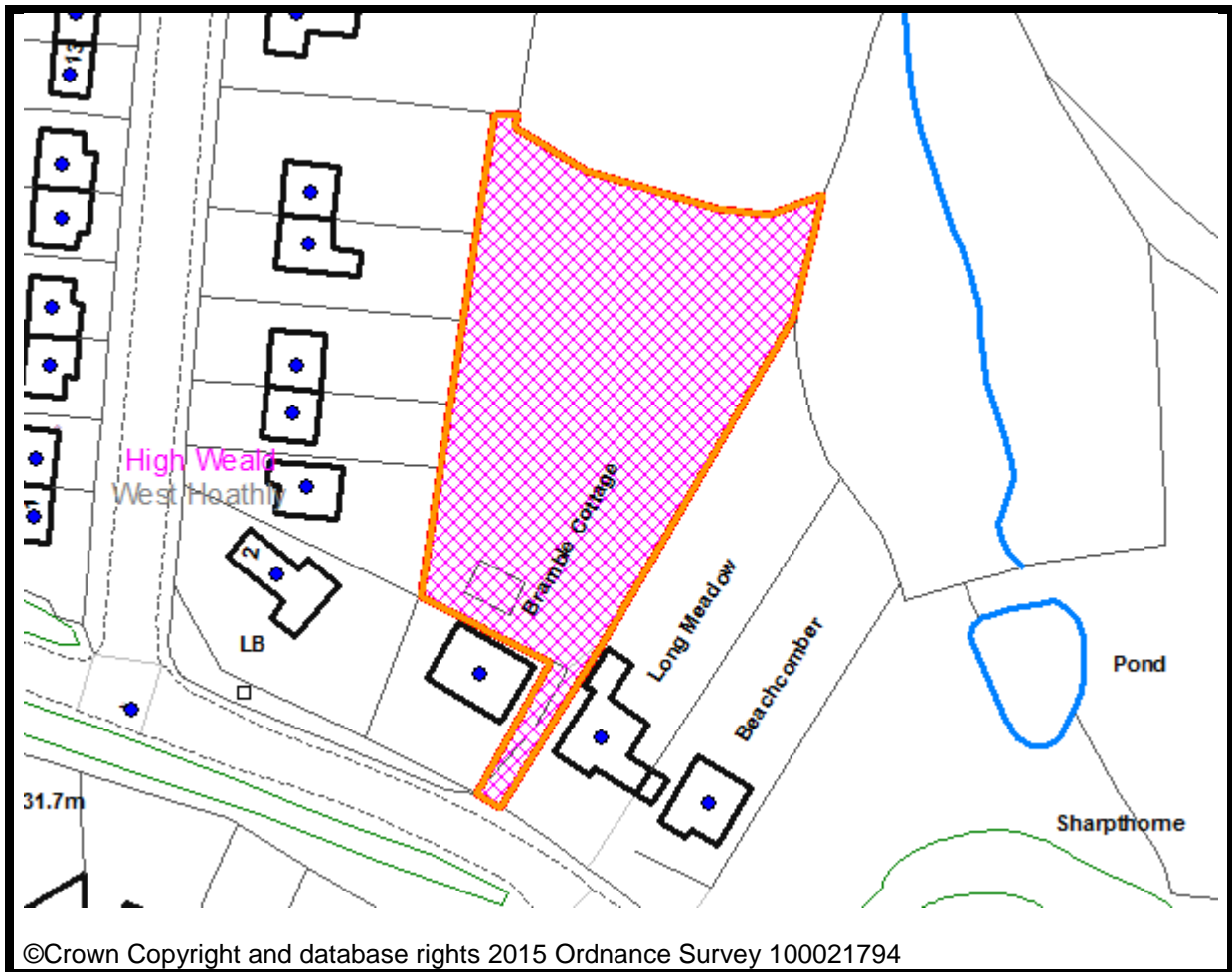
8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

West Hoathly

3. DM/17/5213



LAND AT LONG MEADOW STATION ROAD SHARPTHORNE EAST GRINSTEAD

PROPOSED ERECTION OF 2 NO. DETACHED DWELLINGS WITH GARAGES. (AMENDED PLANS AND SUPPORTING REPORTS RECEIVED 12TH MARCH AND 9TH APRIL)

MR IAN ELDRED

GRID REF: EAST 537250 NORTH 132601

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Minerals site safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / SWT Bat Survey / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 22nd February 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

CASE OFFICER: Mr Andrew Morrison

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Land At Long Meadow Station Road Sharpthorne East Grinstead West Sussex RH19 4NY.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. The current scheme would again be a back land development of a small, well enclosed parcel of land within designated countryside. As such, there will be an inevitable change to the site's character and some divergence from the existing pattern of development. In addition there will inevitably be some limited adverse impact upon the amenity of neighbouring properties. However, the current scheme is different from those which were before the Inspectorate such that its relationship with its surroundings is improved. No development plan policy conflict has been identified such to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are now 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New

Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

Your officers have reviewed the planning application in the context of the Development Plan and other material planning considerations and recommend that planning permission is granted.

RECOMMENDATION A

It is recommended that planning permission be approved subject to the completion of a satisfactory signed planning obligation to secure the required level of SAMM contributions and the conditions listed in Appendix A.

RECOMMENDATION B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing secure the required level of SAMM contributions by 7 September 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP17 of the Mid Sussex District Plan 2014-2031 in respect of the required mitigation by way of a financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.'

SUMMARY OF REPRESENTATIONS

20 letters received to original and amended plans, raising the following points:

- Previous applications for residential development refused;
- Site excluded from Neighbourhood Plan;
- Site outside built up area boundary (within designated countryside);
- Site within AONB;
- Approval would lead to further tree felling;

- Harm to ecology;
- House designs and back land setting out of character;
- Significant harm to neighbouring amenity: loss of privacy / overlooking, overbearing impact, loss of outlook, loss of light, disturbance from use of access;
- Dwellings could be rearranged to provide additional bedrooms;
- Increase in traffic;
- Poor highway visibility;
- Increase in roadside parking;
- Notice of revised application not displayed;
- Surface water runoff;
- Houses are very large for 3 bedrooms and will not be affordable;
- Insufficient parking;
- No economic benefits;
- Site Notice not displayed;
- Impact upon Ashdown Forest SAC

SUMMARY OF CONSULTATIONS

MSDC Drainage:

No objection subject to condition.

WSCC Highways:

No objection subject to conditions.

Tree Officer:

No objection.

Ecological Advice:

No objection subject to condition.

PARISH COUNCIL OBSERVATIONS

The committee wished to reiterate their objections to this application.

The site is outside the development boundary and was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan. The application is for a cramped back land development which would result in loss of both outlook and privacy of adjacent houses in both Station Road and Hamsey Road.

Whilst the footprint of each dwelling has been reduced slightly there is still scope for the space to be rearranged into 4-5 bed roomed houses. These are unlikely to be 2-3 bed roomed houses affordable to young families an identified need in the Neighbourhood Plan.

INTRODUCTION

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Land At Long Meadow Station Road Sharpthorne East Grinstead West Sussex RH19 4NY.

RELEVANT PLANNING HISTORY

DM/16/4274 Outline application to consider the erection of up to 3 no. detached dwellings with garages - REFUSED

DM/16/1491 The erection of 4 no. four bedroom detached dwellings - REFUSED

08/00839/FUL - Static 35 foot caravan, for the sole ancillary use of parents in connection with Long Meadow - REFUSED

Appeals against these refusals were dismissed in a conjoined decision in August 2017. The appeal references are APP/D3830/W17/3170474 and APP/D3830/W17/3170965

HO.7.86 - Detached bungalow - REFUSED

HO.35.78 - Double garage - PERMITTED

F73/1277 - Outline application for two or three dwellings - REFUSED

F64/263 - Outline application for one or two dwellings - REFUSED

SITE AND SURROUNDINGS

The application site consists of a driveway leading north from Station Road between two bungalows, through to a hardstanding area with a small garage, a swimming pool with decking, a semi improved grassland area and a collection of woodland-edge trees towards the northern, lower end. The site measures approximately 0.21 hectares.

There is a conifer screen along part of the western and southern boundaries; otherwise there is boundary close boarded fencing to neighbouring houses. There is a chain link fence to the boundary with adjoining Ancient Woodland. The land slopes down significantly to the northeast.

Medium-density two storey and detached and semi-detached housing fronting onto Hamsey Road and Station Road is located to the west and south and an area of Ancient Woodland adjoins to the north and northeast. The lawful garden curtilage of Long Meadow adjoins to the east; the site is the extended curtilage of Long Meadow outside of the built up area, without planning permission. The initial part of the site's access is within the built up area boundary; this demarcation is placed along the rear boundary of adjoining Bramble Cottage to the south and then along the western boundary of the lawful garden curtilage of Long Meadow.

The entire site lies within the High Weald Area of Outstanding Natural Beauty and the majority of the site other than the initial part of the access lies within the countryside as defined by the development plan.

APPLICATION DETAILS

The application has been amended from original submission such to that the size of the proposed dwellings has been reduced together with a change to their design. Garages are now attached to the dwellings. A supporting statement identifies that latest proposal represents a 21% reduction in built footprint from a previously refused 3 unit scheme. The amended proposal has been through a further period of publicity.

Proposed plans, as amended, show the erection of 2 no. large 3 bedroom detached houses with side attached single garages. Access is proposed from an existing dropped kerb and access drive onto Station Road between Long Meadow and Bramble Cottage. Plans indicate this would be widened where adjoining the highway. The houses are of matching form and scale, and are aligned parallel with Bramble Cottage to the south. The existing access is to be extended northwards close to the eastern boundary.

Each house is arranged over two storeys and is 8.2 metres in height with reference to adjoining ground level. The buildings measure 12.4 metres at greatest depth and 12.3 metres at greatest width.

The northern building drops with the slope and so has a ridge height of 1.5 metres lower than the southern building, as seen in the Site Section.

The houses have a front and rear gabled roof design, with a subordinate side gable to the south side. The southern plot shows clay roof tiles above tile hanging and brickwork walls and white timber windows. Plot 2 features timber effect cladding instead at first floor to provide variety. The brickwork for both dwellings features dentil and soldier course detailing.

There is a 4 metres gap between the buildings and an 8.5 metres gap between the full two storey elevations. Rear garden areas vary in depth as the buildings are sited at an angle to the western boundary; measured at the midpoint on the rear elevations the depths are 12.5 metres and 13 metres. The two storey parts are at least 22 metres away from neighbouring dwellings on Hamsey Road.

The proposed development is all located at least 15 metres away from the adjoining Ancient Woodland, with a partially tree covered buffer zone located in between.

Each dwelling has two driveway parking spaces and a garage. A refuse collection area is shown in front of plot 1's driveway; collection lorries would need to reverse into the site in order to access this.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted 28 March 2018 and forms part of the development plan.

DP4: Housing

DP6: Settlement Hierarchy

DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP17: Ashdown Forest Special Protection Area and Special Area of Conservation
DP21: Transport
DP26: Character and Design
DP27: Dwelling Space Standards
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Development Infrastructure and Contributions SPD (Consultation Draft - April 2018)

West Hoathly Neighbourhood Plan 2014-2031:

Adopted as part of the development plan.

WHP7: Infill Housing
WHP8: Sites for New Homes

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012):

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Practice Guidance

DCLG Technical Housing Standards March 2015

The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Principle of development;
- Design and impact on the character of the area including AONB;
- Highways inc. access and parking;
- Standard of accommodation;
- Impact on neighbouring amenity;
- Impact on trees, ancient woodland and ecology;
- Ashdown Forest/Habitat Regulations;
- Drainage;
- Energy and water conservation (sustainability);

- Other issues;
- Planning Balance and Conclusion

Principle of development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) Any local finance considerations, so far as material to the application, and
- c) Any other material considerations."

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (MSDP) and the West Hoathly Neighbourhood Plan (WHNP).

The MSDP has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

Policy DP6 of the MSDP relates to Settlement Hierarchy and designates Sharpthorne as a Category 3 Settlement (medium sized villages). It states:

'Development will be permitted within towns and villages with defined built-up area boundaries.

Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings, and
2. The site is contiguous with an existing settlement edge, and

3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'

The application site is contiguous with the Sharpthorne built up area boundary, the proposal is for 2 dwellings and Sharpthorne has been recognised in the Neighbourhood Plan and Settlement Hierarchy as a sustainable location for a limited amount of residential development. Whilst an Inspector concluded that the preceding 3 and 4 dwellings proposals would be unsustainable due a combination of harm to character and appearance of the area including AONB, harm to neighbouring amenity and potential harm to Ashdown Forest SPA/SAC (paragraph 30 of appeal decisions APP/D3830/W17/3170474 and APP/D3830/W17/3170965), for the reasons set out within this report, the current proposal is not deemed to be unsustainable.

The principle of development is therefore in accordance with this policy.

Policy DP15 of the MSDP relates to new homes in the countryside and allows for development:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or
- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.'

The special justification requirement is met by the proposal as a result of compliance with policy DP6.

Linked to policy DP15 is policy DP12 of the MSDP which states:

'The countryside will be protected in recognition of its intrinsic character and beauty.

Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

The proposal is supported by a specific policy reference in the MSDP (policy DP6). Consideration of the proposal's impact on the quality of the rural landscape and character follows below; however in summary officers consider that there will be no material harm to the intrinsic character and beauty of the countryside.

The principle of residential development on the site is therefore supported by the MSDP.

The principle must also be considered against the WHNP. This plan seeks to contain housing development within Built Up Area boundaries (Policy WHP7 Infill Housing) and to three allocated sites outside of, but adjoining onto the Built Up Area boundary of Sharpthorne (Policy WHP8 Sites for New Homes). The principle of residential development on the site is therefore not supported by the WHNP.

In such circumstances it is important to take account of the law and section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan which supports the principle of development. Therefore only limited weight can be given to Neighbourhood Plan.

Appeal decisions APP/D3830/W17/3170474 and APP/D3830/W17/3170965 are a material consideration in the determination of this application. It should however be noted that the principle of development was not supported by the development plan at the time of these decisions.

Design and impact on the character of the area including AONB

Policy DP26 of the MSDP states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on

privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development."

Policy DP16 of the MSDP states:

Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;
- the traditional interaction of people with nature, and appropriate land management;
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage.

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Paragraph 115 of the NPPF similarly provides that great weight should be given to conserving landscape and scenic beauty in AONBs.

Objective 2 of the High Weald AONB Management Plan seeks to protect the historic pattern of settlement, for the reason of protecting the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity.

Sharpthorne is a small village within a protected landscape with a traditional mixed housing stock, and the prevailing character of the locality is of single and two storey buildings with road frontages.

In respect of Policy DP26, the back land situation of the site is such that a development upon it can never fully reflect the character of the locality in terms of the general pattern of development. This fact must be weighed into the overall planning balance. The policy does not however expressly prohibit back land type development.

It is appropriate to assess the proposal against the criteria of DP26.

Adjoining detached dwellings to the site 4A and 2 Hamsey Road, Bramble Cottage and Long Meadow are of varying positioning, scale and appearance. 4A was an infill in the late 1980s which has a contrasting front gabled form and recessed positioning, itself inconsistent with those opposing and adjacent semi-detached dwellings on Hamsey Road. It is therefore not the case that there is dominant dwelling type surrounding the site which the proposed dwellings would contrast with. Whilst the dwellings with attached garages would be of a different design to surrounding properties, they are of a traditional form, are not considered to be excessive in scale and use materials which are compatible with those observed in the locality. The design can therefore be deemed to be of an appropriate quality and the layout is not considered to be unduly cramped, with sufficient space for suitable landscaping and green amenity space.

The second criterion is not applicable to the proposal. The complementary design of the dwellings would provide the small development with a sense of place and it is further considered that the scale of the buildings is not inappropriate to those neighbouring dwellings and the woodland backdrop. The buildings are comfortably spaced away from all boundaries and the ancient woodland buffer zone. The falling ground level to the northeast away from Station Road further assists the scheme in this respect; views of the development from Station and Hamsey Roads would be only limited. Character impact considerations have been covered above in terms of the back land setting. It can however also be noted that the southern dwelling is now spaced 11.5 metres away from the nearest neighbouring property Bramble Cottage and that there is a 4 metre gap between the dwellings. There is a wide variety of building gap distances surrounding the site and so the scheme is not incongruous in this respect.

The site has some existing development upon it and is not an open space which is considered to contribute in a significant way to the character of the area. The townscape has no special policy designations and there is no issue of settlement coalescence. Impact upon neighbouring amenity is considered later in the report. The parking layout is appropriate for a small development and the scheme could not be described as pedestrian unfriendly. A Sustainability Statement sets out an appropriate approach to sustainability and energy efficiency considerations. Community interaction is not relevant and it is considered that the current two dwelling scheme would be the most suitable intensity of development.

It is therefore considered in an overall sense that the proposal complies with the criteria laid out under policy DP26.

The central aim of policy DP12 is to protect the countryside in recognition of its intrinsic character and beauty. As set out above however, the principle of

development on this site is supported by District Plan Policies DP6, DP12 and DP15 and there is no automatic exemption for sites in the AONB.

Development of any countryside site on the edge of a built up area boundary inevitably leads to a change to its character and generally some degree of harm to the landscape; this approach is however part of the spatial growth management strategy of the District Plan and Neighbourhood Plan to meet housing need.

The scheme has been reduced in intensity from earlier proposals and the houses would again be built in response to the site's falling ground level to the northeast. This site is well contained from the wider landscape, being surrounded by existing housing and woodland. The setting is relatively discreet from the public realm. The site is already partially developed at its southern end and its current condition is not considered to positively contribute in an important way to the character and appearance of the area and AONB landscape.

Appeal decisions APP/D3830/W/17/3170474 and APP/D3830/W/17/3170965 are a material consideration. Paragraphs 8-15 of the decision letter for the conjoined appeals for the previous two applications concern considerations of character and appearance, including AONB. The Inspector noted that both schemes would be at odds with the prevailing pattern of road fronting development (paragraph 9), that both schemes would lack the spaciousness of those dwellings adjoining the site (paragraphs 10 and 11) and that both schemes would fail to enhance the appearance of the AONB, with the northern section's verdant appearance compromised by the northernmost dwellings (paragraph 12). At paragraph 14 the Inspector notes that the schemes would have limited public visibility, yet that this does not provide a justification for development that is not respectful of its surroundings. The Inspector concludes at paragraph 15 that the development would be harmful to the character and appearance of the area, in conflict with saved Local Plan policies B1 and C4 and applicable paragraphs of the NPPF.

When considering the current proposal against the appeal decision assessment, a number of points should be made. Firstly, there is no statutory or policy requirement for development to enhance the appearance of the AONB. The requirement is to conserve or enhance.

Due to the site's positioning, it is clear that the current proposal would again be at odds with the prevailing pattern of road fronting development. Whilst already only limited, public visibility of the scheme would be only further reduced as a result of the reduction to two dwellings. It is now considered that the dwellings would have a similar degree of spaciousness within their plots to those adjoining, with garden depths of 12.5 and 13 metres as measured from the midpoint on the rear elevation, a 4 metre gap between the buildings and more comfortable spacing to the southern boundary. The northern dwelling is also now positioned 5 metres away from edge of the ancient woodland buffer zone, whereas the appeal schemes both positioned the northern dwellings approximately 1 metre from this.

It is therefore considered that the Inspector's conclusion on this issue for the conjoined appeals should not be simply deemed to equally apply to the current

proposal. A number of changes have been made which improve / soften the relationship of the development to its surroundings.

In summary, whilst the proposal would result in a change in the character of the land and cannot be seen as fully inkeeping with the character and appearance of the area, on an overall assessment officers do not consider there to be compelling conflict with countryside protection and design and character policies of such to justify a reason for refusal. It is further considered that the landscape and scenic beauty of the AONB will be suitably conserved.

Highways inc. access and parking

The development would be served by an existing access point onto Station Road which would be improved. Each 3 bedroom dwelling would have two driveway parking spaces, one of which is marked visitor but would form part of their provision, as well as a further space within an attached garage.

Policy DP21 of the MSDP states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;

- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- The scheme protects the safety of road users and pedestrians; and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

Appendix 1 of Development Infrastructure and Contributions Supplementary Planning Document Consultation Draft April 2018 sets out minimum parking standards. The minimum for 3 bedroom dwellings is 2 spaces, for 4 bedrooms is 3 spaces and 5+ is to be assessed individually.

The Inspector raised no highways, access and parking concerns in the preceding appeal decisions.

Whilst in designated countryside, the site's location is not conflict with policy DP21 in so far as the desire to minimise travel for residential development. The site is a short walking distance from the village's services and is thus more sustainably located than surrounding dwellings to the north.

The Local Highway Authority (LHA) has been consulted and as with previous applications, they raise no highway safety, capacity or parking provision concerns, subject to a series of conditions. The LHA's comments are appended in full.

Concern has been expressed in third party representations over the impact of the development (including during its implementation period) on the safety of highway users. The LHA have however raised no such concerns. Planning officers have no evidence to come to any other conclusion than the LHA and so there are not considered to be any reasons to refuse the scheme in regard to the impact on highway safety, access or parking.

Standard of accommodation

Policy DP26 of MSDP stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. In this case, the standard for a 3 bedroom 6 bedspace dwelling is 102 sq metres. The proposed dwelling would provide a floor area and storage space well in excess of the required standard. Appropriately sized amenity space would also be provided and so the application is compliant is deemed compliant with the above policies.

Impact on neighbouring amenity

Policy DP26 of the MSDP protects neighbouring amenities from significant harm.

Appeal decision APP/D3830/W/17/3170474 considered the impact of the 4 dwelling proposal on the living condition of neighbours. The appeal did not consider the impact of the 3 dwelling proposal, given this was in outline form. The Inspector noted that the amount of use of the access would have the potential to generate unacceptable noise and disturbance to occupiers of Long Meadow (paragraph 16 and that the potential loss of conifer trees would unacceptable effect the outlook of occupiers of Bramble Cottage together with actual or perceived loss of privacy (paragraph 17). Unacceptable impacts were however not identified to any other neighbouring properties.

The current proposal is now half of the intensity, and it is no longer considered that the likely amount of coming and goings associated with such a development would amount to a significantly harmful degree of noise and disturbance.

The southern dwelling is now sited at a much greater distance away from and at a different angle to Bramble Cottage than that of the appeal scheme. In addition, plans indicate that the existing southern boundary conifer tree screen would be enhanced as part approved landscaping details. The positioning and massing of the dwellings and placement of windows within is considered to be more favourable to neighbouring dwellings on Hamsey Road than the appeal scheme. As a result, it is considered that no neighbouring properties would experience any unacceptable loss of outlook or privacy.

The proposal therefore complies with the above policy requirement.

Impact on trees, ancient woodland and ecology

The Inspector raised no issues in respect of these matters in the preceding appeal decisions.

Policy DP37 of the MSDP states:

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- prevents damage to root systems and takes account of expected future growth; and
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
- has appropriate protection measures throughout the development process; and
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- does not sever ecological corridors created by these assets.

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and
- the contribution of the trees to the character and visual amenity of the local area; and
- the amenity and nature conservation value of the trees; and
- the extent and impact of the works; and
- any replanting proposals.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

Policy DP38 of the MSDP states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas...'

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

As with preceding proposals, the current application is accompanied by an Arboricultural Method Statement, including Tree Protection Plan, together with a Preliminary Ecological Appraisal.

The Tree Report identifies that the buffer zone trees comprise a mix of mainly Class C, with two Class B's both sited comfortably away from any proposed development. The trees in the buffer zone identified for retention are not considered to be worthy of a Preservation Order. Methods of protection for retained trees and hedges are detailed in the Tree Report and the applicant has indicated that they would be willing to accept a detailed management condition concerning the buffer zone, to include a defensible boundary treatment to prevent the encroachment of development.

The Council's Tree Officer raises no objection to the application.

The Council's Ecological Consultant did not object to previous applications, subject to a detailed Ancient Woodland Buffer Zone management condition, and is of the same view for this latest application.

In summary therefore, subject to suitably worded conditions and Habitats Regulations Assessment in respect of the Ashdown Forest (see below), it is

considered that the application can be deemed compliant with Policies DP37 and DP38.

Ashdown Forest/Habitat Regulations

Appeal decisions APP/D3830/W/17/3170474 and APP/D3830/W/17/3170965 considered the potential impact of the preceding proposals on the Ashdown Forest. The Inspector did not accept the Council's approach to mitigation (paragraphs 21-28). However, other appeal decisions for similar schemes within the Ashdown Forest 7km zone have not taken issue with this approach (e.g. APP/D3830W/16/3161706 and APP/D3830/W/17/3182395). The following text explains why the Council's approach is appropriate.

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

Under the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations"), the competent authority, in this case Mid Sussex District Council, has a duty to ensure that any plans or projects that they regulate will have no adverse effect on the integrity of Ashdown Forest. Regulation 61 of the Habitats Regulations requires the Council to assess the possible effects of plans or projects, i.e. planning applications, on Ashdown Forest.

If the proposed development will not have a likely significant effect on the Forest, either alone or in combination with other proposed developments in the area, the Council may proceed to determine the application. However, if a significant effect is likely, either alone or in combination with other plans and projects, an appropriate assessment must be undertaken to establish whether the proposed development will have an adverse effect on the integrity of the European site. If the appropriate assessment concludes that there will not be an adverse effect on the integrity of the European site, the Council may proceed to determine the application.

There may be likely significant effects on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the protected bird species. Within 7km of the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. There are two parts to the mitigation. By providing an alternative option, Suitable Alternative Natural Greenspace (SANG) is the name given to greenspace that is of a quality and type suitable to be used as mitigation. A SANG site could either be provided on the development site itself or through a financial contribution towards a strategic SANG. The East Court and Ashplats Wood SANG Strategy has been agreed by the District Council.

The second part of the mitigation is to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) measures. The Council has produced an interim SAMM Strategy that sets out measures to protect the Ashdown

Forest SPA from new recreational pressures through managing access (visitor) behaviour and monitoring both birds and visitors. The projects that form the mitigation measures have been discussed and agreed in collaboration with the Conservators of Ashdown Forest and Natural England. The interim SAMM Strategy will be superseded by a Joint SAMM Strategy which is currently being prepared with the other affected local authorities.

This proposed development site lies within 7km of the Ashdown Forest SPA and as such, mitigation is required. In this case, the SAMM Strategy would require a contribution of £5,256 and if the approved scheme provides for a strategic SANG contribution, this would be £3,382

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a

planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

Subject to a Planning Obligation securing the SAMM contribution being completed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with policy DP17 of the MSDP.

Ashdown Forest - Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

It is considered that the proposal would not result in any significant amount of vehicular movements across the Ashdown Forest and the proposed development has in any case been incorporated into the overall results of Mid Sussex Transport work. It is therefore logical and reasonable to conclude that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Drainage

The Inspector raised no drainage concerns in the preceding appeal decisions.

The applicant has indicated that foul drainage would connect to the existing mains drainage serving Long Meadow and that surface water will be drained into soakaways. There is no reason to conclude that the site could be not be appropriately drained and the Council's Drainage Engineer has raised no objection and recommended a suitably worded condition. No conflict has therefore been identified with respect to the Policy DP41 of the MSDP.

Energy and water conservation (sustainability)

A Sustainability and Energy Statement accompanies the application. It is considered that the measures proposed, to include energy efficient insulation, lighting, windows and boilers are acceptable and that the proposal is in compliance with the requirements of Policy DP39 of the MSDP.

Other issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

It should be noted that in accordance with Paragraph: 029 Reference ID: 15-029-20170728 of the Government's Planning Practice Guidance, there was no statutory requirement to display a site notice for the amended application, given that following the adoption of the Mid Sussex District Plan on 28 March 2018, the principle of the proposed development is no longer not in accordance with the development plan (see Policy DP6).

Planning Balance and Conclusion

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Land At Long Meadow Station Road Sharpthorne East Grinstead West Sussex RH19 4NY.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. The current scheme would again be a back land development of a small, well enclosed parcel of land within designated countryside. As such, there will be an inevitable change to the site's character and some divergence from the existing pattern of development. In addition there will inevitably be some limited adverse impact upon the amenity of neighbouring properties. However, the current scheme is different from those which were before the Inspectorate such that its relationship with its surroundings is improved. No development plan policy conflict has been identified such to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are now 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

Your officers have reviewed the planning application in the context of the Development Plan and other material planning considerations and recommend that planning permission is granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

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

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

3. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning

Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To comply with Policy DP17 of the Mid Sussex District Plan 2014-2031.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

5. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

6. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

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

7. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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.

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

8. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

9. No development shall take place until details of proposed screen walls or fences have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

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

10. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire and construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during and construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of demolition and construction upon the public

highway (including the details of public engagement both prior to and during construction works)

- Scheme to minimise dust emissions from the site

Reason: To ensure safe and neighbourly demolition and construction in the interests of amenity and road safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

11. No development shall commence until an enhancement and management plan for the ancient woodland buffer zone has been submitted to, and approved by, the local planning authority. The plan shall include the following:

- proposals for any enhancement planting, including origin and provenance of plants;
- silvicultural management methods;
- baseline survey and monitoring methods;
- provision for dealing with any dumped garden rubbish or other fly-tipping;
- details of who will be responsible for the ongoing management of the area;
- details of how ongoing management will be funded; and
- details of a barrier to prevent encroachment of parked cars.

The approved management plan shall be implemented in full in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect and promote biodiversity, protected species and the adjoining Ancient Woodland and to accord with Policies DP37 and DP38 of the Mid Sussex District Plan 2014-2031.

12. The development shall only proceed in accordance with the full recommendations set out in "Preliminary Ecological Appraisal", March 2018.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and to comply with Policy DP38 of the Mid Sussex District Plan 2014-2031.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: To secure satisfactory standards of access for the proposed development and to comply with Policy DP21 of the Mid Sussex District Plan 2014-2031.

14. The garage buildings shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan 2014-2031

15. The development shall not be occupied until the vehicle parking and turning spaces serving have been constructed in accordance with the approved plan. These areas shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking and manoeuvring provision is provided and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

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

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays, 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
 - No burning of materials shall take place on site at any time

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. **Minor Highway Works**
The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	229/P1	-	21.12.2017
Site Plan	229/P2	-	21.12.2017
Tree Survey	229/P8	-	21.12.2017
Proposed Site Plan	229/P36	-	12.03.2017
Proposed Floor Plans	229/P34	-	12.03.2017
Proposed Elevations	229/P32	-	12.03.2017
Proposed Floor Plans	229/P33	-	12.03.2017
Proposed Elevations	229/P35	-	12.03.2017
Proposed Site Plan	229/P31	-	12.03.2017
Proposed Sections	229/P37	-	12.03.2017

APPENDIX B – CONSULTATIONS

West Hoathly Parish Council

The Parish Council OBJECT to this application. This is the third application for this site. The applicant does not overcome the objections raised by the planning inspector on the previous applications.

The Council wished to state the same objections as for the previous applications:

The site is outside the development boundary and even if it was within the development boundary it does not satisfy policy WHP7 of the West Hoathly Neighbourhood Plan that development would generally be permitted provided it had a range of dwelling sizes, in particular 2 and 3 bedroom dwellings.

The site was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan.

The application is for a cramped backland development which would result in loss of both outlook and privacy of adjacent houses in Station Road as well as houses in Hamsey Road.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

A history of surface water flooding downstream of the site has been identified by local residents of Hamsey Road.

This proposed development will need to fully consider how it will manage surface water run-off and consider how it will not increase flood risk elsewhere. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is within an area identified as having possible pluvial (surface water) flood risk.

There are historic records of flooding occurring on this site and in this area, provided by local residents. Flood flow routes across the site should not be blocked by this development and the new dwellings should be located outside of the flood risk areas. A flood risk assessment could be provided to show assess the risk of flooding to and from the development.

Surface Water Drainage Proposals

No details as to how surface water drainage shall be managed on site have been provided. However, the application suggests the utilisation of a soakaway with overflow discharging to the adjacent ditch. The application also suggests that details of drainage would be addressed through a condition.

Foul Water Drainage Proposals

No details as to how foul water drainage shall be managed on site have been provided. However, the application suggests discharging to the foul water sewer. The application also suggests that details of drainage would be addressed through a condition.

Suggested Conditions

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

WSSC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/16/4274 seeking outline consent for the erection of up to 3 no. detached dwellings with garages. No highway concerns were raised however consent was refused by the Local Planning Authority. A subsequent Appeal to the Planning Inspectorate was Dismissed. Prior to this application comments were provided pertaining to a 4 dwelling development under planning application DM/16/1491. No overriding highway concerns were raised to the proposal; however the application was refused by the Local Planning Authority. This application was also subject to a Dismissed Appeal.

This application is smaller in scale to those previously proposed for the erection of 2 no. five bedroom detached dwellings at Land at Long Meadow, Station Road. Access will be achieved via an existing point of access onto Station Road, though it would appear that some widening works on the existing crossover are proposed. Station Road is unclassified and subject to a 30 mph speed limit at this point.

Access and visibility

While visibility splays have not been demonstrated it was previously observed on site appropriate visibility is achievable using highway land using a 2.0 metre 'X' distance.

The access way scales to 4.2 metres in width and widens to 4.8 metres further into the site. These widths would be considered wide enough for vehicles to pass at slow speed.

I have also checked the most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access.

Widening of the existing dropped crossing would be required to facilitate access into the site as proposed. These works must be implemented under licence to a specification obtained from WSSC Highways.

Parking

Each of the dwellings will be provided with two allocated hardstanding spaces and one garaged space. From inspection of the plans the garages scale to greater than 3.0 x 6.0 metres which would be considered appropriate for vehicle and cycle parking. The site plan annotates one of the hardstanding spaces fronting each garage to be a visitor spaces though it would be anticipated in reality these would actually be allocated to each of the plots. Using the WSSC car parking demand calculator, it would be anticipated that the proposed parking provision would meet the need of the development.

Servicing & Emergency Access

Given the constraints of the site a full turn on site for a fire tender/refuse vehicle is not possible. However the applicant has demonstrated that a fire tender could utilize the first 20 metres of the access way to operate and attend an incident.

A refuse collection point has been proposed within the site. The refuse collection point is circa 30 metres away from Station Road. This is slightly longer than 25 metres as advised within Manual for Streets paragraph 6.8.9. The waste collection distance can however be reduced by a refuse collection vehicle reversing into the site, It would be advised that the waste collection authority are consulted to agree the suitability of the propose arrangement. Nevertheless the proposed arrangement would be considered acceptable from a highway safety and capacity perspective.

Other Representations

Concerns were previously raised to the proximity of the site access with the Home Platt access point opposite. Given the nature of Home Platt as a no through road it would not be anticipated that this application would create a 'crossroad' and would therefore not be considered a substantive reason for a highways objection.

Conclusion

In principle no anticipated highway safety or capacity concerns would be raised to this proposal. If the LPA are minded to grant planning consent the following conditions and informative note would be advised:

Conditions:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Garages

The garage buildings shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Wheel Washing

No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

Informative Note:

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Ecological advice

Ashdown Forest implications

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England.

The biodiversity issues appear to be the same as with the previous application DM/16/4274 and therefore, I would reiterate the advice that I gave on this, reproduced here for convenience.

In my opinion, subject to the following conditions, the proposal is compliant with relevant biodiversity planning policies:

No development shall commence until an enhancement and management plan for the ancient woodland buffer strip has been submitted to, and approved by, the local planning authority. The plan shall include the following:

- proposals for any enhancement planting, including origin and provenance of plants;
- silvicultural management methods;
- baseline survey and monitoring methods;

- provision for dealing with any dumped garden rubbish or other fly-tipping;
- details of who will be responsible for the ongoing management of the area;
- details of how ongoing management will be funded; and
- details of a barrier to prevent encroachment of parked cars.

The approved management plan shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse net impacts on local biodiversity, in accordance with 109 and 118 of the NPPF

Tree Officer

I've reviewed the amended tree report and plans submitted.

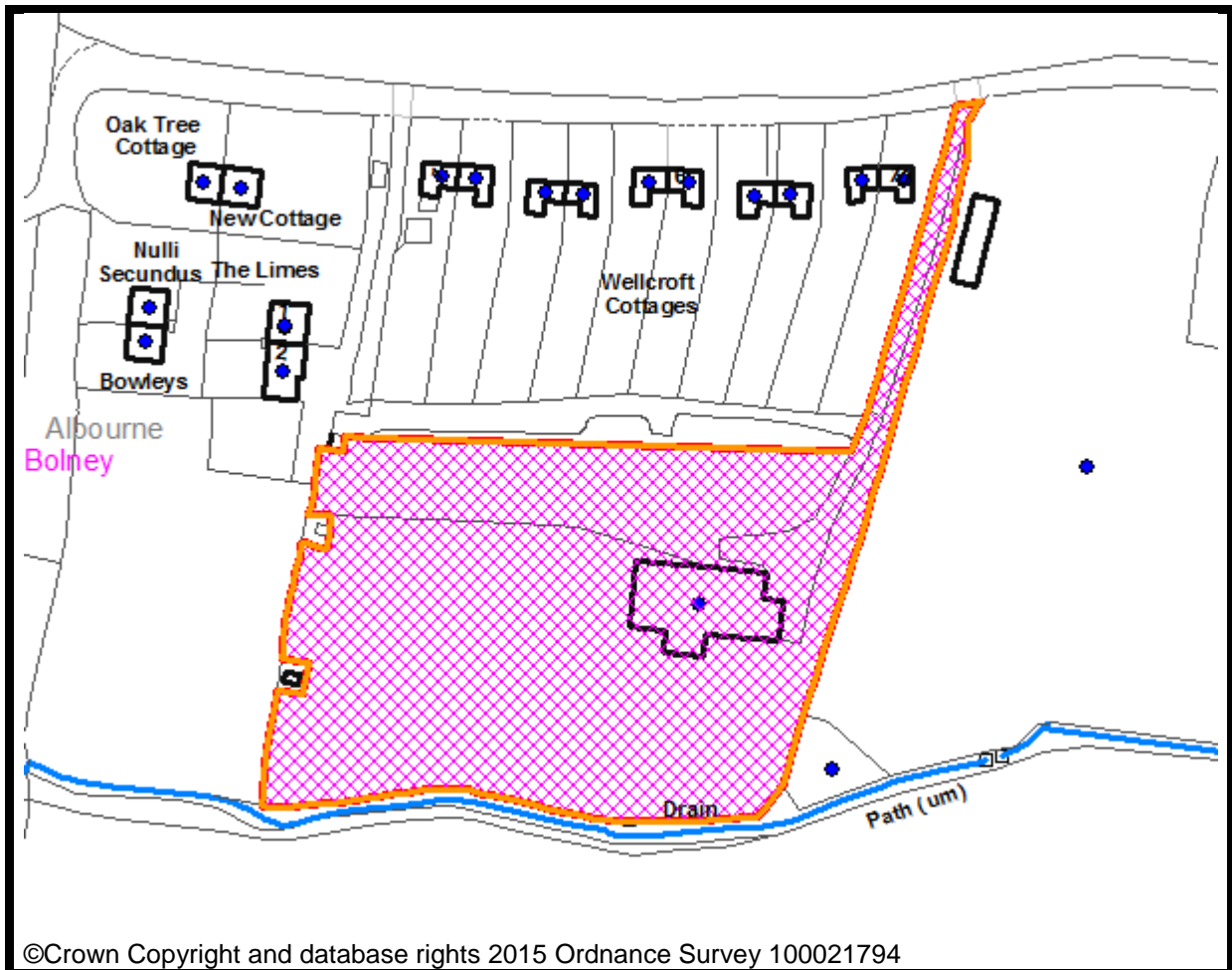
Changes to the position of plot 2 have now taken the front right hand corner of the property further from the retained trees in this area.

Construction traffic can now pass through this area without any risk of damaging the root systems of surrounding trees.

I have no further objection.

Albourne

4. DM/18/0635



**B AND B PACKING CASES THE NURSERY CHURCH LANE ALBOURNE
DEMOLITION OF THE EXISTING BUILDING AND THE ERECTION OF A
SINGLE RESIDENTIAL (C3 USE CLASS) DWELLING WITH ASSOCIATED
WORKS INCLUDING ACCESS, LANDSCAPING AND SERVICES WORKS.**

MR CLIVE WHEELER

GRID REF: EAST 526132 NORTH 116357

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Planning Agreement / Planning Obligation / Aerodrome
Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat
Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 9th April 2018

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Mr Andrew Morrison

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of the existing building and the erection of a single residential (C3 Use Class) dwelling with associated works including access, landscaping and services works at B and B Packing Cases The Nursery Church Lane Albourne Hassocks West Sussex.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is un-tilted one.

The application site lies in the countryside, is not contiguous with and does not adjoin the existing built up area of Albourne. The site's location is such that there would be poor accessibility to everyday local services. The proposal is therefore in principle contrary to policies DP12 and DP15 of the Mid Sussex District Plan, as general housing development in such a location without special justification is not one of the permitted exceptions to these policies. In addition the proposal is contrary to policies ALC1 and ALH1 of the Albourne Neighbourhood Plan in respect of the lack of a functional requirement for a dwelling in such a location.

In accordance with the law, whilst this conflict with Development Plan policy is the starting point for decision making, the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site, that are relevant to the application. These include:

Permission has been obtained for conversion of the existing building into a single dwellinghouse (DM/17/4035). The principle of a residential use of the site has therefore already been established. Officers consider that it is unrealistic to assume that this permission would not be implemented should the current proposal be refused, and so this fall-back position is to be afforded significant weight.

Policies DP12 and ALC1 fundamentally seek to protect the countryside in recognition of its intrinsic character and beauty. The proposal's high quality design and lesser scale are such that it can be considered to be more compatible with this aim than the permitted scheme for the building's conversion. In addition, the Planning Inspectorate has concluded that a very similar earlier proposal to that subject of this application would not cause harm to the character and appearance of the area.

Following a recent Court of Appeal judgement, the site is now not deemed to be 'isolated' within the meaning of paragraph 55 of the NPPF, due to nearby dwellings. It is therefore considered that limited weight should be afforded to the Planning

Inspectorate's decision to dismiss an earlier appeal for a very similar proposal.

The scheme will provide only limited positive economic benefits, given that it would be implemented in lieu of the permission for the building's conversion. The requirement to remedy the site from contamination prior to construction of the dwelling would result in an environmental benefit.

The proposal will result in a neutral impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and Ashdown Forest impact.

The proposal complies with the central aims of policies DP12 of the Mid Sussex District Plan and ALC1 of the Albourne Neighbourhood Plan regarding protection of landscape character, together with policies DP26, DP27, DP37 and DP41 of the Mid Sussex District Plan. Whilst the site's poor location in respect of accessibility is in conflict with policies DP21 and paragraphs 17(7), 17(11) and 30 of the NPPF, the proposal is at the same time supported by paragraphs 17(4), 17(5) and 17(8) in respect of the quality of the design, the protection of the character of the area and the reuse of previously developed land.

Your officers have reviewed the planning application in the context of the Development Plan and other material planning considerations. The weight of material considerations together partial compliance with the Development Plan in favour of the application is deemed to be greater than the partial conflict with the Development Plan. It is therefore recommend that planning permission is granted.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

5 letters received, raising the following points:

- Concern that permission may lead to further permission for larger scale residential development;
- Vehicle movements associated with site clearance and construction are an inconvenience and hazard on narrow lane;
- Vehicle movements from finished development would be excessive additional traffic on narrow lane;
- Potential light and noise pollution;
- Existing sewer access must be maintained;
- Site more suitable for a terrace of small houses;
- Harm to wildlife on site;
- Prone to winter flooding

SUMMARY OF CONSULTATIONS

MSDC Drainage:

No objection, recommended condition.

WSCC Highways:

No objection, recommended vehicle parking and turning condition.

Southern Water:

Advice for applicant.

TOWN COUNCIL OBSERVATIONS

Albourne Parish Council does not believe this is a sustainable location for a new dwelling, given previous conclusions from Mid Sussex District Council, and the Planning Inspectorate. However, given planning permission has already been given for the conversion of the existing barn to a new dwelling, in this particular and exceptional circumstance, we do not object to this planning application, as we feel it is an improved design. However, if MSDC is minded to approve the application we would request the following conditions are attached:

- 1) the provision of a detailed and comprehensive independent soil analysis contamination risk report, based on an "on site" survey. This should be based on a sample analysis of the entire site surrounding the existing building, and along the entire length of the track. The survey should also incorporate testing of the watercourse along the southern boundary.
- 2) Removal of all vehicles, machinery, building materials and other rubbish from the site, including any and all subterranean hazardous material identified in the risk report.
- 3) Removal of permitted development rights.
- 4) Prevention of any further development on the site and the adjacent land.

INTRODUCTION

Planning permission is sought for the demolition of the existing building and the erection of a single residential (C3 Use Class) dwelling with associated works including access, landscaping and services works at B and B Packing Cases The Nursery Church Lane Albourne Hassocks West Sussex.

The application has been referred to Committee because the proposed dwelling is not deemed to be situated adjacent to existing dwellings, and so the application does not fall within the Council's Scheme of Delegation to Officers.

RELEVANT PLANNING HISTORY

DM/17/4035 Change of use of the existing building from a light industrial B1 (c) use to a residential (C3) use together with associated works to facilitate the conversion including external alterations, access, landscaping and services (Amended plans received 21 November 2017) - Permission

DM/16/2993 Demolition of existing commercial building and erection of a new dwelling and detached garage. - Refused, Appeal Dismissed

12/01468/FUL Demolition of commercial building and replacement with a single, two storey four bedroom dwelling - Refused

05/00076/FUL Variation of condition 4 of permission AE/18/99 to allow B1 use - Refused

05/00075/FUL Removal of condition 1 of permission AE/018/99 - Permission

AE/18/99 Change of use of barn from agriculture to construction of packing cases and ink hopper renovation works - Permission

AE/10/98 Change of use of barn from agriculture to construction of packing cases and ink hopper renovation works - Permission (temporary)

AE/12/95 Change of use of barn from agriculture to construction of packing cases - Refused

AE/013/94 Erection of dwelling - Refused

SITE AND SURROUNDINGS

The application site consists of a substantial dark metal barn which has historical permitted use for a specific light industrial B1 purpose and more recently benefits from an unimplemented planning permission for conversion to a single dwellinghouse, together with surrounding grassland and boundary trees / hedgerows. The site area is approximately 0.9 hectares. The site is currently vacant.

Access is provided via an unmade track directing south off of Church Lane, adjacent to 10 Wellcroft Cottages. Church Lane itself is an unlit single track highway which has no pedestrian separation.

The site is at a lower ground level than the cottages to the north.

There is a tree belt north of the building up to the northern boundary, beyond which is a track serving the rear of Wellcroft Cottages. The cottages are positioned approximately 80 metres away from the existing building / proposed house. A hedge line forms the eastern boundary, with a paddock beyond to the east. The southern western boundaries are also formed by a combination of hedging and tree lines, again with undeveloped land beyond. There is a public footpath within the adjoining field, running adjacent to the southern boundary. There is also a public footpath some 250 metres to the east which, sited to the west of a religious meeting hall. Both footpaths provide views either into or across to the site, albeit the presence of boundary vegetation acts as a partial screen.

The site is located in the countryside as defined by the Development Plan.

Disregarding the access track, the main part of the site is some 250 metres west of the Albourne Built Up Area Boundary. The village's Conservation Area boundary is in

excess of 100 metres to the east; it is not considered that the proposal has any impact upon the setting of the Conservation Area.

APPLICATION DETAILS

It is proposed to demolish the barn and to erect a replacement two storey four bedroom dwelling with a detached garage. The scheme is very similar to that previously submitted under application DM/16/2993, which was refused and subsequently dismissed at appeal.

Vehicular access would be provided from the existing track. Parking and turning space would be provided within the garage and on hardstanding in front of the two buildings.

The dwelling would be built on the footprint of the existing building, with its principal elevation facing north. The design approach is of a traditional barn dwelling, with the intention of achieving an appearance of a converted barn. It is laid out in a courtyard arrangement, with two differing single storey elements projecting south off of the main two storey range. There is a mix of roof levels and angles, with the main roof is being of a steeply pitched hipped form, also incorporating a catslide feature to the front. Traditional rural Sussex materials and construction details are proposed. The dwelling's height would be 9 metres, approximately 1.3 metres taller than the existing barn.

The garage is proposed to the northwest of the house and is of a complementary design. It incorporates 3 east facing parking bays, as well as further garaging area in an adjoining element to the north side.

The existing footprint of the metal barn is stated at 467 square metres. The combined footprint of the dwelling and garage would be 388 square metres. The existing building volume is 2,960 cubic metres versus 1,365 for the proposed.

The development would occupy approximately 40% of the total site area, with a residential curtilage boundary defined at the rear of the garage, directing down to the southern boundary.

The tree screen between the dwelling's driveway and the shared track beyond the northern boundary is marked for retention. Entrance gates and piers would be erected at the entrance point to the main part of the site.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted 28 March 2018 and forms part of the development plan.

The District Plan was adopted on 28th March 2018.

DP4: Housing

DP6: Settlement Hierarchy

DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
DP21: Transport
DP26: Character and Design
DP27: Dwelling Space Standards
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Development Infrastructure and Contributions SPD (Consultation Draft - April 2018)

Albourne Neighbourhood Plan:

The Albourne Parish Council Neighbourhood Plan (APCNP) 2014-2031 forms part of the development plan.

ALC1: Conserving and enhancing character
ALH1: Housing Development

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012):

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Practice Guidance

DCLG Technical Housing Standards March 2015

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development including accessibility;
- The design and impact on the character of the area;
- Standard of accommodation;
- The impact on neighbouring amenity;
- Highways inc. access and parking
- Ecology
- Ashdown Forest
- Other issues
- Planning Balance and Conclusion

Principle of development including accessibility

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) Any local finance considerations, so far as material to the application, and
- c) Any other material considerations."

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (MSDP) and the Albourne Parish Council Neighbourhood Plan (APCNP).

The MSDP has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

Policy DP15 of the MSDP relates to new homes in the countryside and allows for development:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or
- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.'

Linked to policy DP15 is policy DP12 of the MSDP which states:

'The countryside will be protected in recognition of its intrinsic character and beauty.

Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

APCNP Policy ALC1 also seeks to protect the countryside, providing that development will be supported if it meets four criteria concerning being for purposes

of agriculture or some other use which has to be located in the countryside, maintains or enhances the rural and landscape character, supported by a Policy reference elsewhere in the Plan and for essential infrastructure.

APCNP Policy ALH1 provides that housing development will generally be supported within or immediately adjoining the Built Up Area boundary subject to criteria concerning its setting, sustainability, an existing brownfield use and the presence of surrounding development.

The application site is located in the countryside and does not adjoin the Albourne built up area boundary. No special justification exists and therefore the proposal is in principle contrary to policies DP12 and DP15 of the MSDP and ALC1 and ALH1 of the APCNP.

Policy DP6 of the MSDP relates to Settlement Hierarchy and designates Albourne as a Category 3 Settlement (medium sized villages). It states:

'Development will be permitted within towns and villages with defined built-up area boundaries.

Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings, and
2. The site is contiguous with an existing settlement edge, and
3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'

As the application site is not contiguous with the Albourne built up area boundary, then this policy is not relevant to this application.

It is therefore clear that the principle of the application is contrary to the Development Plan. In accordance with the law however, it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance the Plan. There are a number of relevant points in this respect, principal of which concerns a fall-back position.

The site benefits from planning permission DM/17/4035 for Change of use of the existing building from a light industrial B1 (c) use to a residential (C3) use together with associated works to facilitate the conversion including external alterations, access, landscaping and services. The principle of a residential use on the site has therefore been established.

The applicant's case is that this permission represents a fall-back position which is a real prospect, and so full weight should be afforded to it such to outweigh the conflict with the Development Plan. In support of this position the applicant has confirmed that he purchased the site in January 2018 and intends to implement this conversion permission should the current application be refused, either to live in it or to build it out and sell, or, to sell the site with the benefit of the conversion permission. A supporting letter is also provided from a local estate agent whom advises that there would likely be significant market interest for the conversion. In light of this information, officers consider that it would be unrealistic to assume that permission DM/17/4035 would not be implemented.

Secondly, consideration is to be given to the findings and current relevance of the appeal decision APP/D3830/W/17/3169782. This was an appeal against the refusal of DM/16/2993, of which this current application is very similar. The Council's reason for refusal stated as follows:

'The proposed development is located within a rural area, well separated from the built up area boundary of a settlement with limited infrastructure and amenities. The proposal is unacceptable in principle as it would constitute an isolated house within the countryside. It would be inconsistent with the existing settlement pattern of housing and would introduce an alien residential use to a site and setting which is rural in character. There would be a likelihood of a heavy reliance on the private car to meet day to day needs and whilst the economic role of sustainable development would be fulfilled, the social and environmental roles would not. Furthermore the proposal conflicts with the recently made Neighbourhood Plan. The adverse impacts of the development are considered to significantly and demonstrably outweigh the limited benefits. The application would conflict with Policies C1 and B1 of the Mid Sussex Local Plan, Policies ALC1 and ALH1 of the Albourne Neighbourhood Plan, Policies DP1, DP10 and DP24 of the Submission Mid Sussex District Plan and paragraphs 7, 8, 14, 17, 30, 55, 56, 58, 61, 95, and 198 of the National Planning Policy Framework.'

In dismissing the appeal in July 2017 (prior to the permission for the conversion), the Inspector supported the Council's concerns over the isolated location of the site and so poor accessibility, including by reference to the applicability of paragraph 55 of the NPPF. The Inspector did not however consider that the proposal would be harmful to the character and appearance of the area.

Given the similarity of the current scheme to DM/16/2993 (the building's dimensions and design have undergone minor changes), Officers consider as a result of the appeal decision that it would be inappropriate to find the application to be conflict with Policy DP26: Character and Design of the MSDP. This matter is considered further below.

At paragraph 13 of the appeal decision, the Inspector states that the limited accessibility to a full range of everyday local facilities would mean that the occupiers of this house would likely to have a high dependency on private motor vehicle usage. This observation can equally be applied to the current proposal. However, as noted above, since the appeal decision, permission has been obtained for conversion of the building to a dwelling. It is therefore considered that the Inspector's statement at

paragraph 26 that this would be an unsuitable location for a house due to poor accessibility should now be considered against this context of the conversion permission. Nevertheless, the location of the proposal does not minimise the need to travel and so this element of the application is in conflict with Policy DP21: Transport of the MSDP.

In addition, on 28 March 2018 the Court of Appeal handed down its judgement in the case of *Braintree BC v SSCLG* in respect of the interpretation of paragraph 55 of the NPPF and specifically the word 'isolated' within this. This judgement suggests that 'isolation' should be taken to refer physical isolation only, not also whether a site is isolated in respect of its accessibility to services.

At paragraph 13 of the appeal decision, the Inspector states that the new house would not be a physically isolated home in the countryside, given the proximity of the sixteen other dwellings.

As a result, officers consider that paragraph 55 of the NPPF does not apply to the current proposal, and so there is no need for 'special circumstances' to be identified to justify 'new isolated homes in the countryside', because the proposal is not such a development. It is therefore considered that the Braintree Judgement contests part of the reasoning that the Inspector took in dismissing the appeal. Reduced weight should therefore be placed upon the appeal decision in respect of this issue.

The loss of the commercial use has already been established through the approval of DM/17/4035 and therefore it is not considered that this issue needs to be revisited.

The Planning Balance and Conclusion will consider whether such material considerations outweigh the identified conflict with the Development Plan.

Design and Character

Policy DP26 of the MSDP states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development."

The Parish Council have commented that the proposed replacement building would be an improved design upon the permitted scheme for its conversion and so do not object to the application.

At paragraphs 20-23 of the appeal decision, the Inspector determines that the removal of the former agricultural building would enhance the site's appearance, that the proposed house would not detract from the area's wider character and that any associated domestication would have only a limited impact due to the site's mature boundaries. The Inspector does not identify conflict with now superseded Local Plan Policy B1 or Policy ALH1.

It is considered that the Inspector's conclusions on this issue should be applied to the current scheme, given its very close similarity.

Officers agree with the Parish Council that the proposed development would be of a higher quality design than were the conversion to proceed, and it notable that the cubic volume of the proposal is much less than the existing barn. The scheme is considered to comply with the design and character principles set out above, and would be a more sensitive approach to the provision of a dwelling on the site.

In summary therefore the proposed development is deemed to satisfactory in design and character terms.

Standard of accommodation

Policy DP26 of MSDP stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1

October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. In this case, the standard for a 4-bed dwelling is 124 sq metres. The proposed dwelling would provide a floor area and storage space well in excess of the required standard. Appropriate amenity space would also be provided and so the application is compliant with the above policies.

Impact on neighbouring amenity

Policy DP26 of the MSDP protects neighbouring amenities from significant harm.

Owing to the separation distance of the proposal from neighbours, with an intervening tree screen and falling ground level to the south, it is not considered that any harm would be caused to neighbouring amenity other than through temporary disturbance associated with a site clearance construction period.

It is considered that the site's use as a single dwellinghouse would likely cause less disturbance to neighbouring residents than the re-commencement of a lawful light industrial use.

The scheme therefore complies with the above policy requirement.

Highways inc. access and parking

Policy DP21 of the MSDP states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;

- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- The scheme protects the safety of road users and pedestrians; and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

As identified above, the site's location is in conflict with this policy in so far as the desire to minimise travel for residential development. The principle of a residential use has however already been established.

The Local Highway Authority (LHA) has been consulted and as with previous applications, they raise no highway safety or capacity concerns, subject to a condition regarding the provision of vehicle parking and turning spaces in advance of the development's occupation.

The LHA refer to previous comments on the conversion application, whereby it was advised that a single dwelling is not anticipated to cause a severe increase in traffic movements over what could be occurring at the site under the lawful light industrial use.

Other than the issue of accessibility, the Inspector raised no transport related concerns with the earlier appeal.

Officers therefore conclude that there are no highways, access or parking reasons to refuse the application.

Ecology

Policy DP38 of the MSDP states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas...'

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

The application is accompanied by an Ecology Survey dated 3 August 2016 and Preliminary Ecological Appraisal and Internal and External Bat Inspection dated January 2018.

The August 2016 Survey concluded:

Previous surveys undertaken in 2012 did not identify the sites use by bats. However, since 2012, the barn has been left unused and undisturbed, and it appears that recently a brown long eared bat feeding perch has established in a storage feature within the barn. This feature is not considered suitable to support any significant roost and there is no evidence to suggest that this roost is of local conservation importance.

The remaining barn features are considered sub optimal for bats and no other evidence of roosting bats was found within the barn.

Whilst the site is considered to be a bat roost (specially the smalls storage area), it is considered that works to remove this features would require a bat licence. It is likely

to be undertaken under a low impact licence and will be informed by further surveys. Compensation of the loss of this roost through the use of several bat boxes is considered to be sufficient.

The barn was not in use by barn owls, however, it appears that little owls use the ledge of the main doors into the barn as a perch. No nests were located within the barn. No mitigation for little owls is required.

Externally the building did not support any features which are traditionally associated with roosting bats, such as hanging tiles or weatherboarding. The building was considered to have negligible potential for bats using the external features.

It is considered that the nature and scale of the redevelopment would not have any implications on wider nature conservation value of the wider landscape and the redevelopment would not harm foraging or commuting pathways.

It is considered that the redevelopment of this site will occur under a low impact licence and that the development will not impact upon the favourable conservation status of bats in the local area.

The Council's Ecology Consultant raised no objection in response to this Survey which accompanied application DM/16/2993, subject to a suitably worded condition requiring implementation of the recommendations set out within the Survey.

The January 2018 Appraisal is a more comprehensive approach to ecological issues on the site. This concludes:

The site does not lie within or adjacent to any statutory or non-statutory designated sites neither are there any within a 2km radius. The closest designated site is over 2.5km from the site and due to the nature of the development and the distances involved, no direct or significant indirect impacts are predicted to occur on these protected sites.

Habitats of principle importance including deciduous and ancient woodland are within 2km of the site. However, due to the distances involved it is considered that there would be no direct or indirect impacts on these habitats as a result of the development.

The majority of the habitats on-site are common and widespread throughout the local area and within the UK as a whole. The site is dominated by dense scrub, semi-improved grassland and scattered trees. These habitats are of ecological value for a number of protected species including bats, nesting birds and reptiles. The scattered trees are to be retained as part of the proposals, however sections of dense scrub are to be removed and the semi-improved grasslands are to be managed for landscaping purposes. Recommendations for further surveys and mitigation have been discussed within the relevant sections.

Several mammal paths were identified in the scrub and semi-improved grassland on site (see Target Note 6, Appendix 1), and faeces was present within building 2

(Target Note 2, Appendix 1). A precautionary approach should be followed for vegetation clearance and consideration of access to foraging and commuting habitat must also be made. Planted corridors are also recommended along the boundaries of the site to create corridors for foraging and dispersing badgers.

Building 2 was considered to have 'negligible' roosting potential for bats. However, within building 1, the storage area within the south-west corner, supported evidence of bats as such is a confirmed bat roost due to the presence of evidence of usage within including droppings and feeding signs. Recommendations have been made for further surveys for the storage area of building 1.

A small number of scattered trees along the site boundary have been identified as having 'low' potential for supporting roosting bat species (see Target Note 9, Appendix 1). These are to be retained as part of the development, therefore no further surveys are recommended, however if they are to be removed, it is recommended that if mature trees are to be felled onsite, they are soft felled as a precautionary approach.

The site is considered to have 'moderate' potential for foraging and commuting bats. Given the current proposals, it is considered that further activity surveys are not required, as long as suitable mitigation and enhancement measures are put in place, since the tree lines are to be maintained as part of the development. However, if plans are to change and these habitats, in particular the tree lines, are to be affected, then further activity surveys will be required.

Neither of the buildings on site were considered to have potential for barn owls and no evidence of nesting or roosting was present at the time of the survey, therefore no further surveys for barn owls are required. However, it is likely that perches within building 1 are used by little owls and although mitigation for little owls is not required, it is recommended that a box for little owls is added to a tree along the site boundary.

The habitats on site provide potential refuges for GCN in their terrestrial phase on site. However, there are no suitable water-bodies within 250m of the site, the lack of suitable water-bodies within 250m of the site makes it unlikely that GCN would be using the site. Therefore, no further surveys are recommended.

The site contains an abundance of dense scrub which may be suitable foraging habitat for dormice. Although, the site's suitability is reduced by the lack of suitable woodlands within close proximity. Overall due to the lack of suitable long-term habitat within close proximity to the site, no further surveys are required, however, due to sections of dense scrub being removed, it is recommended that a precautionary approach is followed for the vegetation removal.

The site is dominated by rough semi-improved grasslands and dense scrub which provides optimal foraging and refuge habitat for reptiles. There are also historical records for several reptile species within 2km of the site. Due to the high potential for reptiles, presence/likely absence surveys for reptiles have been recommended.

Birds are considered to nest within building, in dense scrub and the scattered trees on site. Demolition of building 1 and any tree or scrub removal should be undertaken

outside of the bird nesting season (March - September). If this is not possible, a qualified ecologist should re-check any potential nesting habitats immediately prior to their removal.

The site does not contain habitats considered suitable for supporting water voles or otters.

Recommendations for enhancements have been made within this report, aimed at improving the ecological value of the site post development.

Subject to a suitably worded condition securing the full implementation of the recommendations set out within the Survey and more recent Appraisal, it is considered that the application can be deemed compliant with Policy DP38.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

DM/17/4035 was assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development of a net increase of 1 unit, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area, meaning that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Given that this proposal could only be implemented as an alternative to DM/17/4035, it can equally be concluded that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Other issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Officers are required to consider the merits of the application before them; concerns over the potential for the site to support a more intensive level of residential development are therefore not relevant. Conditions restricting any further residential development and householder permitted development rights would not meet the tests laid out in paragraph 206 of the NPPF.

The applicant has indicated that foul drainage will be dealt with via a new package treatment plant with a ditch overflow, whilst a soakaway will manage surface water runoff. There is no reason to conclude that the site could be not be appropriately drained and the Council's Drainage Engineer has recommended a suitably worded condition. No conflict has therefore been identified with respect to the Policy DP41 of the MSDP.

A Sustainability Statement accompanies the application. Measures proposed include concealed solar PV slates within the roof slates, energy efficient lighting, use of an Air Source Heat Pump, permeable driveway paving and the use of high-performance insulation and construction materials. It is considered that the proposal is in compliance with the requirements of Policy DP39 of the MSDP.

Planning Balance and Conclusion

Planning permission is sought for the demolition of the existing building and the erection of a single residential (C3 Use Class) dwelling with associated works including access, landscaping and services works at B and B Packing Cases The Nursery Church Lane Albourne Hassocks West Sussex.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is un-tilted one.

The application site lies in the countryside, is not contiguous with and does not adjoin the existing built up area of Albourne. The site's location is such that there would be poor accessibility to everyday local services. The proposal is therefore in principle contrary to policies DP12 and DP15 of the Mid Sussex District Plan, as general housing development in such a location without special justification is not one of the permitted exceptions to these policies. In addition the proposal is contrary to policies ALC1 and ALH1 of the Albourne Neighbourhood Plan in respect of the lack of a functional requirement for a dwelling in such a location.

In accordance with the law, whilst this conflict with Development Plan policy is the starting point for decision making, the Council also must have regard to other

material considerations. It is considered that there are other material considerations, specific to this site, that are relevant to the application. These include:

Permission has been obtained for conversion of the existing building into a single dwellinghouse (DM/17/4035). The principle of a residential use of the site has therefore already been established. Officers consider that it is unrealistic to assume that this permission would not be implemented should the current proposal be refused, and so this fall-back position is to be afforded significant weight.

Policies DP12 and ALC1 fundamentally seek to protect the countryside in recognition of its intrinsic character and beauty. The proposal's high quality design and lesser scale are such that it can be considered to be more compatible with this aim than the permitted scheme for the building's conversion. In addition, the Planning Inspectorate has concluded that a very similar earlier proposal to that subject of this application would not cause harm to the character and appearance of the area.

Following a recent Court of Appeal judgement, the site is now not deemed to be 'isolated' within the meaning of paragraph 55 of the NPPF, due to nearby dwellings. It is therefore considered that limited weight should be afforded to the Planning Inspectorate's decision to dismiss an earlier appeal for a very similar proposal.

The scheme will provide only limited positive economic benefits, given that it would be implemented in lieu of the permission for the building's conversion. The requirement to remedy the site from contamination prior to construction of the dwelling would result in an environmental benefit.

The proposal will result in a neutral impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and Ashdown Forest impact.

The proposal complies with the central aims of policies DP12 of the Mid Sussex District Plan and ALC1 of the Albourne Neighbourhood Plan regarding protection of landscape character, together with policies DP26, DP27, DP37 and DP41 of the Mid Sussex District Plan. Whilst the site's poor location in respect of accessibility is in conflict with policies DP21 and paragraphs 17(7), 17(11) and 30 of the NPPF, the proposal is at the same time supported by paragraphs 17(4), 17(5) and 17(8) in respect of the quality of the design, the protection of the character of the area and the reuse of previously developed land.

Your officers have reviewed the planning application in the context of the Development Plan and other material planning considerations. The weight of material considerations together partial compliance with the Development Plan in favour of the application is deemed to be greater than the partial conflict with the Development Plan. It is therefore recommend that planning permission is granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

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

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

3. The development hereby permitted shall not proceed until details of the proposed surface water drainage and foul water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

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

4. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

5. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

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

6. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed

with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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.

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

7. (a) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (b) to (d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition (e) has been complied with in relation to that contamination.

(b) A desk top study, investigation and risk assessment] in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
- human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(c) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be

prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(d) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

(e) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (b), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (c), which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (d).

Reason: In the interests of health of future occupiers and to accord with paragraph 121 of the National Planning Policy Framework.

8. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire demolition and construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during demolition and construction,

- the method of access and routing of vehicles during construction and demolition,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of demolition and construction upon the public highway (including the details of public engagement both prior to and during construction works)
- Scheme to minimise dust emissions from the site

Reason: To ensure safe and neighbourly demolition and construction in the interests of amenity and road safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

9. The development shall only proceed in accordance with the full recommendations set out in "Internal and External Bat Survey", 3 August 2016 and "Preliminary Ecological Appraisal and Internal and External Bat Inspection", January 2018.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with Policy DP38 of the Mid Sussex District Plan 2014-2031.

10. The development shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

11. The development shall not be occupied until the vehicle parking and turning spaces serving have been constructed in accordance with the approved Site Plan. These areas shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking and manoeuvring provision is provided and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

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

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays, 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
 - No burning of materials shall take place on site at any time

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the comments of Southern Water received 12 March 2018.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	433 01	P1	09.02.2018
Block Plan	433 02	P1	09.02.2018
Survey	433 03	P1	09.02.2018
Proposed Site Plan	433 04	P2	09.02.2018
Proposed Floor Plans	433 06	P2	09.02.2018
Proposed Floor Plans	433 07	P2	09.02.2018

Proposed Roof Plan	433 08	P2	09.02.2018
Proposed Elevations	433 10	P2	09.02.2018
Proposed Elevations	433 11	P2	09.02.2018
Proposed Sections	433 12	P2	09.02.2018
Illustration	433 14	P3	09.02.2018
Illustration	433 15	P3	09.02.2018
Illustration	433 16	P3	09.02.2018
Proposed Floor Plans	433 20	P1	09.02.2018
Proposed Elevations	433 21	P1	09.02.2018
Existing Floor and Elevations Plan	356 43	P1	09.02.2018

APPENDIX B – CONSULTATIONS

Albourne Parish Council

Albourne Parish Council does not believe this is a sustainable location for a new dwelling, given previous conclusions from Mid Sussex District Council, and the Planning Inspectorate. However, given planning permission has already been given for the conversion of the existing barn to a new dwelling, in this particular and exceptional circumstance, we do not object to this planning application, as we feel it is an improved design. However, if MSDC is minded to approve the application we would request the following conditions are attached:- (1) the provision of a detailed and comprehensive independent soil analysis contamination risk report, based on an "on site" survey. This should be based on a sample analysis of the entire site surrounding the existing building, and along the entire length of the track. The survey should also incorporate testing of the watercourse along the southern boundary. (2) Removal of all vehicles, machinery, building materials and other rubbish from the site, including any and all subterranean hazardous material identified in the risk report. (3) Removal of permitted development rights. (4) Prevention of any further development on the site and the adjacent land.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment:

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk:

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is within an area identified as having possible low to high surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals:

It is proposed that the development will incorporate permeable paving, rainwater butts with overflow into a rainwater storage tank outfalling to a soakaway. We would advise that infiltration may not be suitable on the site due to potentially poor infiltration rates. Percolation test results should be provided to support the use of permeable paving and soakaways as part of discharging the condition.

Foul Water Drainage Proposals:

It is proposed that the development will manage foul water drainage through the use of a package treatment plant with a ditch overflow.

Suggested Conditions:

C18D - Single Dwelling

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the

Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

WSSC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application DM/17/4035 to which no objections were raised. That application was for a change of use to the existing B1C building to a residential dwelling to which the LPA raised no grounds for refusal.

The current resubmission is for demolition of the existing building and erection of new build single dwelling. The principle of the application remains the same. The existing driveway and access on to the unclassified Church Lane will remain. A new garage and parking/turning area are proposed. Please refer to LHA comments to DM/17/4035 dated 3rd November 2017.

No highway safety or capacity concerns subject to condition:

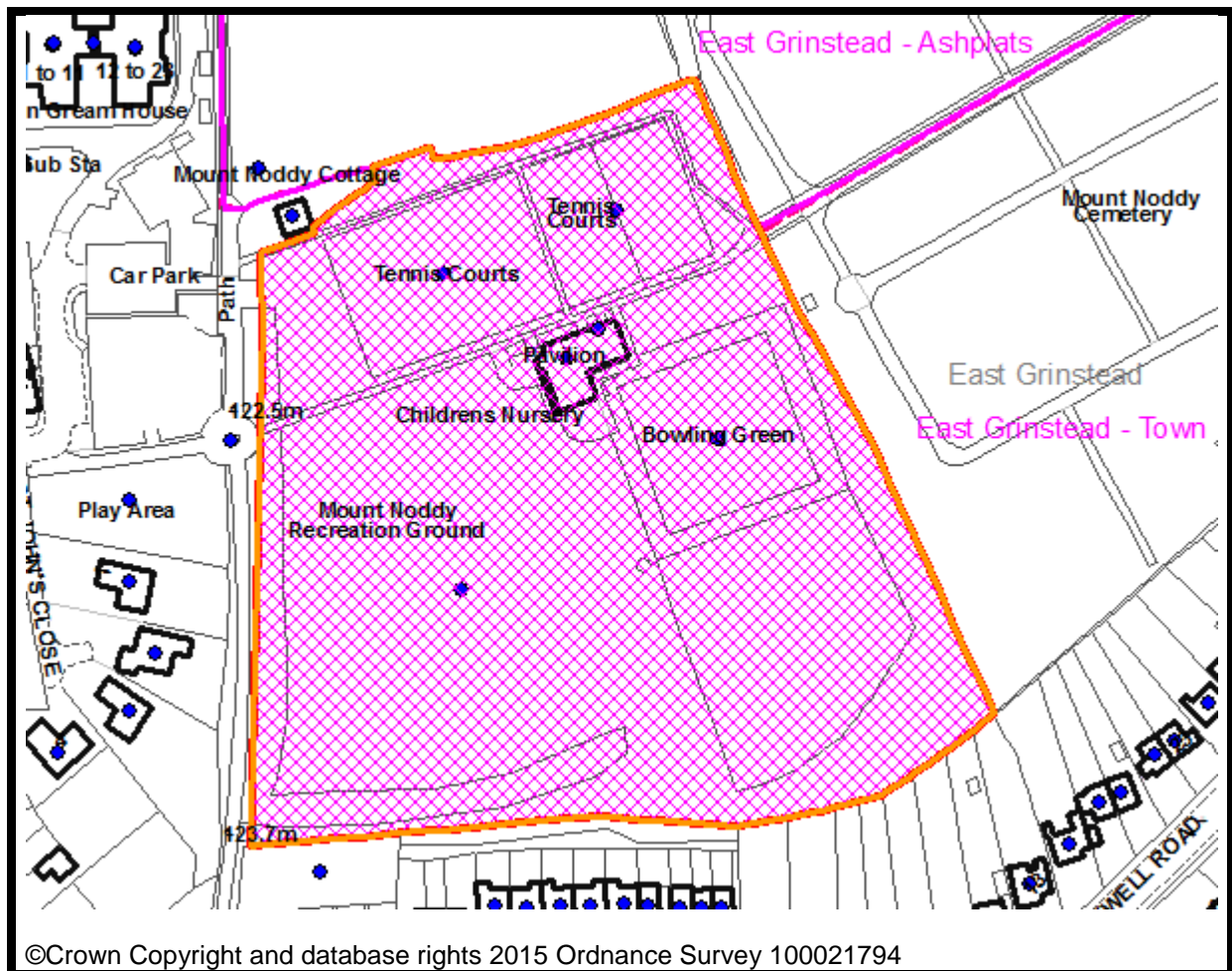
Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

East Grinstead

5. DM/18/1695



MOUNT NODDY PAVILION ST JOHNS ROAD EAST GRINSTEAD WEST SUSSEX

PROPOSED SINGLE STOREY EXTENSION TO THE EAST ELEVATION AND INTERNAL ALTERATIONS TO THE EXISTING PAVILION.

MID SUSSEX DISTRICT COUNCIL

GRID REF: EAST 539484 NORTH 138757

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE: Minor Other

8 WEEK DATE: 21st June 2018

WARD MEMBERS: Cllr Peter Wyan / Cllr Norman Mockford /

CASE OFFICER: Mrs Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for a single storey extension to the east elevation and internal alterations to the existing pavilion at Mount Noddy Pavilion, St Johns Road, East Grinstead.

The proposed design and scale of the extension is considered to be of an appropriate design, size and scale that is in-keeping with the existing pavilion and will not cause detriment to the character area. The extension will not result in a significant loss of greenspace within the recreation ground.

The proposal therefore complies with policies Policies DP24 and DP26 of the District Plan, policies EG3 and EG14 of the East Grinstead Neighbourhood Plan and the requirements of the National Planning Policy Framework.

RECOMMENDATION

It is recommended that permission is granted subject to the conditions outlined at appendix A.

SUMMARY OF REPRESENTATIONS

East Grinstead Society

No objection.

SUMMARY OF CONSULTATIONS

None

TOWN COUNCIL OBSERVATIONS

Would support approval

INTRODUCTION

Planning permission is sought for a single storey extension to the east elevation and internal alterations to the existing pavilion.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SITE AND SURROUNDINGS

The pavilion is situated within the Mount Noddy Recreation Ground with tennis courts, a bowling green and open green space surrounding the building as well as a pedestrian path.

The pavilion is a single storey building which is constructed in white render with black timber detailing and a hipped tiled roof. There are a number of black doors on the elevations of the building for changing and toilet facilities for users of the recreation ground.

Car parking is to the west of the building accessed from St Johns Road with paths leading to the building and the recreation ground.

The application site is situated within the built up area of East Grinstead as defined in the District and Neighbourhood Plan.

APPLICATION DETAILS

It is proposed to form a single storey side extension to the existing pavilion to form changing facilities and toilets as well as internal alterations to the existing building. The extension is to measure some 6.3 metres in depth and some 5.9 metres in width, with an eaves height of some 2.7 metres and an overall height of some 5.1 metres. The extension is to be set back from the frontage of the building by some 0.5 metres. The extension is to utilise materials to match the existing external appearance of white render and black timber detailing with a tiled red roof.

The side extension is to be subordinate to the main building and plans show that this proposed extension is to measure some 4.9 metres in width and some 6.6 metres in depth.

Internally, the building will be reconfigured to allow the increase in the floor area of the existing nursery which operates within the building, creating a separate social space and changing facilities for the bowls club and creating a new internal store/plant.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

Relevant policies:

DP25 Community Facilities and Local Services

DP26 - Character and Design

Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

EG3 - Promoting Good Design

EG14 - Protection of Open Space

National Policy

National Planning Policy Framework (NPPF) (March 2012)

National Planning Policy Guidance

ASSESSMENT

The main issue for consideration is:

- the impact to the character of the area and to the existing recreation ground.

Impact to the character of the area and to the existing recreation ground

Policy DP26 of the District Plan relates to character and design and states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;

- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development."

In addition, policy EG3 of the Neighbourhood Plan relates to design. The policy requires (amongst other criteria) that the *"form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area"* (a) and (c) that the *"proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area"*.

The design of the extension would match the existing building and would be subordinate to the main building. The proposal is of design, size and scale that is in keeping with the character of the existing building and would not detract from the character of the area.

Policy EG14 of the Neighbourhood Plan relates to the protection of open space and states existing public open space should not be built on subject to certain criteria. Due to the scale and positioning of the extension, the proposal would not result in a significant loss of greenspace within the recreation ground.

Policy DP24 of the District Plan relates to Leisure and Cultural Facilities and Activities. The proposal will result in the enhancement of additional facilities to the existing sports pavilion and users of the recreation ground. The principle of such a proposal is thus considered acceptable.

The proposal is considered to comply with policies DP24 and DP26 of the District Plan and policies EG3 and EG14 of the Neighbourhood Plan.

CONCLUSION

The proposed design and scale of the extension is considered to be of an appropriate design, size and scale that is in keeping with the existing pavilion and will not cause detriment to the character area. The extension will not result in a significant loss of greenspace within the recreation ground. The proposal therefore complies with policies DP24 and DP26 of the District Plan, policies EG3 and EG14 of the East Grinstead Neighbourhood Plan and the requirements of the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

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

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

3. The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor Plans	8965 P 04	A	25.04.2018
Existing and Proposed Elevations	8965 P 05	A	25.04.2018

Illustration	8965 P 06	A	25.04.2018
Sections	8965 P 03	A	25.04.2018
Location and Block Plan	8965 P 01		25.04.2018
Existing Floor Plans	8965 P 02		25.04.2018

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

As per East Grinstead Town Council Planning Committee meeting held on 16th May 2018:- Would support approval.