

MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE B

5 JUL 2018

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MID SUSSEX DISTRICT COUNCIL

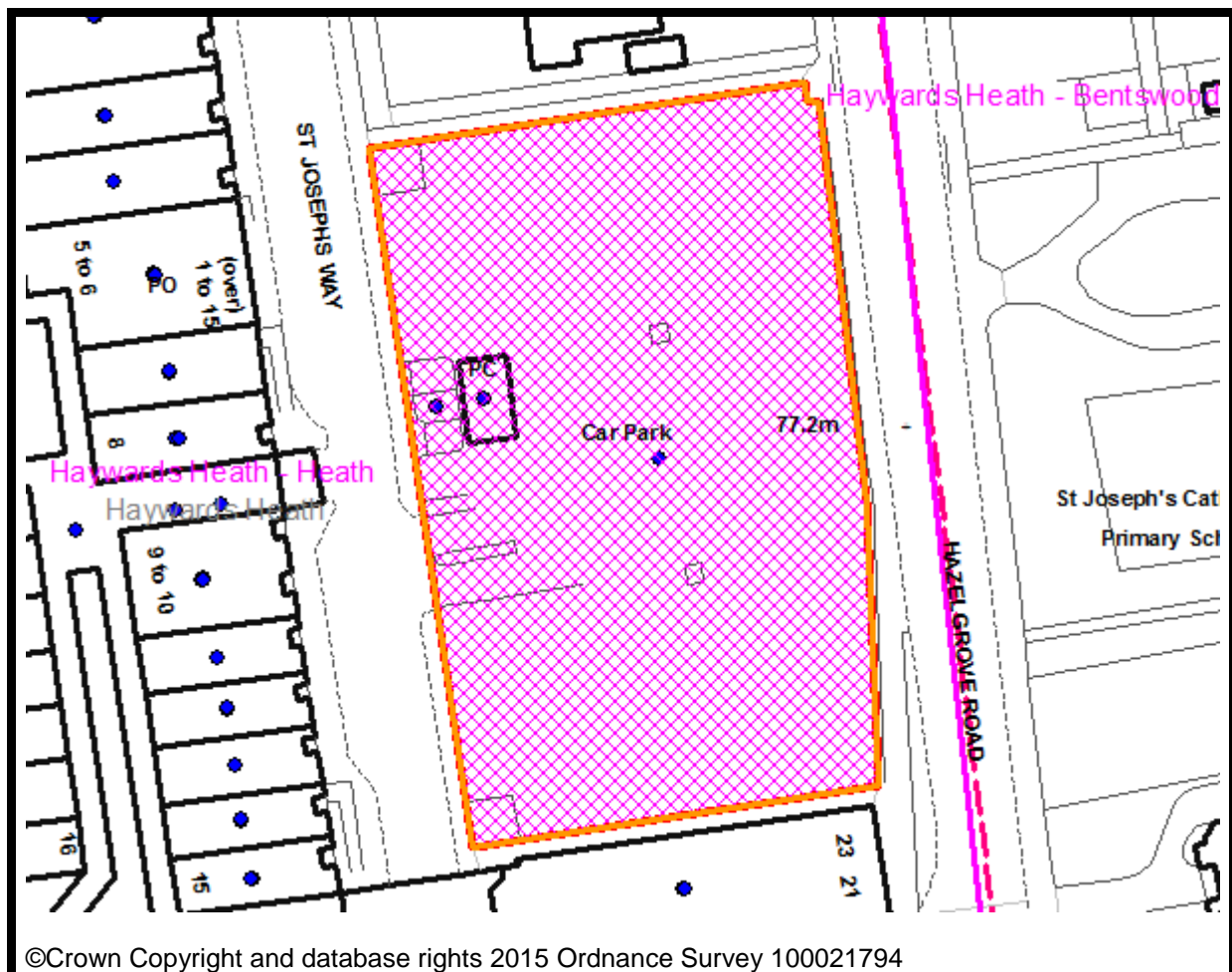
PLANNING COMMITTEE B

5 JUL 2018

PART I – RECOMMENDED FOR APPROVAL

Haywards Heath

1. DM/18/1012



THE ORCHARDS PUBLIC TOILETS ST JOSEPHS WAY HAYWARDS HEATH WEST SUSSEX

THE RECONFIGURATION OF THE EXISTING TOILET BLOCK CONSISTING OF A SEPARATE MALE AND FEMALE TOILET WITH AN ACCESSIBLE TOILET IN THE MIDDLE, TO INCLUDE A NEW CHANGING PLACES TOILET, A FAMILY TOILET AND THREE FOR SEPARATE GENDER NEUTRAL TOILET CUBICLES.

MR PAUL WILLIAMS
GRID REF: EAST 533315 NORTH 123734

POLICY: Built Up Areas / Classified Roads - 20m buffer / Sewer Line
(Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 5th July 2018

WARD MEMBERS: Cllr Sandra Ellis / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Mr Andrew Horrell

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 reconfiguration of the existing toilet block which is owned by Mid Sussex Council from the existing separate male and female toilet with an accessible toilet in the middle, to include a changing places WC family toilet and three separate gender neutral toilet cubicles.

The proposed development complies with policy DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan and the requirements of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

There has been two letters received. One raises no objection, the other objects. However, this was based on political/moral objections rather than planning reasons and was in favour of the refurbishment itself.

SUMMARY OF CONSULTATIONS

None.

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council made no comment in regards to the application.

INTRODUCTION

Planning permission is sought for the reconfiguration of the existing toilet block consisting of a separate male and female toilet with an accessible toilet in the middle, to include a new changing places toilet, a family toilet and three for separate gender neutral cubicles.

RELEVANT PLANNING HISTORY

CU/026/82 - Construction of male, female and disabled persons public convenience.

SITE AND SURROUNDINGS

The existing public toilets building is a hipped roofed structure within the existing car park to the rear of the Orchards Shopping Centre. The walls are characterised by face brickwork and it has timber doors.

To the north of the site is the car park with hedging to dwellings beyond, to the south is the car park with shops beyond, to the east of the site is the car park and car wash facilities with the highway (Hazelgrove Road) beyond and to the west is the highway (St Josephs Way) to the shopping Centre beyond.

The site is within the built up area of Haywards Heath.

APPLICATION DETAILS

The application seeks planning permission for the reconfiguration of the existing toilet block consisting of a separate male and female toilet with an accessible toilet in the middle, to include new changing places toilet, a family toilet and three for separate gender neutral toilet cubicles. The application is going to committee as the application site is on Mid Sussex owned land.

The existing layout measures 4.3m in depth, 9.575m in width with a height to eaves of 2.36m and an overall height (created by the roof ventilation) of 4.45m. Internally the existing male WC measures 3.6m in maximum depth and 3.85m in maximum width, the female WC measures 2.8m in depth and 3.75m in maximum width and the Disabled WC measures 2m in depth and 1.9m in width. There are one rooflight on each of the side elevations and roof ventilation on the rear and front elevations.

The proposed layout measures 4.3m in depth, 9.575m in width with a height to eaves of 2.3m and an overall height of 4.215m. Internally the proposed changing places WC measures 3.6m in depth and 3.1m in width, the proposed family WC measures 1.715m in depth and 1.91m in width, the gender neutral block of three WCs measure 1.9m in depth and 3.7m in width.

Associated external alterations to harness include two new doors on the western elevation a new ventilation system and the removal of the previous roof ventilation to be covered by matching clay tiles and removal of existing skylight on the southern elevation and to be covered by matching roof tiles. Also the existing stained timber fascia board to be covered with PVCu fascia board and the existing cast iron rain water downpipe to be painted black and the existing galvanised railing for ramp to be painted white.

LIST OF POLICIES

Mid Sussex District Plan

DP26 - (Character and Design)

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on 15th December 2016, therefore it carries full weight. The relevant policies are considered to be:

Policy E9 (Design)

National Planning Policy Framework

ASSESSMENT

The main issues are considered to be the design and scale of the scheme and resulting impact on the character and appearance of the area.

Scale, design and character impact

District Plan policy DP26 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;*
- *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"*

A similar ethos is found within policy E9 of the Haywards Heath Neighbourhood Plan.

Given the modest nature of the external alterations, it is considered that the proposal would be of an appropriate design, size and scale that is both in keeping with the character of the existing building and that of the wider street scene in accordance with policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

CONCLUSION

The proposed development complies with policy DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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 external materials shall be used other than those specified on the approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

INFORMATIVES

1. 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.

2. 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.
- 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 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.

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	03282_PL_001		08.03.2018
Site Plan	03282_PL_002		08.03.2018
Existing Floor and Elevations Plan	03282_PL_003		08.03.2018
Proposed Floor and Elevations Plan	03282_PL_004		08.03.2018

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

No Comment

MID SUSSEX DISTRICT COUNCIL

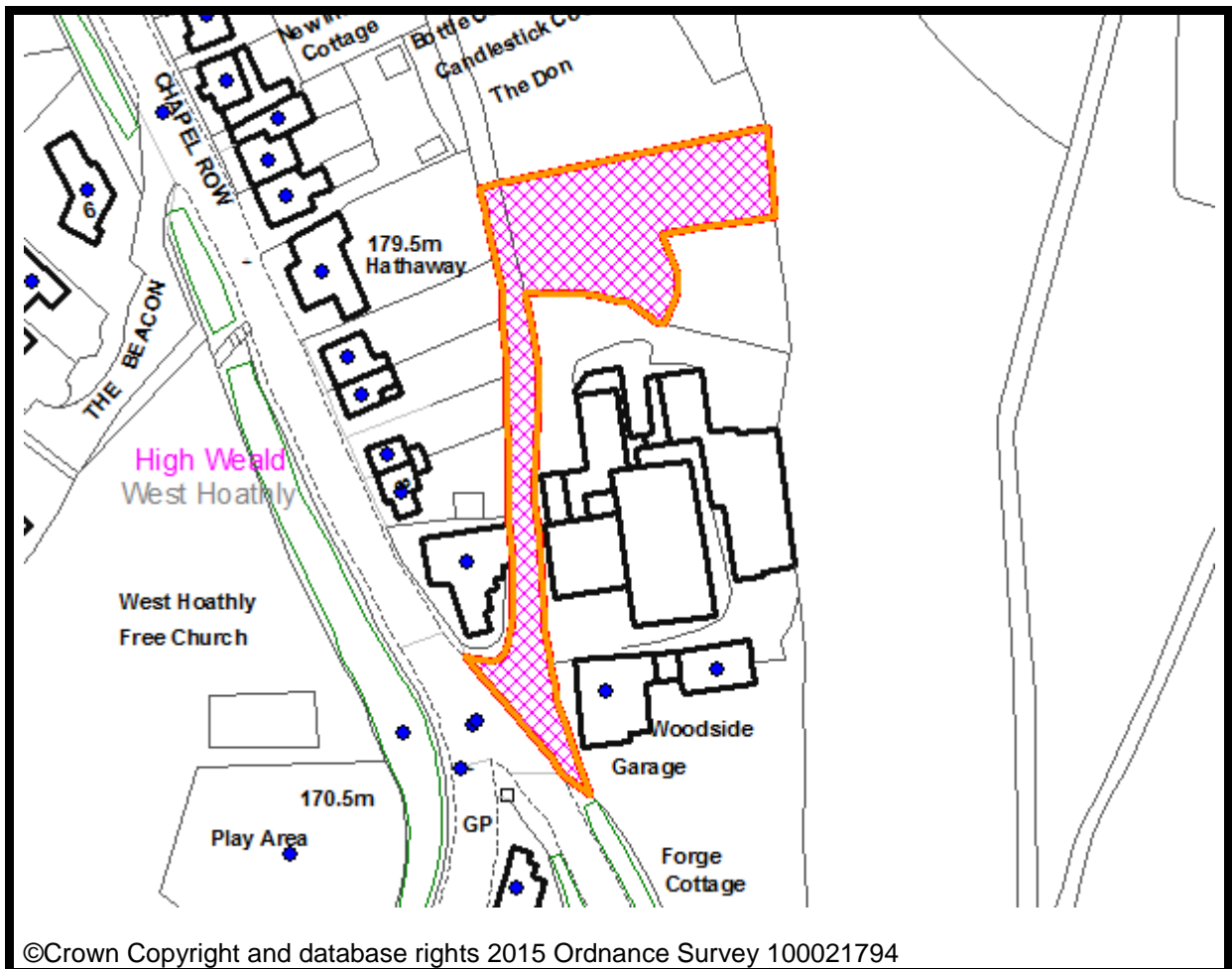
PLANNING COMMITTEE B

5 JUL 2018

PART II – RECOMMENDED FOR REFUSAL

West Hoathly

2. DM/18/1657



**WEST HOATHLY GARAGE WEST HOATHLY GARAGE SELSFIELD ROAD
WEST HOATHLY
PROPOSED THREE BEDROOM DWELLING AND GARAGE.
MR RUPERT DENE
GRID REF: EAST 536503 NORTH 132997**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Conservation Area / Countryside Area of Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 16th July 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

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 the erection of 1 no 3- bedroom dwelling and garage at land to the north of West Hoathly Garage, Selsfield Road, West Hoathly.

This application has been called into committee by Cllr Hersey and seconded by Cllr Stockwell due to the proposal being supported by the Parish Council.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in countryside, outside the built up area of West Hoathly, and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in DP15. The development is, however, contiguous with the built up area boundary and having regard to policy DP6 of the District Plan is acceptable in principle. This is not the end of the matter and the impacts of the development still

need to be considered. In this case the proposal would by virtue of its rearward position result in backland development out of keeping with the established pattern of development. Such a proposal would fail to preserve or enhance the character of the High Weald Area of Outstanding Natural Beauty.

Additionally, due to the position of the dwelling in a rearward position out of keeping with the established pattern of development, the proposal would fail to preserve the setting of the Conservation Area and result in less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this one dwelling would outweigh the harm to the designated heritage asset. The proposal thereby conflicts with Policy DP35 of the District Plan.

In addition, in the absence of any legal agreement being completed it is considered that the proposal does not mitigate the potential impacts of the development in respect of the Ashdown Forest SPA / SAC.

In accordance with the law whilst this breach of policy is the starting point for decision making the Council also must have regard to other material considerations. It is considered that there are no other material considerations, specific to this site that are relevant to this application.

Weighing in favour of the scheme is that the provision of 1 new dwelling 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 for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of highways and parking provision and the impact on nitrogen deposition on the Ashdown Forest.

The application is thereby considered to conflict with policies DP5, DP12, DP15, DP16, DP26 and DP35 of the District Plan 2014 - 2031, policy WHP9 of the West Hoathly Neighbourhood Plan and paragraphs 7, 14, 17, 49, 55, 56, 115, 134 and 196 of the NPPF.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

RECOMMENDATION

It is recommended that permission is refused for the reasons set out in appendix A.

SUMMARY OF REPRESENTATIONS

7 letters of SUPPORT of application in respect of the following points:

- The village needs more affordable housing.

- As another young professional I would hope to see more homes for working families in the village as property in the village is extremely expensive. Will provide suitable housing for local people and reduces the number of people having to leave the local neighbourhood as a direct consequence of there being a lack of affordable houses
- The property is on the edge of the village and is not affecting any other properties.
- The West Hoathly garage is one of the very few businesses which employs people in the village facilitating this business and enabling people to work in the village is extremely important to the village community and should be encouraged.

SUMMARY OF CONSULTATIONS

WSSC Highways

No objection subject to conditions.

MSDC Conservation Officer

Object. The proposal is detrimental to the setting of the West Hoathly Conservation Area and the manner in which its special interest is appreciated. This would be contrary to the requirements District Plan Policy DP35.

MSDC Tree Officer

Further information required.

MSDC Drainage Officer

No objection subject to conditions.

MSDC Contaminated Land Officer

No objection subject to conditions.

MSDC Street Name & Numbering Officer

Recommend Informative.

PARISH COUNCIL OBSERVATIONS

The Parish Council had no objections.

The PC was disappointed that the delegated officer's report on the first application omitted the planning history of the site including an approved application in 2008/09 for 14 dwellings on the site.

The creation of a 3-bedroomed property was in accordance with the West Hoathly Neighbourhood Plan and this application supports the retention of local business.

The District Plan is now in place and the inspector had confirmed development in Mid Sussex would not have a cumulative impact on the Ashdown Forest.

INTRODUCTION

This application seeks full planning permission for 1no 3- bedroom dwelling and garage at land to the north of West Hoathly Garage, Selsfield Road, West Hoathly.

RELEVANT PLANNING HISTORY

Permission was granted under 08/02513/FUL for the demolition of the existing garage, the extension and conversion of the existing house into four flats and the erection of nine new dwellings and a new vehicular access at West Hoathly Garage. Part of the development extended into the application site of this current application but did not include the whole of the site now under consideration.

Planning permission was refused on the 28th March 2018 under reference DM/18/0310 on land to the north of the garage (north of this site) for 1no 3- bedroom dwelling and garage. This was refused for the following reasons:

1. The application site lies within a Countryside Area of Development Restraint outside any defined built up area of West Hoathly. The proposal due to its rearward positioning would result in backland development set away from the established pattern of linear development which fronts onto Selsfield Road. Such a development would result in development out of keeping with the locality which fails to preserve and enhance the character of the countryside and the High Weald Area of Outstanding Natural Beauty. The proposal thereby conflicts with policies C1 and C4 of the Mid Sussex Local Plan, policies DP10, DP12 and DP14 of the emerging District Plan, and paragraphs 7, 17, 115 and 196 of the NPPF.
2. The proposal is detrimental to (causes harm to) the setting of the West Hoathly Conservation Area. The formation of one dwelling in this location will fail to preserve the setting of this heritage asset and will constitute less than substantial harm as a result. The application therefore conflicts with Policy B15 of the Mid Sussex Local Plan, Policy DP33 of the emerging District Plan and Policy WHP9 of the West Hoathly Neighbourhood Plan. Whilst the provision of one new unit is acknowledged, the public benefit of this does not outweigh the less than substantial harm to the heritage asset that has been identified so, in accordance with para 134 of the NPPF, planning permission should be refused.
3. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy DP15 of the Mid Sussex District Plan, Policy CDNP11 of the Neighbourhood Plan, and paragraph 118 of the National Planning Policy Framework.

SITE AND ITS SURROUNDINGS

The land to which the dwelling is to be sited is set to the north of the existing garage and accessed by a single track lane off Selsfield Road. This land is fenced along the lane and has a number of trees within the site. The land falls away to the north east and provides extensive views along the valley. Part of the land subject of this application is used for the storage / parking of vehicles in association with the garage.

The site is set directly adjacent to the built up area boundary of West Hoathly which directly lies on the southern and western boundaries of the site. There is linear residential development along Selsfield Road to the west with their rear gardens closest to the application site.

The site is adjacent to the West Hoathly Conservation Area which lies to the west of the lane.

In terms of planning policy the site falls within the countryside and the High Weald Area of Outstanding Natural Beauty as defined by the District and Neighbourhood Plan.

APPLICATION DETAILS

The dwelling is to be accessed from the existing single track to the north of the commercial garage with a vehicular entrance / driveway created from the track. The proposal is to be sited on land to the side of the garage partly used for the storage of vehicles with the site also undeveloped on with trees and vegetation.

The application has been amended from the recently refused scheme DM/18/0310 by being moved 6metres to the south set closer towards the garage. There will be a separation of some 15.5 metres between the side of the proposed dwelling and the end elevation of West Hoathly Garage.

The dwelling would be set within the site and measure some 9.6 metres in width, 6.9 metres in depth. To the front the dwelling would have an eaves height of some 4.4 metres and an overall ridge height of some 7.7 metres, and an eaves height of some 5.3 metres, and a ridge height of some 8.6 metres measured from the rear. Due to the sloping nature of the site, the rear would be raised and there would be raised decking to the rear of the property set some 1 metre off the ground level. To the southern side of the dwelling would be an attached single garage set back from the front of the dwelling. The garage is to measure some 3.7 metres in width, 6.2 metres in depth, with an eaves height of some 2.3 metres and an overall ridge height of some 5.2 metres (measured from the front) and an eaves height of some 2.95 metres and an overall ridge height of some 6.9 metres measured from the rear.

The dwelling would provide a kitchen/breakfast room, utility, living room and toilet at ground floor with 2 double bedrooms (one en-suite) a single bedroom and a family bathroom at first floor.

The supporting statement submitted with the application sets out the dwelling would be constructed and occupied for a family member of the owners and would provide a unit of sustainable housing.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

Relevant policies include:

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
DP21: Transport
DP26: Character and Design
DP27: Dwelling Space Standards
DP35: Conservation Areas
DP34: Trees, Woodland and Hedgerows

Neighbourhood Plan

The Neighbourhood Plan for West Hoathly was 'made' on the 16th April 2015. It is a material consideration in the determination of planning applications with full weight.

Relevant policy:

WHP9 Conservation Areas

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'.

National Policy

National Planning Policy Framework (NPPF)

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 underpins 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.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development:
- the impact to the character of the area and the High Weald Area of Outstanding Natural Beauty;
- the impact on the setting of the Conservation Area
- the impact to the amenities of surrounding occupiers,
- access and parking,
- sustainability; and
- 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) 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."

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 Mid Sussex consists of the adopted District Plan and the West Hoathly Neighbourhood Plan.

The District Plan 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 District Plan relates to new homes in the countryside and allows for development. It states:

"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 District Plan 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 application site is located in countryside for which no special justification (as defined in Policy DP15) for this unit exists. Therefore the proposal is considered contrary to policies DP12 and DP15 of the District Plan.

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates West Hoathly as a Category 3 Settlement. It states:

"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."*

It is considered that DP6 is applicable as the site adjoins the settlement edge to the south by the garage, and to the west. As such the principle of housing in this location is considered to comply with DP6 of the District Plan.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

Impact to the character of the area and the High Weald Area of Outstanding Natural Beauty

One of the core planning principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."* It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the amenity of West Hoathly.

Whilst the site is considered to be contiguous with the development boundary of West Hoathly and complies with Policy DP6 of the District Plan, due to its rearward positioning the development would result in backland sporadic development away from the established pattern of linear development which fronts onto Selsfield Road. This would result in the development being of a different character to the existing linear nature of and would result in development out of keeping with the locality. Whilst the house would be seen in context with the garage and parking area which is a long established site, it is considered that the impact of this new dwelling would not be in keeping with the locality through the additional built form and encroachment further northwards into the site forming a domesticated nature.

The site is situated within the High Weald Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF states that *"Great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty"*. For the reasons set out above, it is considered that the proposal would not relate well to other properties due to it forming backland development within a woodland setting. As such, the proposal would result in an adverse impact to the surrounding landscape. It is thereby considered that the proposal would not conserve the landscape and scenic beauty and would result in an inappropriate form of development to this part of the Area of Outstanding Natural Beauty.

The proposal thereby conflicts with policies DP12 and DP16 of the District Plan, as well as para's 7, 14, 17 and 115 of the NPPF.

Impact to setting of West Hoathly Conservation Area

The boundary of the West Hoathly Conservation Area runs along the western edge of the site on the adjacent side of the existing narrow access track. The site is therefore considered to be within its setting.

Policy DP35 of the District Plan is relevant. This relates to Conservation Areas and their settings. It requires developments in a conservation area to conserve or enhance its special character, appearance. In addition it states *"Development will also protect the setting of the conservation area and in particular views into and out of the area"*.

The application site is an undeveloped piece of land to the north of West Hoathly Garage and on the edge of a tract of woodland which stretches away to the north and east, dropping steeply to the east towards a valley bottom. The land is on the

edge of West Hoathly village, with the houses and cottages along Chapel Row just to the west marking the edge of the village development, as well as the boundary of the Conservation Area.

Paragraphs 131 -134 of the NPPF are relevant and state that:

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site, and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Council's Conservation Officer has commented on the proposal and considers that:

"Notwithstanding the revised siting of the proposed new house and garage, in my opinion the proposal remains contentious for the reasons set out in relation to the previous scheme, namely that the development would be not in accordance with the established grain of this part of the Conservation Area and its setting and would detract from it, and that the proposal would domesticate this part of the woodland setting of the Conservation Area, and would detract from the existing rurality of views from the rear of properties along Chapel Row, as well as the adjoining trackway/public footpath. This would weaken the link between the Conservation Area and the surrounding countryside, and hence the manner in which its special interest is appreciated.

I therefore consider that the proposal is detrimental to the setting of the West Hoathly Conservation Area and the manner in which its special interest is appreciated. This would be contrary to the requirements District Plan Policy DP35. In terms of the NPPF I would consider the harm caused to the special interest of the Conservation Area to be less than substantial, such that the criteria set out in paragraph 134 of that document would apply."

In this instance, whilst the development would result in one additional dwelling contiguous with the development boundary, it is not considered that this would be of a significant public benefit which would outweigh the harm to the impact to the setting of the Conservation Area. The proposal thereby conflicts with policy DP35 of the District Plan, policy WHP9 of the Neighbourhood Plan and para 134 of the NPPF.

Neighbouring Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *"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"*.

Due to the position of the dwelling set some distance from the rear of properties on Selsfield Road, the proposal will not result in significant detriment to the amenities of surrounding occupiers through overlooking, a loss of privacy or an overbearing impact.

The proposal is thereby considered to comply with policy DP24 of the District Plan.

Access and Parking

Paragraph 32 of the NPPF is relevant in respect of transport matters and states that:

" 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."*

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

The proposal is to utilise the existing access onto Selsfield Road which the garage and other dwellings use. In addition there is to be a new access off the single track lane into the site with off road parking to the front of the dwelling and an attached single garage to serve the development.

The Highways Authority has considered the application and raises no objection to the principle of the development. They consider that the *"proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."*

Consequently the application is deemed to comply with policy DP21 of the District Plan.

Sustainability

Paragraph 93 of the NPPF states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

"In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

Policy DP26 of the District Plan requires developments to *"positively addresses sustainability considerations in the layout and the building design"*. In addition Policy DP39 of the District Plan relates to Sustainable Design and Construction. It states

"All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate" a variety of measures in to the development.

A Sustainability Statement has been submitted with the application. This states that the dwelling would be constructed with high levels of insulation to meet current Building regulations with a minimum of 75% low energy efficient lamps fitted in the dwelling. The dwelling would seek to produce less than 110 litres of water per person per day to minimise water consumption. In addition, materials for the construction of the dwelling will be sourced from local trade suppliers where possible.

West Hoathly is defined as a category 3 settlement as set out in Policy DP6 of the emerging District Plan. This characteristics of a category 3 settlement is defined as *"Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements."*

The site is a short walk from bus stops providing access to both East Grinstead and Crawley and within walking distance of the village of West Hoathly where there is a limited range of local amenities in the village.

Therefore, it is considered that the proposal complies with policies DP21 and DP39 of the District Plan and is considered to be acceptable in sustainability terms.

Impact to trees

An Arboricultural Impact Assessment has been submitted with the application. This concludes that the proposed build is achievable with minor effects to the surrounding trees, and that if trees T1, T2, T3 and T4 are all to be retained there will need to be tree protection measures around the base of the trees and to the canopies of the trees.

In addition an Arboricultural Method Statement has been submitted with the application. This states that a number of trees will have some encroachment on their Root Protection Areas and that two trees would have their canopies affected by the building process. However, it is submitted that preliminary tree surgery work will be required to reduce the size of the tree canopies, as the plan is to retain these trees on the site.

The site is not subject to any tree preservation orders and the site is not classed as Ancient Woodland. However, the vegetation adds to the semi-rural nature of the site and the transition from the built up area boundary to the west into the wider countryside.

The retention of trees on this site these cannot be ensured. In respect of future pressure to these trees, anyone buying the property would be aware of the proximity to the trees on the site. Whilst there will be some impact to the trees within the site, in the planning balance it is not considered that there would be significant harm to justify a refusal on the impact to these trees.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 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. Policy DP27 of the District Plan supports this.

The unit exceeds the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the unit proposed.

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.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £2,628 and if the approved scheme provides for a strategic SANG contribution, this would be £1,691.

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 strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

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. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions. 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.

Whilst the applicants have agreed that they would be prepared to make a financial contribution towards the SAMM and SANG Strategies, on the basis that officers are not intending to support the application on other grounds, the mitigation cannot be secured. On this basis a reason for refusal based on harm to the Ashdown Forest is required. In the event of an appeal, the local planning authority would withdraw this reason for refusal once an appropriate legal agreement has been secured.

The proposal therefore conflicts with the Conservation of Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014 -2031, and paragraph 118 of the National Planning Policy Framework.

Other matters

The Parish Council consider that the proposal is in accordance with the West Hoathly Neighbourhood Plan and this application supports the retention of local business.

In their comments submitted for the recently refused scheme set slightly to the north of the application site they considered that the proposal accords with policy WHP7 of the Neighbourhood Plan. This policy relates to infill housing within the development boundaries of West Hoathly parish. However, the site falls outside of the development boundary and therefore this policy is not considered relevant in the determination of this application.

In addition, the application is submitted that it is for one of the owners of the adjoining West Hoathly Garage which is a long established family business. Whilst this is noted, it is not considered reasonable that a condition could be placed on an approval to restrict the occupancy of the dwelling to the owner of the garage. There are no special circumstances required for the owner to be living at the site and one of the other owners of the garage live at Woodside adjacent to the business.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in countryside, outside the built up area of West Hoathly, and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in DP15. The development is, however, contiguous with the built up area boundary and having regard to policy DP6 of the District Plan is acceptable in principle. This is not the end of the matter and the impacts of the development still need to be considered. In this case the proposal would by virtue of its rearward position result in backland development out of keeping with the established pattern of development. Such a proposal would fail to preserve or enhance the character of the High Weald Area of Outstanding Natural Beauty.

In addition, due to the position of the dwelling, the proposal would fail to preserve the setting of the Conservation Area and result in less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this one dwelling would outweigh the harm to the designated heritage asset.

In the absence of any legal agreement being completed it is considered that the proposal does not mitigate the potential impacts of the development in respect of the Ashdown Forest SPA / SAC.

The application is thereby considered to conflict with policies DP12, DP15, DP16 DP17, and DP35 of the District Plan, policy WHP7 and WHP9 of the Neighbourhood Plan and paragraphs 7, 14, 17, 49, 55, 56, 115, 118, 134 and 196 of the NPPF.

These factors weigh heavily against the proposal.

On the positive side the provision of 1 new dwelling 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 for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of highways and parking provision and the impact on nitrogen deposition on the Ashdown Forest.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

APPENDIX A – REASONS FOR REFUSAL

1. The application site lies within a Countryside Area of Development Restraint outside any defined built up area of West Hoathly. The proposal due to its rearward positioning would result in backland development set away from the established pattern of linear development which fronts onto Selsfield Road. Such a development would result in development out of keeping with the locality which fails to preserve and enhance the character of the countryside and the High Weald Area of Outstanding Natural Beauty. The proposal thereby conflicts with policies DP12, DP15 and DP16 of the Mid Sussex District Plan 2014-2031, and paragraphs 7, 17, 115 and 196 of the NPPF
2. The proposal is detrimental to (causes harm to) the setting of the West Hoathly Conservation Area. The formation of one dwelling in this location will fail to preserve the setting of this heritage asset and will constitute less than substantial harm as a result. The application therefore conflicts with Policy DP35 of the Mid Sussex District Plan 2014-2031 and Policy WHP9 of the West Hoathly Neighbourhood Plan. Whilst the provision of one new unit is acknowledged, the public benefit of this does not outweigh the less than substantial harm to the heritage asset that has been identified so, in accordance with para 134 of the NPPF, planning permission should be refused.

3. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031 and paragraph 118 of the National Planning Policy Framework.

INFORMATIVES

1. 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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	200517-03		23.04.2018
Proposed Floor and Elevations Plan	200517-03	A	23.04.2018

APPENDIX B – CONSULTATIONS

West Hoathly Parish Council

The Parish Council had no objections.

The PC was disappointed that the delegated officer's report on the first application omitted the planning history of the site including an approved application in 2008/09 for 14 dwellings on the site.

The creation of a 3-bedroomed property was in accordance with the West Hoathly Neighbourhood Plan and this application supports the retention of local business. The District Plan is now in place and the inspector had confirmed development in Mid Sussex would not have a cumulative impact on the Ashdown Forest.

WSSC Highways

Summary

This proposal is for the erection of a three bedroom dwelling and garage on vacant land to the rear of an existing commercial garage. The site is located on a private lane which currently provides vehicular access to the rear of approximately two other dwellings.

West Sussex County Council in its capacity as Local Highway Authority (LHA) was consulted on a previous application for this site under ref: DM/18/0310 for a three-bedroom dwelling and garage which was subsequently refused by the LPA. The LHA did not raise any highway safety concerns for the previous application but did advise enlarging of the garage, widening of the access onto the Public Right of Way (PROW) and provision of a turning area on site.

Public Rights of Way

The access to the proposed dwelling is maintained as Public Footpath number 5WH. The following should be noted with regard to the PROW:

The situation sometimes arises where for e.g. a PROW runs along a track leading to a site to be developed. In this situation, it is conceivable that the PROW will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from his exercise of private access rights.

Any down pipes or soakaways associated with the development should discharge into an existing drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of West Sussex County Council's Rights of Way team.

Access and visibility

The proposed dwelling would require a new access onto the private lane and would access the publically maintained highway at Selsfield Road utilising the existing junction which provides access to the commercial garage and rear access to two dwellings. Selsfield Road is subject to a speed limit of 30mph in this location.

An inspection of WSCC and local mapping indicated that visibility at the junction onto Selsfield Road was restricted to the North. An inspection of data supplied to WSCC by Sussex Police over a period of the last ten years revealed that there have been four recorded injury accidents in the vicinity however only two involved vehicular movements utilising the private access subject to this application.

As part of the previous application, the LHA conducted a site visit on 6th March to assess the visibility at this junction and it is appreciated that vehicular visibility at this junction is substandard. However consideration has to be given that this is an existing junction which currently serves a garage. Such a use produces significantly more vehicle movements per day. The LHA anticipates that the addition of a single dwelling would not cause a 'severe' intensification in the use of the junction.

The proposal demonstrates that the driveway will be constructed from hardbound material which is preferable to loose material such as gravel which may cause spillage onto the PROW.

Parking and turning

The design and access statement proposes provision of parking for two cars. The WSCC car parking demand calculator anticipates that this is sufficient for a dwelling of this size and location. A garage will be provided on site; the plans show that the internal dimensions of the garage meet the minimum internal dimensions of 3 x 6m as set out in Manual for Streets (MfS).

The location of the proposed parking space has not been demonstrated on the plan, however the proposed hardstanding area appears to provide sufficient parking space for one vehicle and there also appears to be sufficient space for a turn on site to be achieved.

Sustainability

The site is a short walk from bus stops providing access to both East Grinstead and Crawley and within walking distance of the village of West Hoathly. However, due to a limited range of local amenities in the village, the LHA anticipates that a dwelling in this location will have reliance upon the private car due to the majority of amenities such as supermarkets, petrol stations and train stations being located in surrounding towns and villages. Cycling is a viable option for the experienced cyclist.

Conclusion

The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be secured:

Conditions

Car parking space

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

Cycle parking (details required)

No part of the development shall be first 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.

Informative

The applicant is advised to contact the proprietor of the private road to obtain formal approval to carry out the site access works on the private road.

MSDC Conservation Officer

Please find below comments on this application. Please read these in conjunction with my earlier comments dated 23rd March 2018 relating to a similar development on the same site.

The current proposal represents a revision of a scheme seen previously under DM/18/0310 for a detached three bedroom house with attached garage on land to the north of West Hoathly garage. The current scheme shows the building sited slightly further south than the previous proposal, so that it sits closer to the existing garage buildings.

Notwithstanding the revised siting of the proposed new house and garage, in my opinion the proposal remains contentious for the reasons set out in relation to the previous scheme, namely that the development would be not in accordance with the established grain of this part of the Conservation Area and its setting and would detract from it, and that the proposal would domesticate this part of the woodland setting of the Conservation Area, and would detract from the existing rurality of views from the rear of properties along Chapel Row, as well as the adjoining trackway/public footpath. This would weaken the link between the Conservation Area and the surrounding countryside, and hence the manner in which its special interest is appreciated.

I therefore consider that the proposal is detrimental to the setting of the West Hoathly Conservation Area and the manner in which its special interest is appreciated. This would be contrary to the requirements District Plan Policy DP35. In terms of the NPPF I would consider the harm caused to the special interest of the Conservation Area to be less than substantial, such that the criteria set out in paragraph 134 of that document would apply.

Original comments of 23rd March in relation to DM/18/0310

The application site is an undeveloped piece of land to the rear (north) of West Hoathly Garage and on the edge of a tract of woodland which stretches away to the north and east, dropping steeply to the east towards a valley bottom. The land is on the edge of West Hoathly village, with the houses and cottages along Chapel Row just to the west marking the edge of the village development, as well as the boundary of the Conservation Area.

The outlook to the rear of the buildings along Chapel Row has a semi-rural character, due to the proximity of the substantial area of woodland noted above, and a strong sense of connection with the surrounding countryside. This character is also appreciable from the public footpath which runs along the track skirting the rear gardens of the houses, which is just within the Conservation Area boundary, and from which extensive views through and across the adjoining woodland can be enjoyed. This reinforces the special character of the Conservation Area as being at

the heart of a rural Sussex village which has developed over many centuries, in close relationship with its landscape setting.

The current proposal is for the erection of a detached three bedroom house with attached garage, with associated access and landscaping. The principal of development in this location is considered contentious in terms of the impact on the setting of the West Hoathly Conservation Area.

Firstly, development in this position would be contrary to the established pattern and grain of development of this part of the Conservation Area, which is of houses facing directly onto Chapel Row, with open countryside behind. The track running along the rear of these properties constitutes a very clear boundary to the edge of the settlement. The current proposal sitting behind the houses and beyond the track would constitute a 'backland' development which would not be in accordance with the established grain of this part of the Conservation Area and would detract from it.

Secondly, the proposed development would domesticate this part of the woodland setting of the Conservation Area, and would detract from the existing rurality of the views from the rear of properties on Chapel Row, as well as the adjoining trackway. This would weaken the link between the Conservation Area and the surrounding countryside, and hence the manner in which its special interest is appreciated.

I therefore consider that the proposal is detrimental to the setting of the West Hoathly Conservation Area and the manner in which its special interest is appreciated. This would be contrary to the requirements of Local Plan Policies B12 and B15 and emerging District Plan Policy DP33. In terms of the NPPF I would consider the harm caused to the special interest of the Conservation Area to be less than substantial, such that the criteria set out in paragraph 134 of that document would apply.

MSDC Tree Officer

The tree constraints and protection plan submitted still has no definite recommendations.

I cannot access the planned protection measures etc. until I know which trees are to be retained.

Original

There are still a couple of issues with the AIA AMS reports.

Ground protection is planned for the driveway but this is not displayed on the site plan. What is the extent of the ground protection?

Are T1-T3 & T4 to be retained or felled?

MSDC Drainage Officer

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 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 manage surface water drainage through the use of a soakaway.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water drainage to the mains sewer.

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.

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.

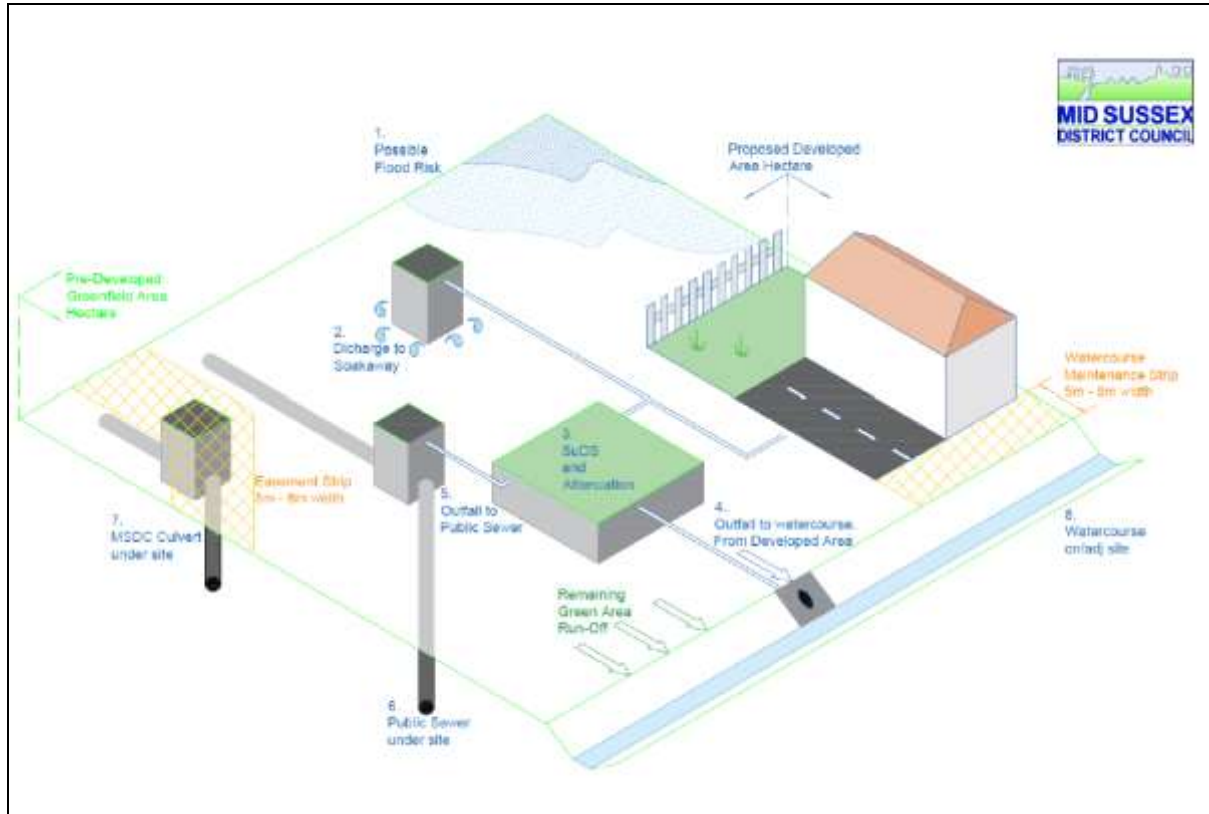
MSDC Culvert Under or Adjacent to Site:

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.



MSDC Contaminated Land Officer

The application looks to construct a three bedroom dwelling on a site that has been used a garage since circa 1955.

Given the previous use of the site, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

- 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; and unless otherwise agreed in writing by the LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

- c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.
- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
 - a) Description of remedial scheme
 - b) as built drawings of the implemented scheme
 - c) photographs of the remediation works in progress
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

- 3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Street Name & Numbering Officer

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

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.