

21 August 2018.

Dear Councillor,

A meeting of **PLANNING COMMITTEE B** will be held in the **Council Chamber** at these offices on **THURSDAY, 30 AUGUST 2018 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive.

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4
– Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 5 July 2018. **Document A (attached)**
5. To consider the report of the Divisional Leader for Planning and Economy upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee B:** Councillors; Coote, Hatton, C. Hersey, Holden, MacNaughton, Mockford, Moore, Salisbury, Watts Williams, Whittaker.

**Minutes of a meeting of Planning Committee B held on
5 July 2018 from 7:00 p.m. to 7:41 p.m.**

Present: Chris Hersey (Chairman)
Anthony Watts Williams (Vice-Chairman)

Phillip Coote
Sue Hatton*
Colin Holden

Andrew MacNaughton
Norman Mockford*
Pru Moore

Robert Salisbury*
Rex Whittaker

* Absent

1. SUBSTITUTES

Councillor Margaret Hersey substituted for Councillor Salisbury.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Salisbury, Councillor Mockford and Councillor Hatton.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The minutes of the meeting of the Committee held on 7 June 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/1012 - The Orchards Public Toilets, St Josephs Way, Haywards Heath, West Sussex, RH16 3QY

The Chairman noted that the application is before the Committee as it concerns Council owned land.

Andrew Horrell, Trainee Planning Officer introduced the application 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 toilet cubicles. He noted that in order provide for the larger Changing Places facility, the unisex toilets proposed would ensure that there were equal facilities for everyone in the space provided, similar to the toilets currently at St John's Park, Burgess Hill.

A number of Members expressed disappointment that consideration had not been given to completely rebuilding the block; as such an extensive refurbishment is needed. Privacy issues were also discussed. Some Members felt that although unisex toilets are often provided, people usually also have the option of a separate male or female toilet as well. It was therefore a missed opportunity to rebuild a larger block that could accommodate everyone.

Nick Rogers, Business Unit Leader for Development Management noted the Members dissatisfaction with the current design but advised that there were no planning reasons to refuse the application. He proposed that should the application be approved, a note could be sent to the Estates and Facilities team to advise of the committee's dissatisfaction with the refurbishment scheme and suggest they look to demolishing the existing building and design a new block.

Councillor Coote moved that the application be approved on the basis of the additional informative. This was seconded by Councillor Holden and approved unanimously.

RESOLVED

That planning permission be approved subject to the conditions outlined at Appendix A and an additional note to the Estates and Facilities team to propose demolition and redesign.

West Hoathly Garage, West Hoathly Garage, Selsfield Road, West Hoathly, East Grinstead, RH19 4QL

Joanne Fisher, Senior Planning Officer introduced the application for a proposed three bedroom dwelling and garage. She drew Members attention to the Agenda Update Sheet regarding additional comments from the Tree Officer. The site lies in the countryside, outside the built up area of West Hoathly and by virtue of its backland position would fail to preserve or enhance the character of the High Weald Area of Outstanding Natural Beauty. It is also in contradiction to policies DP12, 15,16,17 and 35 of the District Plan, policy WHP9 of the Neighbourhood Plan and the provision of the NPPF. She noted that in March 2018 an application for a single dwelling was refused, and the only change to the new application is the site of the building, 6m closer to the Garage from where it was previously proposed and so it is the Officers recommendation that the application be refused.

Parish Councillor Ken Allfree spoke on behalf of West Hoathly Parish Council in favour of the application, as the Parish Council welcomes proposals for two and three bedroom properties as there is a need for them in the area. Rupert Denne also spoke in support as the Director of West Hoathly Garage, noting that the house would go towards ensuring the business continuity of the garage and provide additional security having someone live on that part of the site.

Two Members discussed the positive benefits of the application, noting that it was of good design, in a sustainable location adjacent to the conservation area and is supported by the Parish Council who have specific knowledge and appreciation of their local area. They felt that it would provide appropriate security and would support an established local business.

A number of Members expressed sympathy with the applicant but noted that it contravenes a number of policies and as a sizable building, it does not sit well on the site. Should the application be approved despite being contrary to so many policies of a recently adopted District Plan, it was felt this would send out a catastrophic message that future applicants can disregard the District Plan.

A Member noted that although the Parish supported the application, it was unfortunate that they did not include the site in the Neighbourhood Plan, which would have allowed for further consideration.

The Chairman confirmed that he had called in the application, in order for the Parish Council to express their opinion to the Committee. However, he noted that the new application only differs to the previously refused application by the 6m location of the house, and therefore the original reasons for refusal on conservation issues still stand. This was reinforced by the Business Unit Leader for Development Management who confirmed that it was a question of consistency of decision making for the Council.

Councillor Moore moved that the application be refused, which was seconded by Councillor MacNaughton. This was agreed, with 5 Members in favour of refusal, and 3 against.

RESOLVED

That permission is refused for the reasons set out in appendix A.

6. URGENT BUSINESS.

None.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

Meeting closed at 7:41

Chairman.

MID SUSSEX DISTRICT COUNCIL**PLANNING COMMITTEE B****30 AUG 2018****INDEX TO ITEMS REPORTED****PART I – RECOMMENDED FOR APPROVAL**

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ITEM	REFERENCE	LOCATION	PAGE
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MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE B

30 AUG 2018

PART I – RECOMMENDED FOR APPROVAL

Twineham

1. DM/18/0213



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**MICHAELMAS COTTAGE BOLNEY CHAPEL ROAD TWINEHAM
HAYWARDS HEATH
CONVERSION AND EXTENSIONS TO REAR ANNEXE INTO AN
INDEPENDENT TWO BEDROOM DWELLING (AMENDED PLANS AND
STATEMENT RECEIVED 13 JULY 3018)
MR AND MRS A EVANS
GRID REF: EAST 525506 NORTH 120600**

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

ODPM CODE: Minor Dwellings

8 WEEK DATE: 3rd September 2018

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: 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 conversion and extensions to rear annexe into an independent two bedroom dwelling at Michaelmas Cottage Bolney Chapel Road Twineham Haywards Heath West Sussex.

This application has been referred to committee because the applicant's son is a member of staff within the Council's Planning and Economy Division.

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 proposal is contrary to Policy DP15 of the Mid Sussex District Plan, given that a new dwelling is proposed in the countryside and there are no special circumstances. Occupiers would be likely to be heavily reliant on the private car; however this is the case throughout the Twineham parish area. 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.

There are a number of factors weighing in favour of the application. The proposal would not conflict with the central aim of Policy DP12 as concerns countryside protection and would comply with the requirements of Policy TNP1 of the Twineham

Neighbourhood Plan. In particular, the site is considered to be an "appropriate location" within the meaning of Policy TNP1 and would provide a small detached dwelling in compliance with the aspiration of this Plan. In addition the design, impact on the character of the area and impact on trees is compliant with Policies DP26, DP37, TNP2 and TNP4. The impact on existing and future occupier amenity is also deemed acceptable.

The provision of 1 dwelling 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 only limited. The dwelling would also be likely to contribute to the sustainability of existing services within the Parish located a short distance to the south.

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

Whilst the proposal in part conflicts with the most recently adopted development plan, the District Plan, it also complies with other requirements of the District Plan and the Neighbourhood Plan. It is considered that the planning balance favours approval on an overall assessment, on the basis that the proposal complies with the central aim of policy DP12, together with DP17, DP21, DP26, DP27, DP37 and DP41 of the Mid Sussex District Plan, Policies TNP1, TNP2 and TNP4 of the Twineham Neighbourhood Plan and the overarching aims and objectives of the revised National Planning Policy Framework.

RECOMMENDATION

It is recommended that planning permission be granted subject to the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

3 letters of objection to original plans, 2 letters of objection to amended plans, raising the following points:

- Principle of development contrary to District and Neighbourhood Plans
- Out of character with ribbon development
- Overdevelopment
- Harm to neighbouring amenity through noise, disturbance, loss of sunlight, loss of outlook and loss of privacy
- Change of use of part of paddock to rear of oak trees to domestic curtilage could set precedent for incursions into countryside
- Operation of business from new dwelling could lead to significant increase in traffic and activity
- Preference for building to remain for annexe use to existing dwelling only
- Threat to oak trees

- Concern over damage from construction vehicles

Additional points raised which have been addressed by amended plans:

- Entrance porch and front car parking area would result in loss of privacy

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection subject to conditions.

MSDC Tree Officer

To be reported.

MSDC Drainage Officer

No objection subject to condition.

MSDC Street Name & Numbering Officer

Recommend Informative.

PARISH COUNCIL OBSERVATIONS

It is noted by Twineham Parish Council that the proposed development has taken on board some of the comments made at an earlier stage, however Council still object to the application on the following grounds:

- The proposed dwelling is to be independent of the existing cottage, whereas the existing garage is an integral part of the existing use of Michaelmas cottage. The proposal to create a second independent dwelling is viewed as overdevelopment of the site being both excessive in scale and incompatible with the design of existing buildings.
- It is believed that the boundary now shown as being within the curtilage of the existing dwelling encompasses a large area of paddock which was previously agricultural land. Council have not seen an application for change of use and this is therefore in direct contradiction to policy DP12 of the Mid Sussex District Plan.
- The planning status of the existing garage building is unclear, as far as Council are aware it is still a garage and not a domestic dwelling. As such this is both an application for change of use and extension.
- Parking is now to be provided for both properties via the rear access, is there sufficient room for the existing cottage parking spaces to turn round and leave in a forward direction, if cars are occupying all the other spaces. Council believes that parking and safe access onto the highway by all vehicles including the regular use by equestrian transport will be prejudicial to highways safety.

- Council note the proposal includes flat packed materials and suggests confirmation must be received that safe access to deliver these items to the site whilst protecting the existing mature oak trees and hedgerows must be obtained prior to any decision being given.
- The proposed scale of the application will have an adverse impact on neighbouring properties causing loss of natural daylight, privacy and create both noise and pollution problems for these properties.
- A section of the boundary hedge and trees are marked on the plan for removal and replacement with a boarded fence, this can only be achieved with the consent of the neighbouring property.

Twineham Parish Council believes that the application is in direct conflict with policies TNP1, TNP1.1 and TNP 2 of the Twineham Neighbourhood Plan and policy DP12 of the Mid Sussex District Plan and therefore permission should be refused.

Were planning to be granted conditions must be imposed to ensure the new dwelling remains within the same footprint/building line as the existing dwelling/garage and in the same ownership as an annex ancillary to Michaelmas Cottage and not an independent dwelling that would be subject to further permitted development rights.

INTRODUCTION

Planning permission is sought for conversion and extensions to rear annexe into an independent two bedroom dwelling at Michaelmas Cottage Bolney Chapel Road Twineham Haywards Heath West Sussex.

RELEVANT PLANNING HISTORY

DM/16/3615 Conversion of existing outbuilding to form additional living area for existing dwelling. - WITHDRAWN
 F/73/78 Double garage - PERMITTED
 TW/012/74 Front porch - PERMITTED

SITE AND ITS SURROUNDINGS

The application site is formed by a garage / annexe building and stable block used ancillary to Michaelmas Cottage, a mid-terrace two storey dwelling adjoining to the west within the same ownership. The site is accessed by a short track leading east off Bolney Chapel Road, situated between neighbouring dwellings no. 3 New Cottages and Caravelle. The existing garage / annexe is only discreetly visible from the streetscene through a break in the frontage hedge of no. 3.

The garage / annexe currently comprises a kitchen, toilet, store, living area and conservatory at ground floor and a bedroom within the roof space. The building has facing brickwork walls and a plain tile roof. The cottage has the same materials. There are areas of hardstanding around the north, west and south sides of the building.

A 2 metre height close boarded fence has recently been erected on the western boundary with no. 3 New Cottages. The southern boundary to Caravelle is formed by a mixture of trees, hedging and close boarded fencing. The northern boundary to the rear garden of Wits End Cottage is formed by a post and wire fence, suited beyond the stable building.

There is a line of oak trees to the east of the building. A strip of paddock land beyond the eastern boundary is within the applicant's ownership. The eastern boundary is not currently enclosed from this agricultural land. Further beyond to the east is a large field.

Ground levels are generally level across the site and to those adjoining properties.

The site is within the countryside as designated by the development plan. Whilst the subject building does not have a road frontage, the extent of the application site is consistent with the coverage of a run of properties along the east side of Bolney Chapel Road.

APPLICATION DETAILS

The proposal has been amended from the original submission such to seek to address concerns raised through the initial publicity period. The amended application has been through a further publicity period.

Proposed plans show the removal of the conservatory extension to the annexe / garage building and the erection of south and east side extensions, such to form a two bedroom dwelling independent of the existing cottage. The building would be of single storey eaves height throughout, however the main east-west section provides for the bedrooms at first floor within the roof space.

The existing west facing garage door, west facing first floor window and north facing single door are to be blocked up. Two windows would be installed to the existing north elevation and three high level Velux windows within the existing northern roof slope.

The southern extension measures 6.2 metres square and is partly built over the footprint of the existing conservatory. It would have a shallow pitched gabled roof, with a 4.1 metre ridge height. In addition there would be a gabled, open entrance porch projecting off the southern elevation, measuring 3.8 metres width by 1.5 metre depth by 3.3 metres height. Sliding patio doors are situated within the east facing elevation.

The eastern extension also measures 6.2 metres square and maintains the existing eaves and ridge heights. There is chimney on the southern elevation which extends up to the building's apex. There are two further Velux windows and a window within the north elevation and two sets of double doors and a juliet balcony within the east facing elevation.

Materials are indicated to be black stained timber boarded walls on a stock brick plinth, fibre cement roof slates and white painted timber windows and doors. The chimney would be white rendered.

A paved garden terrace is shown constructed to the east side of the building.

The proposed garden curtilage for the new dwelling would extend eastwards past the line of oak trees into a small paddock, up to a position which is in the same line as the rear curtilage boundary of Leysters to the north and East Hookers to the south.

The existing cottage's garden curtilage would be reduced to the area immediately to its rear, bounded by no. 3 to the south, Witsend to the north and the new dwelling to the east.

Two parking spaces would be provided for the existing cottage between the cottage's garden and the new dwelling and two further parking spaces would be provided for the new dwelling, positioned between this and the southern boundary to Caravelle. Vehicular access would therefore be provided for both dwellings from the existing opening onto the highway.

The application is supported by Tree Survey and Arboricultural Impact Assessment. A number of small fruit trees close to the east of the building have recently been removed. No further tree removal is recommended by the Assessment.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Adopted and forms part of the Development Plan

Relevant policies:

DP4: Housing

DP6: Settlement Hierarchy

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)

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP37: Trees, Woodland and Hedgerows

DP41: Flood Risk and Drainage

Twineham Neighbourhood Plan 2016

Adopted and forms part of the Development Plan

Relevant policies:

TNP1: Delivery of Housing
TNP2: Design
TNP4: Landscape and Environment

National Policy

National Planning Policy Framework (NPPF) July 2018

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 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.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraphs 12 and 47 however make clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 58 identifies the Government's objective of significantly boosting the supply of homes.

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and impact on the character of the area, including trees;
- Space standards and impact on future occupier amenity;
- The impact upon neighbouring amenity;
- Access and parking;
- Impact on Ashdown Forest;

- Drainage;
- Other matters

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) of the 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 Mid Sussex District Plan ('MSDP') together with the Twineham Neighbourhood Plan ('TNP').

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

Mid Sussex District Plan

MSDP Policy DP15 relates to new homes in the countryside and 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."*

The application site is located in the countryside and the proposal does not fulfil any of the special justification criteria. The proposal is therefore contrary to the above policy.

Linked to Policy DP15 is Policy DP12, 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 not necessary for the purposes of agriculture and is not supported by a specific policy reference in the District Plan. An assessment of the proposal against Neighbourhood Plan policy is set out below.

As will be set out below, given the existing character of the site and its surroundings and the modest nature of the scheme, it is considered that the proposal would have no adverse impact upon the appearance of the countryside. There will be no incursion into open land which would detract from the rural character, and on this basis the proposal would not tangibly conflict with DP12's central aim of the protection of the countryside's intrinsic character and beauty.

Policies DP12 and DP15 have a restrictive approach and the proposal conflicts with the adopted spatial strategy of the District Plan. 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.

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates Twineham as a Category 4 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."*

As a Category 4 settlement Twineham is described as:

A ... "Small village with limited services often only serving the settlement itself."

This policy is not considered applicable in this instance as the site is not located within a defined settlement with a built up area boundary.

Twineham Neighbourhood Plan

TNP does not allocate this application site as a specific site for development. It is relevant that the community were consulted on their preferred location for housing in the compilation of the Plan, and the expressed figures were: (46% next to existing housing, 54% on brownfield sites and 0% on greenfield sites)

In this case, the proposal would be next to existing housing and wouldn't involve development on greenfield land other in respect of the proposed extent of the domestic curtilage associated with the new dwelling.

Policy TNP1 states:

"New housing development will be supported where it respects or enhances the local character of the built, natural, and historic environment of the parish, it does not have an unacceptable impact on the highway safety, is not liable to flooding nor increases flooding elsewhere and will not result in coalescence of existing settlements:

TNP1.1 Proposals for around twenty new homes (irrespective of tenure) will be allowed in appropriate locations in the parish over the period 2014 to 2031 provided:

- the quantum of dwellings and their site coverage will not be an over-development of the plot in relation to neighbouring plot characteristics in respect of built form, massing and building line*
- a satisfactory road access and off street car parking can be achieved; and*
- the scheme will not result in the net loss of mature trees, hedges or other natural features that form part of the character of the parish"*

The most up to date records held by MSDC show the net increase of residential units, including by Part Q conversion (prior approvals of agricultural buildings to new dwellings), to be 20 units since the adoption of the Neighbourhood Plan.

Policy TNP1.1 was scrutinised in a recent planning appeal decision dated 18 January 2018 at Trumps, Sunny Acres, London Road, Hickstead, DM/17/0322 refers. The Inspector was of the opinion that ... *"There is some dispute as to whether this [the figure of 20 houses] has been exceeded but the wording of the policy does not provide for a cap on numbers. To my mind, no additional harm has been identified that arises from an increase in the number of dwellings and exceeding an anticipated figure cannot be in breach of the policy as the policy does not prohibit more housing being provided ...*

... Moreover, the policy clearly supports new housing where it respects and enhances the local character of the built, natural and historic environment of the parish."

And so the issue raised by the current application in relation to the Neighbourhood Plan is not whether the overall housing figure for Twineham, as stated as 'around 20', has been exceeded to the effect that no more houses should be permitted, but rather whether the proposed house is located in an 'appropriate location' in the parish. If permitted, the addition of a single dwelling would still keep new dwelling numbers at the 'around 20' figure.

There is no definition in the TNP of what "appropriate location" means, however it is considered this can be appropriately interpreted as referring to both the character and constraints of the site as well as its broader sustainability in location terms.

Paragraph 16 of the TNP identifies four main settlement areas within the parish. The site is located within one of these settlement areas, Twineham Green, which is described as a ribbon of housing along the eastern side of Bolney Chapel Road. Whilst the dwelling would not front the highway unlike those neighbouring properties, its access would similarly adjoin the highway and the extent of the residential curtilage would extend no further east than that of Leysters to the north and East Hookers to the south.

With the exception of the strip of land between the oak trees and proposed east curtilage boundary, the site is currently residential curtilage associated with the cottage. No built development is therefore proposed on greenfield land. The site already has an established residential character.

Twineham parish has no specific "centre", however the site is only 0.7 miles from its core facilities, these being the church, primary school and cricket field.

For the above reasons it can be assessed that the site is in a more "appropriate location" than many other sites within the parish area, and certainly no worse than much of it in owing to its character and in terms of access to services. It is considered that the site would comply with the general preference for the siting of new houses, as set out in the Neighbourhood Plan. It is accepted that the prospective occupiers of the new house would likely be heavily reliant on the private car. Twineham is a relatively rural parish and no sites (including those already approved) will offer strong accessibility to services through alternative modes of transport.

Further consideration is given to the visual impact of the proposal below, however in respect of the principle of development, the application is deemed to be in compliance with policy TNP1.

Design and impact in the character of the area, including trees

MSDP Policy DP26 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 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."*

TNP Policy TNP2 concerns design and states:

"All development should be of good design consisting of the best practice standards for well-designed new homes and neighbourhoods in force at the time, contemporary and innovative design is encouraged where appropriate. This means development should:

- *Include energy and water efficiency measures*
- *Use quality materials, these should be sustainably and locally sourced where feasible.*
- *Apply space standards taking into account the user, circulation space and the need for storage*
- *Contribute positively to the local character and rural setting*
- *Recognise that architectural integrity is of paramount importance and respond in a coherent way*
- *Not be dominated by parking and hard surfacing*
- *Utilise appropriate landscaping*

TNP Policy TNP4 concerns landscape and environment and states:

"New development will be supported which is in accordance with other policies of the plan and:

TNP4.1 Respects local landscape quality ensuring that views and vistas are maintained wherever possible.

TNP4.2 Takes every opportunity, where practicable and viable, to incorporate features that improve its environmental performance thereby reducing carbon emissions. These can include both energy efficiency measures and sources of renewable energy.

TNP4.3 All development schemes submitted must be accompanied by a landscaping scheme which aims to retain amenity and historic trees and hedges. New tree and hedge planting of native species will be encouraged throughout Twineham Parish.

Owing to the existing partially developed and residential character of the majority of site as domestic curtilage for the cottage, together with the limited amount of additional proposed domestic curtilage for the new dwelling (which itself is appropriately aligned with that of Leysters and East Hookers and does not encroach into an open field), the proposal is not considered to tangibly conflict with Policy DP12's central aim of the protection of the countryside's intrinsic character and beauty.

In respect of design, the proposed extensions and alterations to the building to form the dwelling are deemed to be of an appropriately inkeeping appearance and a suitable scale. It is not considered that the site coverage of the building could be described as a harmful overdevelopment, given the spacious amount of the surrounding garden curtilage and comfortable separation distance to boundaries with neighbouring dwellings. The gabled forms of the extensions respect the appearance of the existing building and row of cottages to the west. The eastern wing extension is tucked behind the existing building as seen from the highway and the limited height of the southern wing addition is such its massing will have little if any public visibility. The resulting building will therefore retain its inconspicuous presence in terms of impact upon the streetscene. The proposed roof and wall materials differ from the existing building and dwelling, however the timber cladding would be in harmony with the adjacent stables. There is variety of materials found on buildings within the locality and subject to condition requiring the approval of specific details, no objection is raised on the issue of materials.

In summary, whilst the Parish Council's and third party representations are noted, it is not considered that the rural setting, landscape quality or character of the locality would be harmed. The proposal is deemed to satisfactorily comply with the above policies in concerns issues of design, character and landscape.

A Sustainability Statement sets out a range of actions to be undertaken in respect of energy and water efficiency considerations. This is deemed acceptable.

MSDP Policy DP37 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.*

An Amended Tree Survey, Arboricultural Impact Assessment and Protection Plan accompany the application. This concludes that the proposed build is achievable with the retention of existing trees and sets out proposed protection measures. The Council's Tree Officer has yet to comment on the amended information.

The site is not subject to any tree preservation orders and the site is not classed as Ancient Woodland. Tree works can therefore take place without the requirement for permission from this Council. The existing vegetation adds to the rural character of the site contributes to its degree of screening from neighbouring dwellings and the wider landscape to the east.

It is recognised that the proposal will likely place future pressure to the line of oak trees to the east of the enlarged building and so the retention of these trees cannot be guaranteed. However, within the planning balance it is not considered that there would be demonstrable significant harm to justify a reason for refusal based on the impact to these, or any other trees.

The proposal is thereby considered to comply with the above policy.

Space standards and impact upon future occupier amenity

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 to secure a satisfactory standard of accommodation for future residents. MSDP Policy DP27 and TNP Policy TNP2 support this.

MSDP Policy DP26 requires new development to not cause significant harm to the amenity of future occupants.

The scheme provides one double bedroom and one single bedroom, accessed by an alternate tread staircase. This staircase is required so as to provide sufficient headroom for the upper level, without necessitating an increase in the height of the eastern extension. It is understood that this is acceptable under the Building Regulations.

The relevant minimum space standard for two bedroom 3 bed space dwellings is 70 square metres. The dwelling measures approximately 140 square metres floor area, and so is well in excess of this standard. The floor areas of the bedrooms are also compliant with the minimum size requirements. Whilst no built-in storage is shown, this could evidently be provided.

The layout provides for suitable natural light and ventilation to each room and the dwelling would benefit from a spacious garden curtilage. The resulting reduced garden curtilage for the small two bedroom existing cottage is deemed to be of a sufficient size for its occupants.

The proposal is thereby considered to comply with the above policies.

Impact upon neighbouring amenity

MSDP Policy DP26 requires 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"*.

Third party representations have been carefully considered as part of the assessment. The applicant has amended the scheme in seeking to minimise any adverse impact upon the three adjoining properties, namely Wits End, 3 New Cottages and Caravelle.

It can be noted that the existing upper level west facing window in the building which provides overlooking back towards the terrace has been removed as part of the scheme and that the only west facing opening is an existing window. The velux windows within the northern roof slope are all placed 1.7 metres above internal floor level, thereby preventing overlooking of the bottom part of Wits End garden. The ground floor north facing windows will look out onto the existing stable building.

The positioning and separation distance of the east facing proposed juliet balcony to Caravelle dwelling, including its garden, and the bottom of Wits End garden is such that any potential overlooking will be only very limited.

The massing of the extensions will not significantly impact on the existing outlook and light of any of the existing dwelling, with the southern wing purposely designed with a restricted ridge height given its positioning in relation to the rear elevation of no. 3.

The increase in activity, including noise and disturbance, associated with the formation of a two bedroom dwelling in replacement of the existing one bedroom annexe can be reasonably expected to be only limited.

In summary, whilst the proposal will inevitably result in some limited impact to neighbouring properties, in no respect in a significant degree of harm identified, and so the requirements of the above policy are considered to be met.

Access and Parking

MSDP Policy DP21 relates to transport considerations:

"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."

The proposal seeks to intensify the use of the existing access, such that it would be used by both the existing and proposed dwellings. Separated parking areas are provided for each dwelling and a turn is possible on site, enabling vehicles to exit in a forward gear.

The comments of the Local Highways Authority are provided in full at Appendix B. In summary however, they state:

"The LHA does not consider that the proposal for converting the annexe into 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."

Officers have no reason to conclude otherwise, and so consequently the application is deemed to comply with the above policy in respect of access and parking matters.

Impact on 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.

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.

This application has been screened for its potential effects on the SPA and SAC. This screening report has indicated that there is no likelihood of significant effects and is available to view on the file.

Drainage

It is proposed to replace the existing septic tank foul drainage system and to construct a soakaway to manage surface water drainage.

The Council's Drainage Engineer is satisfied that a standard condition can suitably control drainage details and so on this basis the application can comply with MSDP Policy 41.

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.

The application does not include any proposed business element.

It is open to the applicant to trim their hedging lining the access and improve its surface, thereby making it easier for larger vehicles to enter the site. Potential damage to neighbouring property from construction vehicles is not a material consideration in the assessment of this application.

The proposed replacement fence referred to by the Parish Council has already been installed as permitted development.

It would not be appropriate to impose conditions restricting the use of the building to as an annexe in connection with the existing cottage only, given that the proposal is for a new, independent dwelling. It is however considered that a condition

withdrawing permitted development rights for extensions and alterations to the dwelling, together with the erection of outbuildings, would be necessary to make the development acceptable and would meet the six tests of planning conditions as set out in the National Planning Policy Framework.

PLANNING BALANCE AND CONCLUSION

Planning permission is sought for conversion and extensions to rear annexe into an independent two bedroom dwelling at Michaelmas Cottage Bolney Chapel Road Twineham Haywards Heath West Sussex.

This application has been referred to committee because the applicant's son is a member of staff within the Council's Planning and Economy Division.

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 proposal is contrary to Policy DP15 of the Mid Sussex District Plan, given that a new dwelling is proposed in the countryside not contiguous and there are no special circumstances. Occupiers would be likely to be heavily reliant on the private car; however this is the case throughout the Twineham parish area. 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.

There are a number of factors weighing in favour of the application. The proposal would not conflict with the central aim of Policy DP12 as concerns countryside protection and would comply with the requirements of Policy TNP1 of the Twineham Neighbourhood Plan. In particular, the site is considered to be an "appropriate location" within the meaning of Policy TNP1 and would provide a small detached dwelling in compliance with the aspiration of this Plan. In addition the design, impact on the character of the area and impact on trees is compliant with Policies DP26, DP37, TNP2 and TNP4. The impact on existing and future occupier amenity is also deemed acceptable.

The provision of 1 dwelling 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 only limited. The

dwelling would also be likely to contribute to the sustainability of existing services within the Parish located a short distance to the south.

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

Whilst the proposal in part conflicts with the most recently adopted development plan, the District Plan, it also complies with other requirements of the District Plan and the Neighbourhood Plan. It is considered that the planning balance favours approval on an overall assessment, on the basis that the proposal complies with the central aim of policy DP12, together with DP17, DP21, DP26, DP27, DP37 and DP41 of the Mid Sussex District Plan, Policies TNP1, TNP2 and TNP4 of the Twineham Neighbourhood Plan and the overarching aims and objectives of the revised 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. No development shall be carried out 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 development shall not be occupied until all the approved drainage works have been carried out 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.

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 building 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. The building shall not be occupied unless and until details of boundary treatments to the adjoining non-domestic land to the east have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected prior to occupation.

Reason: To enable to Local Planning Authority to protect against the incursion of domestic curtilage into open countryside and to accord with Policy DP12 of the Mid Sussex District Plan 2014-2031.

6. 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 submitted to and approved by the Local Planning Authority.

Reason: To promote 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.

7. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure adequate parking and manoeuvring provision is provided and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

8. The development shall be carried out in accordance with the Tree Survey and Arboricultural Impact Assessment AR/064/18 v3 and Tree Protection Plan AR/064/18 Dwg05.

Reason: To provide for the appropriate protection of existing trees earmarked for retention and to comply with Policy DP37 of the Mid Sussex District Plan 2014-2031.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Classes A, B, C, D and E, Part 1 of the Order shall be carried out without the specific grant of planning permission by the Local Planning Authority.

Reason: To prevent a harmful overdevelopment of the site and to protect the amenities of neighbouring dwellings and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

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 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.

2. 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.
3. 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.

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
Existing Floor and Elevations Plan	18/02	A	13.07.2018
Proposed Elevations	18/02/1	A	13.07.2018
Proposed Floor Plans	18/02/2	A	13.07.2018
Location and Block Plan	18/02/3	A	13.07.2018

APPENDIX B – CONSULTATIONS

Twineham Parish Council

It is noted by Twineham Parish Council that the proposed development has taken on board some of the comments made at an earlier stage, however Council still object to the application on the following grounds:

- The proposed dwelling is to be independent of the existing cottage, where as the existing garage is an integral part of the existing use of Michaelmas cottage. The proposal to create a second independent dwelling is viewed as overdevelopment of the site being both excessive in scale and incompatible with the design of existing buildings.

- It is believed that the boundary now shown as being within the curtilage of the existing dwelling encompasses a large area of paddock which was previously agricultural land. Council have not seen an application for change of use and this is therefore in direct contradiction to policy DP12 of the Mid Sussex District Plan.
- The planning status of the existing garage building is unclear, as far as Council are aware it is still a garage and not a domestic dwelling. As such this is both an application for change of use and extension.
- Parking is now to be provided for both properties via the rear access, is there sufficient room for the existing cottage parking spaces to turn round and leave in a forward direction, if cars are occupying all the other spaces. Council believes that parking and safe access onto the highway by all vehicles including the regular use by equestrian transport will be prejudicial to highways safety.
- Council note the proposal includes flat packed materials and suggests confirmation must be received that safe access to deliver these items to the site whilst protecting the existing mature oak trees and hedgerows must be obtained prior to any decision being given.
- The proposed scale of the application will have an adverse impact on neighbouring properties causing loss of natural daylight, privacy and create both noise and pollution problems for these properties.
- A section of the boundary hedge and trees are marked on the plan for removal and replacement with a boarded fence, this can only be achieved with the consent of the neighbouring property.

Twineham Parish Council believes that the application is in direct conflict with policies TNP1, TNP1.1 and TNP 2 of the Twineham Neighbourhood Plan and policy DP12 of the Mid Sussex District Plan and therefore permission should be refused.

Were planning to be granted conditions must be imposed to ensure the new dwelling remains within the same footprint/building line as the existing dwelling/garage and in the same ownership as an annex ancillary to Michaelmas Cottage and not an independent dwelling that would be subject to further permitted development rights.

WSSC Highways

Summary

This proposal is for the conversion and extension of annexe accommodation to an independent 2-bedroom dwelling. The site is located on Bolney Chapel Road, a C-classified road subject to a speed limit of 40mph in this location.

WSSC as Local Highway Authority (LHA) was consulted on this application previously, which also proposed the creation of a new Vehicle Crossover (VCO) and parking area for the existing dwelling - Michaelmas Cottage. The LHA requested that the applicant provide vehicular visibility splays at the proposed access. The applicant has now revised the proposal and does not intend to provide vehicular access to the

front of the site, instead providing parking to the rear of the existing dwelling, accessed via the existing access serving the current annexe accommodation.

Access and visibility

The applicant has revised the proposal and is proposing that the existing access which currently serves the rear of Michaelmas Cottage and the annexe will be shared by both dwellings.

A site visit was conducted on 23rd April in order to assess visibility at the proposed new access. Whilst on site, it was also observed that the existing access has substandard visibility onto Bolney Chapel Road. However, the LHA appreciates that this is an existing access with substandard visibility which currently serves the existing dwelling and annexe. Whilst the proposal may result in more vehicle movements to and from the site, the LHA do not anticipate that it would cause a 'severe' intensification of use. Furthermore, Bolney Chapel Road has good forward visibility for oncoming vehicles in this location and an inspection of data supplied to WSCC by Sussex Police over a period of the past five years indicates that there have been no recorded injury accidents within the vicinity of the access. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the conversion of the annexe accommodation into a separate dwelling would exacerbate an existing safety concern.

Parking and turning

The revised plans demonstrate that a total of four car parking spaces will be provided, two spaces for the proposed new dwelling and two serving Michaelmas Cottage. Each parking space appears to meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). The WSCC parking demand calculator anticipates that this parking provision is suitable for dwellings of this size and location. A turn on site is achievable, enabling vehicles to exit onto the public highway in a forward gear.

Sustainability

The Local Highway Authority (LHA) anticipates that there will be a heavy reliance upon the private car in this location due to the narrow, unlit road and lack of footway which may deter pedestrians. There are no bus stops or train stations within walking distance of the proposed dwelling. However, the applicant is proposing to include cycle storage, which should be secure and covered. Details of this can be secured via condition.

Conclusion

The LHA does not consider that the proposal for converting the annexe into 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 (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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 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.

MSDC Tree Officer

Latest comments

To be reported.

Original comments

There is some concern over the development and its relationship with surrounding trees.

During the site visit it was noted several trees within influencing distance of the property have been omitted from the report. These include: x3 Beech trees that are within 3m of the existing structure, a mixed species third party group that runs along the boundary and line the existing entrance (planned site entrance).

The drive that leads to the rear of the plot is narrow and it is difficult to imagine any large vehicle gaining access without some facilitative pruning.

The three beech trees, which are in very close proximity to building, are large enough to warrant inclusion within the report. If the trees are to be removed then this should be detailed within the AIA.

There are other trees on site, including a Field Maple and Willow, that could also be included within the survey. These two trees are more distant from the footprint of the building but may require some form of protection during construction.

As yet, the report does not include a Tree Protection Plan detailing which protection measures are to be implemented and where.

An additional concern is the significant shade cast by the trees that surround the plot. The trees may come under pressure (post development) for reduction or removal due to this and other factors (leaf drop/perceived fear of failure).

There are also several young trees that are third party owned, if these trees grow to maturity, further shade will be cast over the site

An amended AIA will be required that takes the above issues into consideration.

For the reasons given above, I object to the proposed development.

MSDC Drainage Officer

Recommendation: No objection subject to condition

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)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√	√			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 Street Name & Numbering Officer

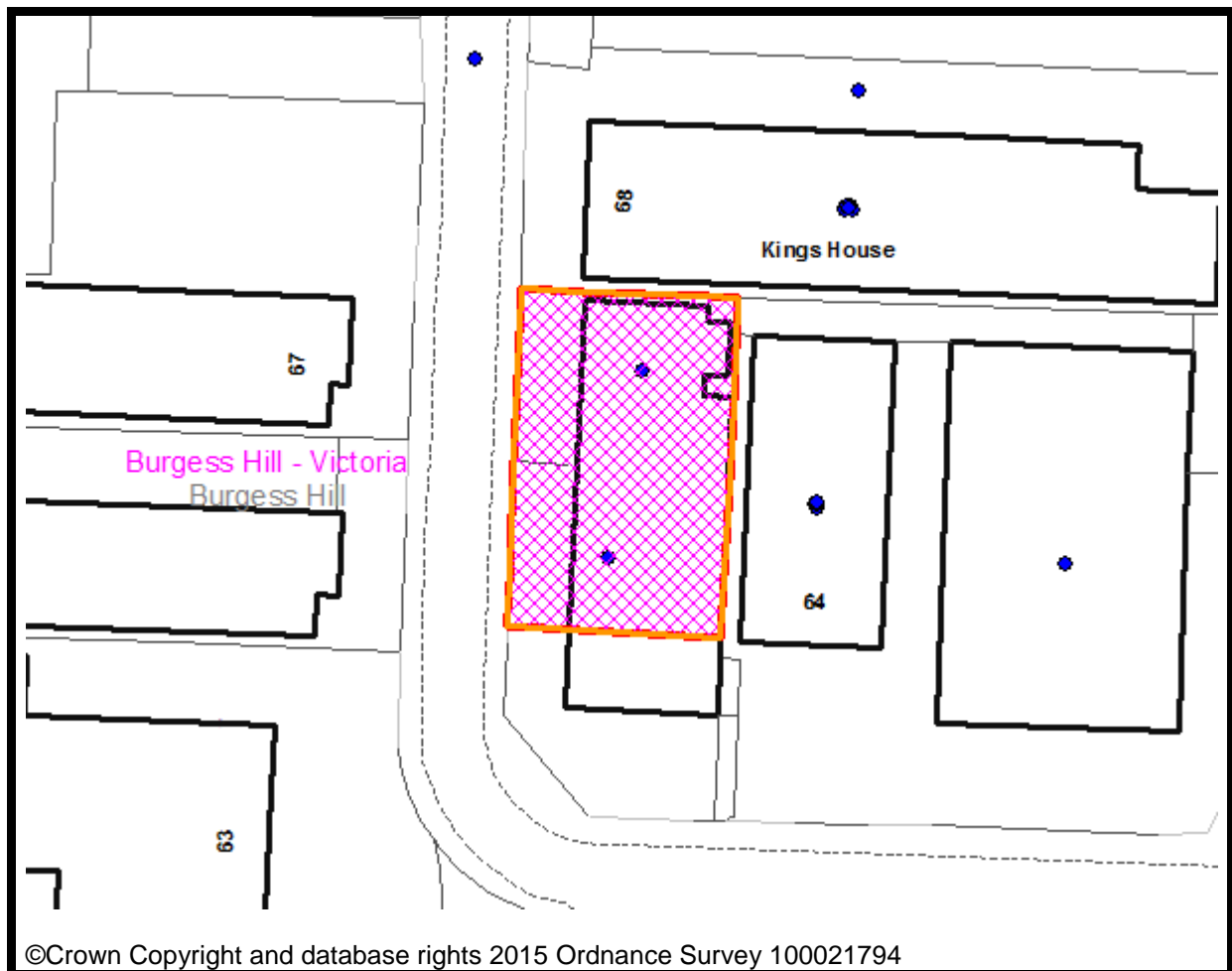
Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

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.

Burgess Hill

2. DM/18/1435



EXPRESSLUBE UK LTD 66A VICTORIA ROAD BURGESS HILL WEST SUSSEX

DEMOLITION OF EXISTING INDUSTRIAL WAREHOUSE AND THE CONSTRUCTION OF 10NO. NEW FLATS AND ASSOCIATED PARKING AND BIN STORAGE. (AMENDED PLANS RECEIVED 23RD JULY - DETAILS SET OUT IN AGENT EMAIL OF SAME DAY INCLUDING DESIGN CHANGES AND LOSS OF TWO BEDROOMS)

MR CHRIS ROOS

GRID REF: EAST 530067 NORTH 118977

POLICY: Brownfield Land / Built Up Areas / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 8th August 2018

WARD MEMBERS: Cllr Steven Hansford / Cllr Mandy Thomas-Atkin /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application seeks full planning consent for the demolition of existing industrial warehouse and the construction of 10no. new flats and associated parking and bin storage.

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.

The NPPF 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 proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as drainage, highway safety, parking, residential and future amenity and the Ashdown Forest impact.

Weighing against the proposal is the loss of the business floorspace but this is given little weight owing to the provisions of the neighbourhood plan which designates this land for residential use.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP6, DP20, DP21, DP24, DP26, DP27, DP28, DP30, DP39, DP41 and DP42 of the District Plan 2014-31 and Policies S1 and S4 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Officers therefore consider that in the context of the adopted District Plan and Neighbourhood Plan, together with other material planning considerations, planning permission should be granted.

RECOMMENDATIONS

Recommendation A It is recommended that permission be granted, subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions, and to the conditions listed at 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 30th November 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 as such conflicts with Policies DP20 and DP24 of the Mid Sussex District Plan and the Council's 'Development Infrastructure and Contributions' SPD.

SUMMARY OF REPRESENTATIONS

One neighbour, the joint owner of the adjoining commercial property to the south, has objected to the scheme raising the following issues:

- Impact on private right of way;
- Overlooking into meeting room;
- Impact on structure of neighbouring building;
- Noise disruption

SUMMARY OF CONSULTATIONS

MSDC Urban Designer:

No objection subject to conditions.

MSDC Drainage:

No objection subject to conditions.

MSDC Environmental Protection:

No objection subject to conditions.

MSDC Contaminated Land:

No objection subject to condition.

MSDC Leisure:

No objections subject to infrastructure contributions.

MSDC Waste:

No objection

WSCC Highways:

No objections subject to conditions.

WSCC Infrastructure:

No objections subject to infrastructure contributions.

West Sussex Drainage:

No objections.

Southern Water:

No objection subject to condition and informative.

SUMMARY OF TOWN COUNCIL COMMENTS

Recommend refusal.

Introduction

Planning application DM/18/1435 seeks planning permission for the demolition of existing industrial warehouse and the construction of 10no. new flats and associated parking and bin storage.

Relevant Planning History

There is not considered to be any relevant planning history.

Site and Surroundings

The site, which includes an industrial/warehouse style premises, is located on the eastern side of Victoria Road within the industrial area. It measures 0.071 hectares in area. The existing building is a single storey, steel portal framed building with brick infill, faced and roofed with profile metal sheet cladding and surrounded by hardstanding.

Within this part of Victoria Road a number of residential developments have been permitted and/or constructed in recent years although most of the land to the south and east remains in industrial use.

There are for example commercial properties to the immediate south (66 is actually attached), east and also to the north, although this latter property benefits from planning permission for residential use (DM/17/2490).

In terms of planning policy the site lies within the built up area of Burgess Hill.

Application Details

The application seeks consent for the demolition of the existing commercial unit and the erection of a new building comprising 10 residential units.

The existing access will be largely retained and this will lead to the car parking level where a total of 13 spaces are proposed. Bin and bicycle stores are also proposed at this ground floor level.

The new building will be 3 ½ storey in height with a set back on the top floor. At first and second floor level 4 units are proposed on each storey with the remaining two units located on the third floor.

The applicant has described the appearance of the building in the DAS as follows:

"The street elevation has been divided to create panels of facing brickwork broken up with regularised bays of window openings and the deep reveals of the balconies to the outer laying flats. The brickwork is to be simply detailed with recessed brickwork panels below the high level slit windows to the northern, eastern and southern elevations to break up the planes of brickwork.

The brickwork bays are divided by vertical panels of timber cladding to accentuate the vertical nature of the building, which combined with the steps in the plan create texture and interest to the elevation. The top floor flats are to be finished with horizontal fibre cement cladding, which is to compliment the coping detail finish and colour, to the perimeter of the building, whilst providing a contrast to the lighter coloured brickwork."

List of Policies

District Plan

- DP1 - Sustainable Economic Development
- DP4 - Housing
- DP6 - Settlement hierarchy
- DP20 - Securing Infrastructure
- DP21 - Transport
- DP24 - Leisure and Cultural Facilities and Activities
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP30 - Housing Mix
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage
- DP42 - Water Infrastructure

Neighbourhood Plan

The Burgess Hill Neighbourhood Plan has been made so forms part of the development plan. It is therefore a material consideration with full weight. The most relevant policies are:

- S1 - New residential and community neighbourhood on Victoria Road Industrial Estate
- S4 - Parking standards for new developments

National Policy and Other Legislation

National Planning Policy Framework (NPPF - 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is *"significantly boosting the supply of homes"*.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

"For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

However, paragraph 12 makes clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take

decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

National Planning Policy Guidance

Technical Housing Standards

Assessment

It is considered that the main issues needing consideration in the determination of this application are as follows;

- The principle of development;
- Loss of business floorspace
- Design and visual amenity
- Impact on neighbouring properties
- Amenity for future occupiers
- Highways, access and car parking;
- Infrastructure requirements;
- Ashdown forest;
- Other planning issues;
- Planning balance and conclusion

Principle

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, the made Burgess Hill Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which 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 Burgess Hill Neighbourhood Plan also contains a relevant policy in respect of the principle as set out within S1:

"The redevelopment of existing employment sites on Victoria Road industrial area within the S1 policy area as shown on the proposals map for residential will be supported where an existing business use is inappropriately located and not likely to meet the needs of or be taken up by a business use, or where new development will bring about wider community benefit. Sites coming forward within this defined area

as shown on the proposals map need to be in accordance with the design and layout criteria outlined below:

- *Planning applications for residential development on one site will need to show how residential can be accommodated satisfactorily on adjoining sites.*
- Applications will need to include street frontage designs to Victoria Road.
- Developments will need to include adequate parking, amenity space within the site and traffic calming measures to help to discourage commercial traffic using Victoria Avenue to the north of Victoria Road.
- New developments will need to take into account the impact on neighbouring houses such as overlooking, loss of amenity, scale and design and orientation.
- New community and retail space to serve additional and existing housing will be supported within the policy area.

Developers will be expected to make a contribution towards public realm improvements along Victoria Road, such as new planting, pavements, signage and road calming improvements. Traffic calming measures will be introduced in areas of Victoria Road to prevent residential roads becoming heavily trafficked with commercial vehicles. This issue was addressed in the 2004 Local Plan but not implemented."

It is therefore considered that the principle of a residential development within the built up area is acceptable although the issue of the loss of the business floorspace is considered in the following section.

Loss of business floorspace

In regard to the loss of employment space Policy DP1 States:

"Effective use of employment land and premises will be made by:

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;
- Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies)."

As set out above Policy S1 on this issue states that residential uses will be supported where an existing business use is inappropriately located and not likely to meet the needs of or be taken up by a business use, or where new development will bring about wider community benefit.

In this case the applicant has made the following points in support of the principle:

"The currently vacant building was previously occupied by Expresslube and used for machine tools and machine repair and storage. The former occupier has now moved to Unit 1, Eastlands Farm, Warninglid Lane, Plummers Plain, West Sussex.

As a consequence of Neighbourhood Plan Policy S1, a number of properties along this section of Victoria Road have been converted or are in the process of being redeveloped to provide residential accommodation at nos. 67, 68, 69, 70, 71, and 76 Victoria Road.

Thus, having regard to other planning permissions granted within the vicinity of the site, the principle of redeveloping the site to provide apartment development is acceptable subject to meeting other relevant Development Plan policies."

Given that the Council has accepted the loss of commercial floorspace in the immediate vicinity, in light of the provisions of Neighbourhood Plan Policy S1, and due to the relocation of the business, the principle of the residential use to replace the commercial is deemed acceptable.

Design and Visual Amenity

One of the key issues is the design and the subsequent visual impact on the character of the area. The newly published NPPF makes reference to the importance of good design at para 127:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Such requirements are similar to those found at district level within DP26 which states that:

"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."

To inform the assessment of the application the Council's Urban Designer has been consulted on the merits of the scheme and his comments are set out in full within Appendix B.

In respect of the elevations, the Urban Designer has commented that:

"The facade has been improved by the incorporation of more vertical articulation. This includes: marginally elongating the top floor which has been offset by a slightly increased set-back; accentuating the recess between the bays; incorporating consistent vertically proportioned windows.

The ground floor is now better integrated with the vertical timber cladding coordinating with the upper floors and the vehicular entrance. It is however recommended that further details are provided to fully demonstrate this arrangement and the quality of the finish.

I previously had concerns about the roof treatment and the impact of gutters. The architect has provided drawings that now show the gutters hidden within the roof."

In terms the scale, the building will be larger than the approved scheme on the adjoining site to the north but this issue is deemed acceptable by the Urban Designer:

"At 4 storeys, this proposal reads as approximately half a storey above the consented schemes on the adjacent sites as part of the ground floor is set into the slope and the top floor is set-back. The building will rise more significantly above the retained 2 storey commercial building at no.66, however as this has a residential allocation it is assumed that it is likely to be replaced with a larger building in the short to medium term. Overall I do not think the height disparity is a significant issue bearing in mind the building is well-proportioned and will contribute positively by animating the street."

Comments have also been made regarding the layout:

"The front entrance arrangements are an improvement upon the pre-application proposal and while the first floor main entrance is accessed via steps, there is now a comfortable level access approach to the ground floor."

"A front retaining wall in combination with the sloping road frontage combines to screen much of the undercroft parking from the public realm."

The Urban Designer summarises his comments by stating that *"on balance the scheme will now have a positive impact upon the street environment and I therefore withdraw my (original) objection to the scheme"*.

This is subject to conditions regarding landscaping and boundary treatments, materials and detailed drawings. Such conditions are set out within Appendix A.

Overall on the issue of visual amenity, planning officers are content that the design of the new building and subsequent impact on the character of the area is acceptable and complies with the requirements at neighbourhood and district plan level as well as the NPPF.

Impact on neighbouring properties

One of the key issues to assess under this application is the potential impact on neighbouring residential amenity.

District Plan Policy DP26 is applicable and this states, in part where relevant, that:

"All applicants will be required to demonstrate that development ... 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)."

The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm.

In this case there are no existing neighbouring residential properties that will be significantly affected by the proposals.

Planning permission has however been granted for a residential development to the north but the scheme has been designed having taken this into account and avoids

directly facing openings at first floor level. There are in any event to be no facing habitable windows in the ground or first floor of the neighbouring approval. At roof level in the adjoining proposal the use of rooflights will minimise the chances of significant overlooking despite the location of the bedroom windows in the side facades of the proposal at second floor level.

As noted in the earlier section representations have been made by the owners of the commercial property to the immediate south at 66 Victoria Road about the impact on their business and building.

To be clear, the significant harm test of DP26 only applies to residential amenity and not to the amenity of other neighbouring occupiers such as commercial. Commercial occupiers are not therefore afforded the same degree of protection as residential occupiers.

The point about restricting noisy operations is noted and the concerns of the neighbouring business are appreciated. However, the Council could not reasonably use a condition to prevent noisy works during a construction period. The Construction Management Plan (cond 5, appendix A) will however include a clause that requires the applicant to inform the neighbouring properties in advance about when such noisy works will be taking place. This should help to reduce the impact of the development on the day to day running of the business.

In terms of the impact on the business itself, related primarily to overlooking into a meeting room window, planning officers consider that simple steps (such as the installation of blinds or curtains if there are none at present) could reasonably be taken by the neighbouring business were this deemed to be a problematic issue.

The making good of the side wall of the attached neighbour and issues around stability will ultimately be a private matter between the two parties although a condition will be used to ensure that the side façade will be made good in a visually acceptable manner.

The point about the private right of way being affected is ultimately a private matter between the two parties although it appears from the plans submitted that this should remain unaffected.

No objections have been raised to the scheme by Environmental Protection officers although they have suggested some conditions aimed at minimising the impact on the neighbouring residents. Construction will be limited to normal working hours via a condition and will help prevent other forms of inconvenience such as noise during construction.

An informative will be used to remind the applicant about their responsibilities to control dust and no burning of materials on site. As these specific matters can be adequately managed through environmental protection legislation if required, conditions are not necessary.

In light of the above points there will be no significant harm to neighbouring residential amenity meaning the proposal accords with Policy DP26 of the District Plan.

Amenity for future occupiers

The proposed apartments all comply with the minimum size requirements of national space standards which also means compliance with Policy DP27.

Each of the units also has their own balcony meaning there is some outdoor amenity space as required by S1 of the Neighbourhood Plan.

As first submitted officers had concerns about the outlook from two of the first floor units wing to the proximity of neighbouring development. However, the applicant amended the scheme to omit a bedroom from two of the units which successfully addressed that particular area of concern.

The Urban Designer has commented on this issue as follows:

"Internally, some of the first and second floor have a restricted outlook generated by the constrained nature of the site; this has nevertheless been improved with the removal of two bedrooms on the first floor. The flank elevations have been staggered to provide front facing corner windows serving the first floor kitchens to enable a marginally better outlook. This measure has also improved the juxtaposition with the neighbouring buildings by marginally increasing the separation gaps along the street frontage."

Environmental Protection Officers have commented on potential noise from traffic for future occupiers and their comments are set out in full in Appendix B. The applicant subsequently provided additional information stating that they could use acoustic window vents.

Environmental Protection officers then concluded that the proposed acoustic window vents as per the additional details are an improvement. It was noted that whilst these vents will not provide as much ventilation as a mechanical system, they will enable some airflow to affected bedrooms where noise is an issue. In light of the Environmental Protection officer comments that raise no objection, and owing to condition 4 in Appendix A (Acoustic Design Statement), there are no sustainable grounds to object on these grounds.

Overall the proposal will provide an acceptable standard of living for future occupiers in compliance with Policies DP26 and DP27 of the District Plan and Policy S1 of the Neighbourhood Plan.

Highways, Access and Parking

Policy DP21 in the District Plan 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."

These requirements are consistent with the provisions of the newly published NPPF which states the following:

"108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex County Council has been consulted on the merits of the application and their comments are set out in full within Appendix B. The applicant's full Transport Note can be found on the planning file.

West Sussex has confirmed that the requisite visibility splays can be achieved and that the access is of a suitable width. In addition it has been confirmed that the trip generation as a result of the residential units is likely to be lower than that which could be generated by the existing commercial use.

There is a marginal shortfall against the Burgess Hill Neighbourhood Parking Standards (S4). Whilst there are 12 designated spaces as per the Standards, there is only one visitor space whilst the Standards require a total of four non-designated spaces.

Regarding parking, WSCC has commented as follows: *"Twelve allocated spaces will be provided with one space for each 2-bedroom flat and two spaces per 3-bedroom flat. On this basis the WSCC Car Parking Demand Calculator envisions a total demand for fifteen spaces, two of which should be unallocated for visitors. The LHA do not consider that this shortfall in two spaces would be highway safety grounds to resist the application considering that any overspill parking on the nearby road network could not occur in locations that would be detrimental to highway safety due to the extensive road protection markings."*

Given that West Sussex has confirmed that there is no highways safety objection to the parking, and the site occupies a sustainable location in close proximity to the town centre, the parking provision is considered acceptable despite the marginal shortfall against standards.

In summary the highways authority does not consider that the proposal for 10 x flats would have a 'severe' impact on the operation of the Highway network. A number of conditions are though recommended in respect of securing the visibility splays, parking, turning, cycle spaces and a construction management plan. Whilst the applicant has submitted a CMP with the application, it does not contain all the required information hence the need for a condition to secure the details.

Taking into account the above points it can be reasonably concluded that there are no sustainable reasons to refuse the scheme on highways, access or parking grounds as the proposal complies with Policy DP21 of the District Plan

Infrastructure Contributions

Contributions are requested in accordance with the councils adopted Supplementary Planning Document "Development and Infrastructure" and are requested in accordance with Policies DP20 and DP24 of the District Plan, the NPPF and the Council's 'Development Infrastructure and Contributions' SPD

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are set out as follows:

Formal Sport: £9,629 (required toward upgrading the changing facilities at Fairfield Recreation Ground)

Playspace: £8,408 (improvements make improvements to play equipment at Woodpecker Crescent)

Kickabout: £7,062 (improvements at Woodpecker Crescent)

Community Buildings £5,522 (improvements to 5th Burgess Hill Scout Hut)

Local Community £6,728 (towards replacement of existing steps to a ramp near Burnside)

Education Primary: £10,161 (The contributions generated by this proposal shall be spent on additional equipment at Southway Junior School, Burgess Hill)

Education Secondary: £10,935 (The contributions generated by this proposal shall be spent supporting the National Curriculum at Burgess Hill Academy)

Education Sixth Form: £2,562 (The contributions generated by this proposal shall be spent supporting the National Curriculum at St Paul's Catholic College Sixth Form)

Library: £2,962 (The contributions generated by this proposal shall be spent on additional stock at Burgess Hill Library)

TAD: £9,754 (The TAD contributions generated by this proposal shall be spent on a safer routes to school scheme at The Gattons Infant School)

In accordance with the Recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

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 a committed development (as this includes both allocations and sites that contribute to 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.

Other Planning 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.

In terms of the dwelling mix, the proposal showing one, two and three bedroom units provides an appropriate mix of units.

Refuse and recycling provision is shown in a dedicated area within the site under the building next to the car parking. The Council's waste team deem this acceptable and the provision will be secured via condition.

Details of what sustainable construction features will be incorporated into the dwellings will be secured via condition.

The Council's Contaminated Land Officer has stated that works should be subject of a condition as set out in Appendix A.

A condition will be used to secure electric car charging points.

Planning officers do not consider that this proposal unduly prejudices potential development on adjoining land.

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.

The NPPF 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 proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as drainage, highway safety, parking, residential and future amenity and the Ashdown Forest impact.

Weighing against the proposal is the loss of the business floorspace but this is given little weight owing to the provisions of the neighbourhood plan which designates this land for residential use.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP6, DP20, DP21, DP24, DP26, DP27, DP28, DP30, DP39, DP41 and DP42 of the District Plan 2014-31 and Policies S1 and S4 of the Neighbourhood Plan as well as the broader requirements of the NPPF.

Officers therefore consider that in the context of the adopted District Plan and Neighbourhood Plan, together with other material planning considerations, planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Time Limit

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

2. The development hereby permitted shall not commence unless and until samples of materials and finishes to be used for all facing materials, including the external walls / roof / 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 visual amenity and to accord with Policy DP26 of the District Plan and Policy S1 of the Neighbourhood Plan.

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 in consultation with Southern Water. 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 and Policy DP41 of the District Plan.

4. No development shall take place until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external noise have 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 internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure thermal comfort of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to accord with Policy DP26 of the District Plan.

5. 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),
 - details of public engagement both prior to and during construction works and details of a neighbour notification procedure for particularly noisy construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the District Plan.

6. No development shall take place unless and until the applicant has provided a sustainability statement to be submitted to and approved in writing by the local planning authority setting out what sustainable measures will be incorporated into the proposals in order to improve energy efficiency and water use. The development shall only proceed in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Policies DP39 and DP41 of the District Plan.

7. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only 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 and to accord with Policy DP26 of the District Plan.

8. No development shall take place unless and until plans and details have been submitted to and approved in writing showing the 'making good' of the north façade of 66 Victoria Road. Such details shall include the visual

appearance and a timetable for completion and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policy DP26 of the District Plan.

9. 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:

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.

Reason: 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 and to accord with the NPPF.

10. 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 9(c) that any remediation scheme required and approved under the provisions of condition 9(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 condition 9(c).

Reason: 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 and to accord with the NPPF.

11. No development shall take place unless and until the following plans and details have been submitted to and approved in writing by the local planning authority:

- Detailed 1:20 sections and elevations of: (a) the ground floor frontage; (b) the roof canopy/fascia and hidden gutter.

The works shall then proceed only 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 District Plan and Policy S1 of the Neighbourhood Plan.

Construction

12. Works of construction or demolition and 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 and to comply with Policy DP26 of the District Plan.

13. 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.

Reason: 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 and to accord with the NPPF.

Pre-occupation

14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres to the north and 2.4m by 21.6m to the south have been provided at the proposed site vehicular access onto Victoria 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 accord with Policy DP21 of the District Plan.

15. 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 and to accord with Policy DP21 of the District Plan

16. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Victoria Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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 accord with Policy DP21 of the District Plan.

17. 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 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 District Plan.

18. No part of the development shall be first 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 treatments, and these works shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and to accord with Policies DP26 of the District Plan and Policy S1 of the Neighbourhood Plan.

19. 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: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and to accord with Policy DP26 of the District Plan and Policy S1 of the Neighbourhood Plan.

20. The residential units hereby permitted shall not be occupied until electric car charging points have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the District Plan.

21. The residential units hereby permitted shall not be occupied until provision for bin and recycling storage has been made within the site in accordance with the approved plans and thereafter retained permanently.

Reason: In the interests of sustainability and visual amenity and to accord with Policy DP26 of the District Plan.

Post-occupation and management conditions

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

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

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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:

- 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 and Block Plan	2.07	C	23.07.2018
Proposed Site Plan	2.01	C	23.07.2018
Existing Floor Plans	1.02		03.04.2018
Existing Elevations	1.03		03.04.2018
Proposed Floor Plans	2.02	C	23.07.2018
Proposed Floor Plans	2.03	G	10.08.2018
Proposed Elevations	2.04	E	30.07.2018
Proposed Sections	2.05	D	10.08.2018
Street Scene	2.06	C	23.07.2018
Topographical Survey	1.01		03.04.2018

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Refusal - this was a piecemeal development. Victoria Road to the link road should be progressed. If MSDC is minded to approve the application, contractor vehicles should not park on Victoria Avenue.

MSDC Urban Designer

Summary and Overall Assessment

There have been a number of recent consents for residential developments along this part of Victoria Road, however this scheme is differently configured with a wide frontage and comparatively shallow footprint that echoes the geometry of the site (this contrasts with the narrow-fronted configuration and deep site plan of other

schemes in Victoria Road). The shallow site has necessitated undercroft parking resulting in the scheme rising one storey higher than the other schemes; but this is offset by a partly sunken ground floor.

The scheme will nevertheless alongside the other consented schemes appropriately reinforce and animate the street, and the revised drawings have incorporated a number of design improvements including:

- Better integration of the ground floor with the upper floors;
- Further vertical articulation of the façade that helps the building more closely echo the proportions of the narrower-fronted buildings on nearby sites;
- Incorporation of hidden gutters that enable a more elegant roofline;
- Addressing some of the outlook and internal amenity issues.

The front threshold still suffers from a large hard-surfaced area, however this is partly because of legal requirements necessitating access across the boundary with no.66. I feel on balance the scheme will now have a positive impact upon the street environment and I therefore withdraw my objection to the scheme, but would recommend conditions requiring the following further drawings/information:

- Landscaping including boundary treatment
- Facing materials
- Detailed 1:20 sections and elevations of: (a) the ground floor frontage; (b) the roof canopy/fascia and hidden gutter.

Layout

The front entrance arrangements are an improvement upon the pre-application proposal and while the first floor main entrance is accessed via steps, there is now a comfortable level access approach to the ground floor.

A front retaining wall in combination with the sloping road frontage combines to screen much of the undercroft parking from the public realm. Although the protruding parking spaces (10-12) will not be easily visible from the street (as they are screened by a wall) they restrict the amount of planting at the front. Furthermore, the front threshold area south of the entrance has unattractively been set-out as hard surface to fulfil a right of access to the adjacent property (no.66) via the application site, and, along with the undercroft parking, prohibit the opportunity of achieving a regular line of trees that has been achieved on the recently consented schemes.

Internally, some of the first and second floor have a restricted outlook generated by the constrained nature of the site; this has nevertheless been improved with the removal of two bedrooms on the first floor. The flank elevations have been staggered to provide front facing corner windows serving the first floor kitchens to enable a marginally better outlook. This measure has also improved the juxtaposition with the neighbouring buildings by marginally increasing the separation gaps along the street frontage.

Elevations

Because of the constrained nature of the site the street elevation is the only easily visible façade and therefore is the main issue under consideration.

The facade has been improved by the incorporation of more vertical articulation. This includes: marginally elongating the top floor which has been offset by a slightly increased set-back; accentuating the recess between the bays; incorporating consistent vertically proportioned windows.

The ground floor is now better integrated with the vertical timber cladding coordinating with the upper floors and the vehicular entrance. It is however recommended that further details are provided to fully demonstrate this arrangement and the quality of the finish.

I previously had concerns about the roof treatment and the impact of gutters. The architect has provided drawings that now show the gutters hidden within the roof. I nevertheless also suggested that these elements are subject to further details that show the exact arrangement.

At 4 storeys, this proposal reads as approximately half a storey above the consented schemes on the adjacent sites as part of the ground floor is set into the slope and the top floor is set-back. The building will rise more significantly above the retained 2 storey commercial building at no.66, however as this has a residential allocation it is assumed that it is likely to be replaced with a larger building in the short to medium term. Overall I do not think the height disparity is a significant issue bearing in mind the building is well-proportioned and will contribute positively by animating the street.

MSDC Drainage

Recommendation: No objection subject to conditions

Summary and overall assessment

We acknowledge that the geology as recorded by the British Geological Survey for the area is the Weald Clay Formation. This strata is predominantly formed of mudstone in this area, a geology which does not support infiltration. However areas of sandstone are also evident within proximity of the site. The borehole log included within the drainage statement is for a borehole located some distance away from the site, and away from areas shown by the BGS geology viewer to include sandstone bedrock.

As such our requirement for infiltration testing to be undertaken remains, however this can form part of the works undertaken to address the planning condition.

The applicant has provided information which states surface water shall be discharged to the existing sewer network at a rate of 5l/s. We acknowledge that this is an improvement to the previously proposed discharge rate. Should discharge to the sewer be found to be the only viable option for the site then further work should be undertaken to find if this discharge rate can be reduced further.

Our preference is still that 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 to be at low fluvial flood risk. The proposed development is within an area identified as having possible low surface water (pluvial) flood risk to the eastern front of the site. Victoria Road is shown to have low surface water flood risk directly adjacent to the site, with areas low to high risk located in proximity to the site. 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 drainage on site before discharging at a controlled 5l/s rate to the existing sewer system.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the existing sewer system.

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.

MSDC Environmental Protection

In my view the proposed acoustic window vents as per the submitted additional details are an improvement. These vents will not provide as much ventilation as a mechanical system but will enable some airflow to affected bedrooms where noise is an issue.

I refer to the above application and make the following comments in relation to noise.

The submitted Anderson Acoustics noise assessment (March 2018) has considered the noise from local traffic, which is the dominant noise source in this location as well as secondary noise sources. The report indicates that due to high noise levels, windows (in the form of standard double glazing) at the proposed development would need to be kept closed in order to meet World Health Organisation and BS8233 internal noise standards. In other words, noise levels in habitable areas will be significantly above recommended levels unless windows are kept closed.

This in turn will mean that additional ventilation will be required, with adequate air flow to allow thermal comfort. In this case there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development living for long periods of time in a windows closed environment?
- 2) What type of ventilation would be deemed appropriate for these residents?

With regard to the first question, there are a number of Planning appeals where this issue has been commented on. The prevailing view of Inspectors seems to be that closed window solutions are not desirable but may be acceptable where housing need or other social, economic or environmental factors outweigh their negative impact on residential amenity.

In our view, closed windows with additional ventilation is not an ideal solution, but may be tolerable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation. Accordingly, care should be taken to minimise the potential impact of noise within the buildings themselves; living rooms and bedrooms should ideally be located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suite, utility rooms, windowless

gable ends and kitchens located on the highway facing façades of residential properties. The acoustic report advises that, as per the latest guidance (ProPG: Planning & Noise - New Residential Development), a detailed Acoustic Design Statement is required to demonstrate how a good acoustic design process has been followed. This is as a result of measured noise levels putting the site into a "medium risk" category for both day and night time.

In any event, a judgement is required on whether closed windows for notable periods will provide an acceptable living environment for future occupiers.

With regard to the second question, developers and consultants tend to argue that attenuated trickle ventilation and suitably glazed windows should suffice where a noisy area means internal noise levels will be compromised with open windows. Our view is that trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient and instead, the ventilation system should be a mechanical air supply system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable.

Accordingly, should the development receive approval, Environmental Protection recommends the following conditions:

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 - 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.

- Smoke: No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

- Soundproofing (Road Noise): No development shall take place until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living

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

Reason: To protect the amenity of future residents with regard to external noise.

MSDC Waste

I have now viewed the site plan and Design and Access statement for this development.

The bin store is positioned in a good location to allow access for our contractors and there appears to be a dropped kerb at the pavement to allow the 1100 litre bins to be serviced without any issues.

The 10 flats have been provided with 4 x 1100 litre bins which will be sufficient to provide capacity for all residents for general waste and recycling.

Therefore, Waste Services do not foresee any issues with waste storage and collection from this proposed development.

MSDC Contaminated Land

The application looks to demolish an industrial warehouse and construct 10 flats in its place.

As part of the application a desktop study has been undertaken by Ashdown Site Investigation Ltd (ref: R17-12672/ds), dated January 2018 and submitted as part of the application.

This report has been assessed and has been found to meet current standards. It is agreed that given the past uses and current uses of the site and the surrounding area that further intrusive investigation is required at the application site if it is to be used for residential flats.

Therefore 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.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 10 residential dwellings at Expresslube UK Ltd 66A Victoria Road Burgess Hill West Sussex RH15 9LH 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 District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Woodpecker Crescent, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £15,470 is required to make improvements to play equipment (£8,408) and kickabout provision (£7,062).

FORMAL SPORT

In the case of this development, a financial contribution of £9,629 is required toward upgrading the changing facilities at Fairfield Recreation Ground (IDP Ref: BH/34

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 £5,522 is required to make improvements to the Sydney West Community Centre (IDP Ref: BH/93).

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 Infrastructure and Contributions 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.

WSSC Highways

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been re-consulted on proposals for demolition of warehouse and erection of building comprising 10 x flats. The LHA raised no highways objections to the proposals in our latest email to the Local Planning Authority (LPA) dated 27th June 2018 (set out below).

Amended plans have been received detailing design changes and loss of two bedrooms. The LHA has re-assessed the parking demand with the reduction in habitable rooms and this remains at 15 spaces. If the spaces were to remain of an unallocated arrangement the parking demand would be reduced. Nevertheless the shortfall would not be highway safety grounds to resist the application considering that any overspill parking on the nearby road network could not occur in locations

that would be detrimental to highway safety due to the extensive road protection markings.

No transport grounds to resist the proposals, please refer to previously advised conditions:

Details Approved -

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres to the north and 2.4m by 21.6m to the south have been provided at the proposed site vehicular access onto Victoria 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.

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.

Details Required -

Pedestrian Visibility

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Victoria Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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.

Cycle parking

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 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.

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),
- details of public engagement both prior to and during construction works.

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

WSCC Highways - original

I note the maximum achievable visibility in the trailing direction, without passing through third party land, is annotated as 2.4m by 21.6m. Using our own measurements and taking to a 1m offset into the carriageway approximately 25m appears achievable. This equates to a stopping sight distance speed of approximately 20mph. As per previous comments and observations on site vehicles were travelling in the region of 10 mph and therefore no concern is raised. A splay of 2.4m by 43m is shown in the leading direction, appropriate to the 30mph posted speed limit. Boundary treatment should be kept to a height of 0.6m or below where these splays pass to ensure a driver can see suitable distance upon exiting the site.

The applicant has clarified the access width into the site and demonstrated that two cars could pass and wait clear off the highway. They have also confirmed that there is suitable width within the site for cars to manoeuvre with the footprint of the floor above removed. It is still not clear what the area immediately west of visitor space 13 is and whether this is enclosed. The LHA advise the LPA that where possible pedestrian visibility splays either side of the proposed access are secured. This would require use of this area for a 2m by 2m area back into the site with obstructions no greater than 0.6m to allow for visibility of pedestrians on the adjacent footway.

Whilst some of the car parking spaces appear to have slightly shy of 6m to the rear of them, the LHA consider that a multipoint manoeuvre could be carried out and that this has been suitably demonstrated on the plans.

Trip generation information has been provided in the form of a TRICs multi-modal assessment. A total daily 50 trips for the B8 storage use and 52 for the proposed residential use is estimated. A greater proportion of vehicle trips are anticipated for the B8 use over the residential and a reduction to vehicle movements in the peak hours over the existing use is also expected. The LHA therefore conclude that the proposed residential is not anticipated to result in any capacity issue over the existing use.

In summary the LHA does not consider that the proposal for 10 x flats 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.

WSSC Infrastructure

The 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 Infrastructure and Contributions Consultation Draft April 2018.

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 10 Net dwellings, 503 sqm loss of Class B2 floor area, and an additional 9 car parking spaces.

Please see below for a Breakdown and explanation of the WSSC 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>).

Primary - £10,161
Secondary - £10,935
Sixth Form - £2,562
Libraries - £2,962
TAD - £9,754

West Sussex Drainage

West Sussex County Council (WSSC), 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 proposed site is at low risk from surface water flooding. Higher risk is shown on the carriageway adjacent to 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?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the boundary of the site although 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.</p> <p>Works affecting 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 Drainage and Maintenance Statement for this application proposes that below ground attenuation, with restricted discharge to main sewer would be used to control the surface water from this development.

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 permeable paving 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.

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 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.

Southern Water

Thank you for your letter of 13/04/2018.

Please note: Decommissioned foul sewer within the site. Should the sewer be found during construction works the applicant is required to contact Southern Water Services before any further works commence on site.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
<https://beta.southernwater.co.uk/infrastructure-charges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

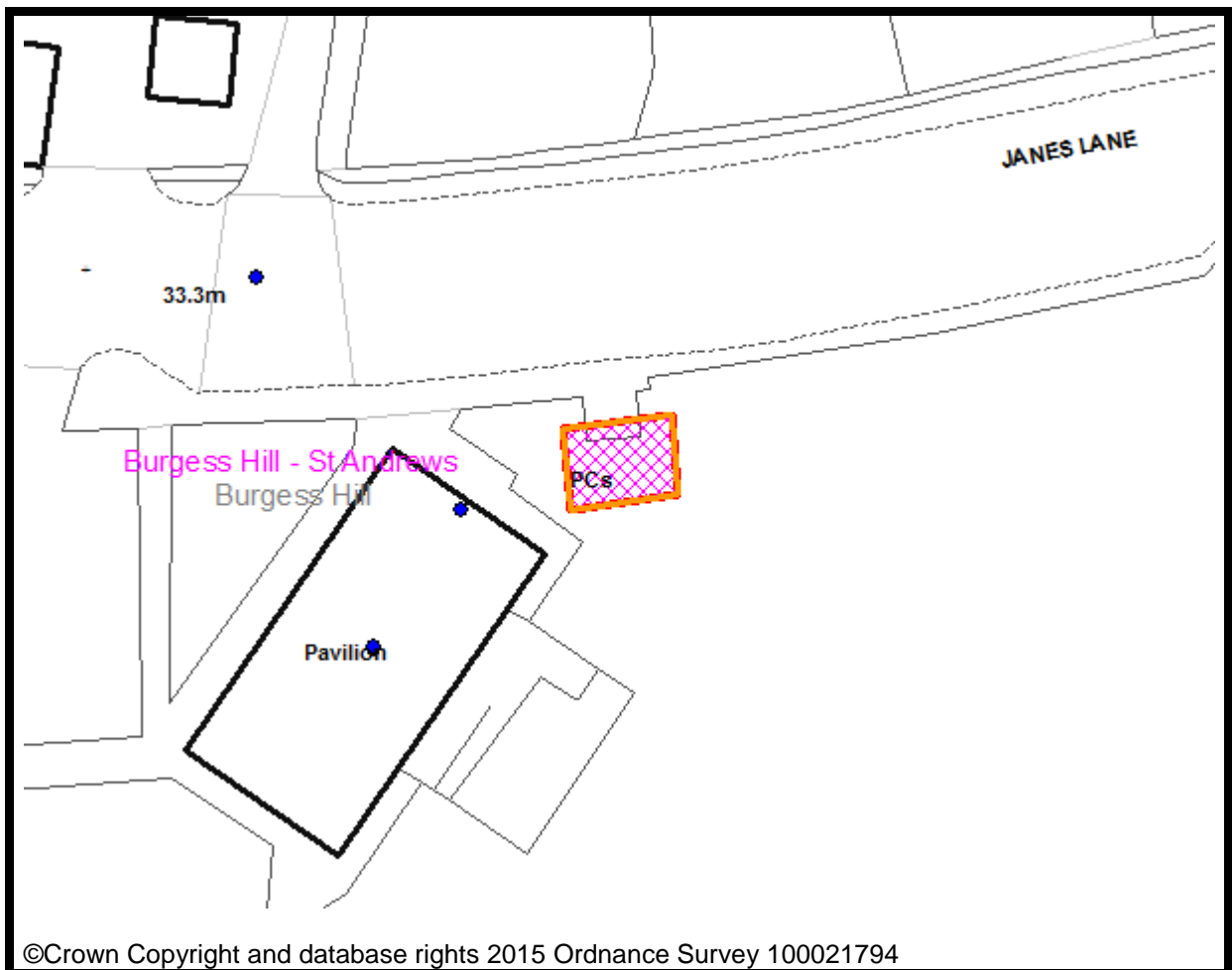
- a adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Burgess Hill

3. DM/18/2781



**PLAYGROUND RECREATION GROUND JANES LANE BURGESS HILL
ERECTION OF A CHANGING PLACES TOILET FACILITY.
MR PAUL WILLIAMS
GRID REF: EAST 532275 NORTH 120101**

POLICY: Built Up Areas / Classified Roads - 20m buffer /

ODPM CODE: Minor Other

8 WEEK DATE: 3rd September 2018

WARD MEMBERS: Cllr Colin Holden / Cllr Kirsty Page /

CASE OFFICER: 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 erection of a changing places toilet facility at the Worlds End recreation ground. The structure would be located adjacent to the existing pavilion and provide improved facilities for those members of the community whose needs are not met by the existing facility.

The proposed development complies with policy DP25 and DP26 of the Mid Sussex District Plan. 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

None

SUMMARY OF CONSULTATIONS

None

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council recommended approval in regards to the application.

INTRODUCTION

Planning permission is sought for the erection of a changing places toilet facility.

RELEVANT PLANNING HISTORY

BH/006/91 - REGULATION FOUR APPLICATION - NEW SPORTS PAVILION, PUBLIC TOILETS AND ASSOCIATED CAR PARKING (16 NO. SPACES) AND DEMOLITION OF EXISTING FACILITIES.

SITE AND SURROUNDINGS

The existing site consists of a large recreation park with hipped roofed existing toilet block and pavilion facilities which is characterised by face brickwork and timber doors and windows.

To the north of the site is car parking bays with Janes Lane beyond, to the south and east of the site is the recreation ground itself and to the west of the site is the existing toilet block and pavilion facilities with car park and Valebridge Road beyond.

The site is within the built up area of Burgess Hill.

APPLICATION DETAILS

The application seeks planning permission for the erection of a changing places toilet facility. The application is reported to committee as the application site is on land owned by the District Council.

The proposed changing places toilet facility measures 3.15m in depth, 4.1m in width with a height to eaves of 2.5m and an overall height of 2.7m.

The roof will be characterised by GRP with grey PVCu fascia and soffit boards and the walls will be characterised by white marley Cedral lap fibre cement boarding cladding and PVCu guttering. There will also be provision for a ramp with a 1:15 gradient to be located between the changing places facility and the pavement on Janes Lane.

LIST OF POLICIES

Mid Sussex District Plan

DP25 - (Community Facilities and Local Services)

DP26 - (Character and Design)

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was formally 'made' as of 28th January 2016.

No relevant policies.

National Planning Policy Framework

ASSESSMENT

The provision of community facilities and local services is supported by policy DP 25 of the District Plan. 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;
- 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 proposal would be of benefit to uses of the park. Given its modest size, standard timber clad appearance and the location near similar structures, it is considered that the proposal would be appropriate design, size and scale that is in keeping with the wider streetscene and in accords with policy DP26 of the Mid Sussex District Plan.

CONCLUSION

The proposed development complies with policy DP 25 and DP26 of the Mid Sussex District 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.

2. **Approved Plans**

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.

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.

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			05.07.2018
Site Plan	PL 001		05.07.2018
Proposed Floor and Elevations Plan	PL 002		05.07.2018

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Approval

MID SUSSEX DISTRICT COUNCIL

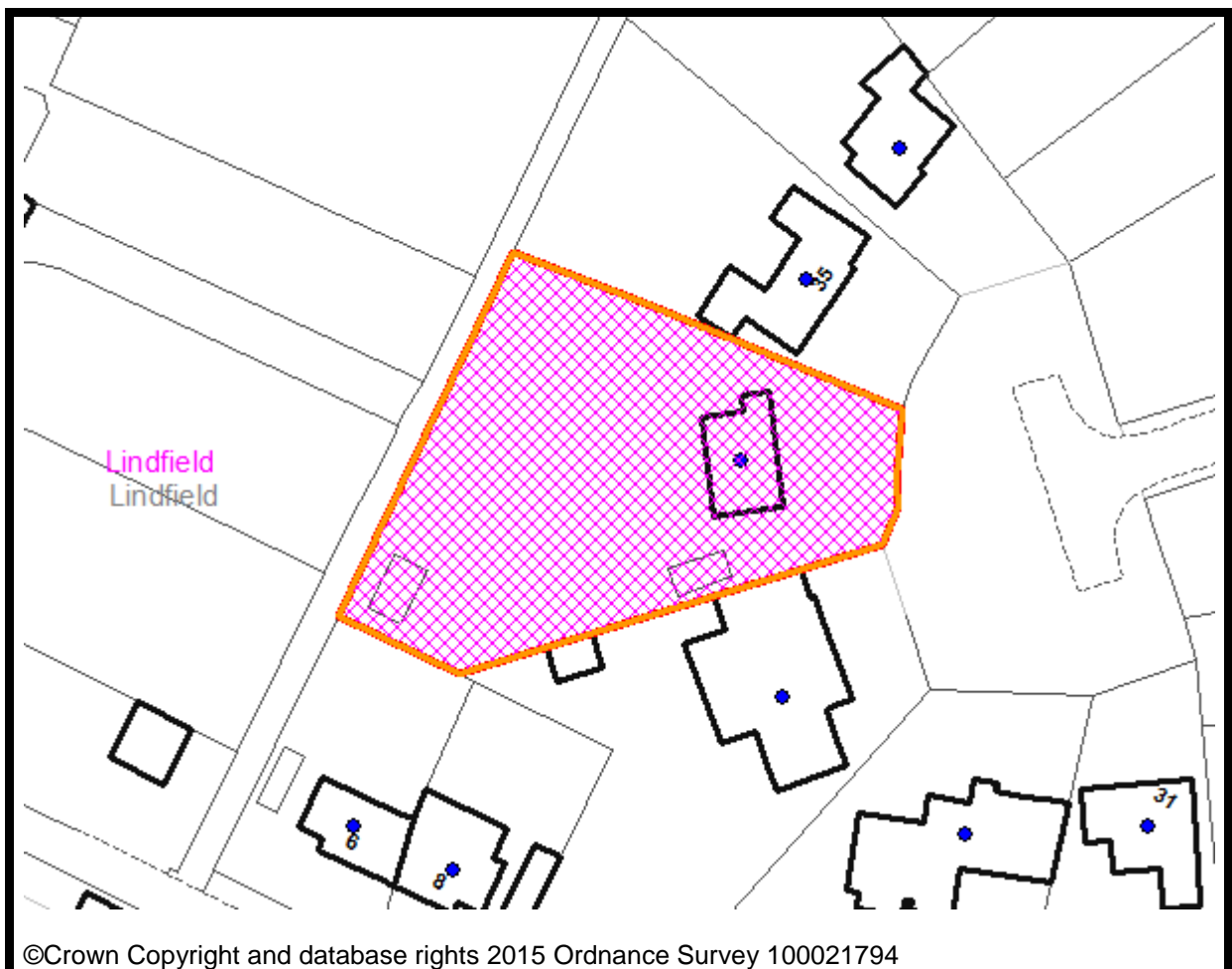
PLANNING COMMITTEE B

30 AUG 2018

PART II – RECOMMENDED FOR REFUSAL

Lindfield

4. DM/18/0884



**34 DUKES ROAD LINDFIELD HAYWARDS HEATH WEST SUSSEX
PROPOSED TWO-STOREY EXTENSION TO REAR & SIDE AND
PROPOSED NEW LEAN-TO CANOPY WITH FIRST FLOOR FRONT
EXTENSION.**

MR PETER LEWRY

GRID REF: EAST 534856 NORTH 125553

POLICY: Built Up Areas / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 30th August 2018

WARD MEMBERS: Cllr Margaret Hersey / Cllr Andrew Lea / Cllr Anthea Lea
/

CASE OFFICER: Kate Brocklebank

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

The current application follows a previously withdrawn application DM/16/1138 for similar additions and seeks permission for extensions to the front, south side and rear elevations resulting in remodelling the existing two storey chalet style property to create a two storey dwelling.

The proposed remodelling of the property would result in a substantially increased scale of dwelling which is considered acceptable in principle given the size of the plot and the character and scale of neighbouring dwellings within the cul-de-sac. In addition, the proposal would not cause harm to the setting of the adjacent listed buildings or the Lindfield Conservation Area. However, the proposed increased in scale and mass on the north side of the dwelling at first storey level would harmfully impact on the level of outlook to the only windows which serve the first floor bedroom, having an overbearing and enclosing affect, resulting in causing demonstrable harm to the amenity enjoyed by this neighbour contrary to policy DP26 of the Mid Sussex District Plan.

The application is therefore recommended for refusal for the reason set out in full at Appendix A.

SUMMARY OF REPRESENTATIONS

Eleven letters of representation have been received from five third party households. Their comments are summarised as follows:

- Plans and shadow study are inaccurate, contradictory and misleading
- Loss of outlook
- Overbearing impact
- Overdevelopment
- Loss of sunlight and daylight and overshadowing

- Impact on the character and appearance of the area
- The application is not materially different to the previously withdrawn application DM/16/1138
- Loss of original features
- Harmful impact on character of the Close
- Unneighbourly
- Affecting the setting of the nearby listed buildings
- Will neither protect or enhance the conservation area
- Poor standard of design
- Contrary to the Lindfield Village Design Statement
- Harmful loss of open aspect and space between the properties
- Covenant in place to protect amenity
- Development would set a harmful precedent

Two letters of support have been received from the applicant and their family. Their comments are summarised as follows:

- The scheme has been amended to improve relationship to neighbouring property
- No loss of light - sun and daylight will be improved, shadow study demonstrates this
- Windows affected are secondary and overlook our property
- Scale of proposed dwelling is comparable to those in the Close
- Increase in height is 300mm and with separation distances will not cause overbearing impact
- Spacing between dwellings will be maintained
- Design in the street differs between the properties

Lindfield Preservation Society: Object:

- Plans are inaccurate.
- Extensions will double the footprint overwhelming the original proportions.
- Out of character, overbearing and dominant in the streetscene.
- Harmful to neighbouring amenity.
- Detrimental impact on adjacent listed buildings.
- Harmful impact on views out of the conservation area.

SUMMARY OF CONSULTEES

Lindfield Parish Council: Objects to this application.

As proposed, the development and particularly its upper floor extension will dominate the neighbourhood and in particular the neighbouring property at 35 Dukes Road, contrary to Policy DP26 of the Mid Sussex District Plan 2014-31 Adoption Version. A previous extension has been undertaken under Permitted Development guidelines and that combined with the proposed works, will at least double the foot print of the property. This will result in light being taken away from the neighbouring property and negatively affect the outlook from a number of its rooms and garden area. Accordingly LPC cannot support this application and notes that some of the plans

submitted and statements made in support of the proposal are inconsistent or unsupported and therefore potentially misleading.

Conservation Officer:

(Verbal comment) No objection: Although the proposal is for large extensions, it will retain sufficient garden area in order to maintain the existing green setting of the adjacent conservation area and nearby listed buildings to ensure no harm would occur.

INTRODUCTION

This application has been called to Planning Committee by Cllr Mrs Hersey and seconded by Cllr Mrs Lea due to the concerns being raised by neighbours and the Parish Council.

The application is a resubmission of previously withdrawn application DM/16/1138 and seeks permission for extensions and remodelling of the existing two storey chalet style property; this scheme included extensions on the north side of the dwelling as well, prior to the construction of the existing single storey side extension.

RELEVANT PLANNING HISTORY

DM/16/1138 - Proposed two storey extensions to the sides and rear, including remodelling of the first floor, to create four bedroom two storey dwelling with double garage. AMENDED: "amended plans received 15.08.2016 showing amendment to the design of the extension". Withdrawn 23.08.2016.

DM/16/3968 - Erection of a single storey rear extension extending beyond the rear wall of the original house by 5.6m, to a maximum height of 4.0m and the height of the eaves to 3.00m. Prior approval not required. 25.10.2016.

SITE AND SURROUNDINGS

The application site is formed of a two storey chalet style property and forms one of a pair of similar properties located at the north western end of a cul-de-sac of six differing style properties on the west side of Dukes Road. The property is finished in red/brown brickwork with areas of white weather boarding and has a steeply sloping pitched roof covered with dark tiles and the gable ends are tile hung. The property has recently been extended at ground floor level on the north elevation to create a single storey addition with false pitched roof and is finished in matching brickwork and tile.

The neighbouring dwellings within the Close vary in design and scale and are all, bar the application site and the adjoining neighbour no.35 Dukes Road, two storey detached dwellings; the majority of which have been extended in the past and each occupy a generous garden plot and maintain parking areas to the front with deep grass verges beyond to the back of the roadway.

APPLICATION DETAILS

The application seeks planning permission to remodel and extend the property to the front, south side and rear elevations as follows:

To the front elevation; the proposal seeks to extend the property at first floor level and introduce two gable style elements with hipped roofs over along with a canopy hood across half the width of the main dwelling to create an open porch.

To the southern elevation; a double garage extension with accommodation over (creating a two en-suite bathrooms), including a front pitched roof dormer. The extension measures approximately 5.3m in width, 7.5m in depth and 6.3m in height; the addition proposes an asymmetric roof form with low eaves to the front rising to the rear.

To the rear elevation; a two storey full width extension measuring 10m in width is proposed with a depth of approximately 6m with a hipped roof over (measuring approximately 7.3m in depth from the existing ridge to the end of the proposed hip) creating a twin pitched roof with area of flat roof between the two, the maximum height of the proposed extension totals approximately 7.2m.

Proposed materials are roof tiles to match existing which are red clay tiles, brickwork and weatherboarding to the elevations and powder coated aluminium/timber framed windows.

LIST OF POLICIES

Neighbourhood Plan

The Lindfield & Lindfield Rural Neighbourhood Plan 2014-2031 is a 'Made' plan (2016) and therefore carries full weight.

Relevant policies:

Policy 1: A Spatial Plan for the Parishes.

Mid Sussex District Plan Adopted March 2018

Relevant policies:

DP26: Character and Design

DP34: Listed Buildings and Other Heritage Assets

DP35: Conservation Areas

National Policy and Legislation

National Planning Policy Framework (NPPF) (July 2018) is also a material consideration and paragraphs: 8 states the three overarching objectives to the planning system achieving sustainable development; 10 & 11 (presumption in favour of sustainable development) 124 & 127 (achieving well-designed places) are

considered to be of particular relevance to this application, 193 (impacts on designated heritage assets).

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are design, impacts on heritage assets and amenity.

Design:

District Plan Policy DP26: Character and Design 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 application seeks planning permission for extensions and remodelling of the existing chalet style bungalow resulting in the creation of a two storey dwelling with attached double garage. The proposal would result in a dwelling of notably different character and significantly larger scale when compared to the existing modest scale property. Although the resultant property would be substantially larger than the existing dwelling and the extensions do not represent subservient additions to the

property, the application is considered to result in a property which would set comfortably in the context of Dukes Road which is very mixed in scale and predominantly characterised by large detached dwellings. As such, it is not considered the scale of the proposal could warrant refusal of planning permission in design terms.

The dwelling currently forms one of a pair of similar style and scale dwellings from the front. The symmetry between the two would be lost as a result of the proposal; however it is not considered that this would cause adverse harm to the character of the streetscene, which is very varied. In addition, a number of properties have been extended in that past and the scale of the proposal would retain spacing between it and neighbouring dwellings to either side to ensure it would not appear out character or adversely obtrusive in the streetscene. The proposed garage would also be set back approximately 3m from the front elevation and set down approximately 1m below the main ridge height which would assist in breaking up the overall bulk of the development. The proposal would also maintain a significant amount of garden space which along with the set back from the street and retained grass verge would provide an appropriate setting for the proposed development.

The overall design of the dwelling would have a tradition style, utilising materials which are considered to, in principle, be in-keeping with the proposed style. It is noted however that the submitted plans make mention on some of the elevations of horizontal concrete weatherboarding which would need to be agreed by condition along with any other external material to ensure an appropriate finish and appearance is achieved.

The resultant dwelling is therefore considered to be an acceptable design in the context of the site and would not cause harm to the character of the area and would therefore meet the requirements of policy DP26.

Heritage Impacts:

The application site backs onto the Lindfield Conservation Area, the boundary of which runs along the rear boundary of the site and also which contains a number of listed buildings, including some directly to the rear of the site. As such, due consideration should be given to any potential impacts on the setting of both these heritage assets.

The relevant section from District Plan policy DP34 (Listed Buildings and Other Heritage Assets) states:

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *Special regard is given to protecting the setting of a listed building;*

The relevant section from Policy DP35 (Conservation Areas) states:

Development will also protect the setting of the conservation area and in particular views into and out of the area.

The Council's Conservation Officer has considered the application in this regard and notes that despite the large scale of the proposal, it will retain sufficient garden area in order to maintain the existing green setting of the adjacent conservation area and listed buildings and would not cause harm to the setting of these designated heritage assets. The proposal therefore meets the requirements of policies DP34 and DP35.

Impact on amenity:

The proposed extensions are most likely to affect the adjacent neighbours to the north and south as sufficient distances are considered to be maintained between the proposal and neighbouring dwellings to the rear to ensure no adverse impacts would occur.

The current application follows withdrawal of a previous application DM/16/1138 which sought to extend the property to the north side in the form of a single storey extension incorporating a catslide roof over. This element was removed from the current application prior to submission with the aim of addressing the impact on no.35 to the north of the site and a single storey side extension with dummy pitch has been constructed under Permitted Development Rights.

The proposed garage and en-suite two storey extension to the south side of the property is adjacent to no.33 Dukes Road. The property has been extended in the past and includes a cat slide roof on the north elevation with no windows above ground floor and has a car port adjacent to the boundary with the site. As such, the potential impacts on overshadowing, causing an overbearing impact, loss of sunlight/daylight are not considered likely to be significant and no adverse overlooking/loss of privacy is anticipated.

To the north east side of the site the neighbouring property (35 Dukes Road) is a chalet style property with a number of windows which overlook the application site, located in the side elevation of the dwelling. No. 35 is located on slightly higher ground and the boundary between the property and the application site is formed from approximately 1.8-2m high close boarded fencing leading into brick walling into the rear garden.

On the ground floor of No.35, the property has a single storey side/rear 'sunroom' extension which sits close to the boundary with the application site and includes a high level window adjacent to and above the shared boundary. Within the main body of the property, there are also two windows which serve the living room, each are clear glazed and offer views towards the application site.

The proposed extensions extend some 7.3m from the existing ridge into the rear of the site, in addition front gable extensions are also proposed, as such there is likely to be an impact on sunlight/daylight to each of the side ground floor windows as a result of the increased bulk of the proposed dwelling. Each of these windows are however secondary windows to an open plan room which has a large window in the front elevation and a substantially glazed sunroom to the rear. It is therefore considered that any impact on sunlight/daylighting to this room is unlikely to cause demonstrable harm and could not therefore warrant refusal of planning permission on these grounds.

At first storey level of no.35, the property has a bedroom and its only aspect directly overlooks the application site, which is an unusual relationship. Each of the windows serving this room would therefore look directly onto the proposed extended dwelling. The properties are orientated away from one another to the rear resulting in an increased separation distance to the rear of the dwellings, with a gap of approximately 8.5m between these windows and the north elevation of the application dwelling. Using the BRE guidance on Daylight and Sunlight as a guide to assess the impacts on sunlight/daylight the proposed extensions would not notably impact on sunlight or daylight to these windows. However, these windows provide the only outlook to this bedroom and despite this being an unusual relationship, the existing level of amenity to this property should be maintained. The proposal would result in a significant increase in bulk and mass within close proximity of these windows and would harmfully impact on the only outlook resulting in an overbearing and harmfully enclosing impact causing harmful loss of amenity to the property contrary to policy DP26 of the District Plan.

CONCLUSION

The proposed remodelling of the property would result in a substantially increased scale of dwelling which is considered acceptable in principle given the size of the plot and the character and scale of neighbouring dwellings within the cul-de-sac. In addition, the proposal would not cause harm to the setting of the adjacent listed buildings or the Lindfield Conservation Area. However, the proposed increased in scale and mass on the north side of the dwelling at first storey level would harmfully impact on the level of outlook to the only windows which serve the first floor bedroom, having an overbearing and enclosing affect, resulting in causing demonstrable harm to the amenity enjoyed by this neighbour contrary to policy DP26 of the Mid Sussex District Plan.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed extensions would result in a substantial increase in bulk and mass of the dwelling, significantly harming the neighbouring amenity of no. 35 Dukes Road by causing harmful loss of outlook to the only windows serving the first floor bedroom, resulting in an overbearing and harmfully enclosing impact causing demonstrable harm to the amenity enjoyed by this property contrary to policy DP26 of the Mid Sussex District Plan 2014-2031.

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	H4295.0.PA3		28.02.2018
Existing Floor and Elevations Plan	H4295 002		28.02.2018
Proposed Floor Plans	H4295.0.PA1		28.02.2018
Proposed Elevations	H4295.0.PA2		05.03.2018

APPENDIX B – CONSULTATIONS

Lindfield Parish Council

Lindfield Parish Council objects to this application. As proposed, the development and particularly its upper floor extension will dominate the neighbourhood and in particular the neighbouring property at 35 Dukes Road, contrary to Policy DP26 of the Mid Sussex District Plan 2014-31 Adoption Version. A previous extension has been undertaken under Permitted Development guidelines and that combined with the proposed works, will at least double the foot print of the property. This will result in light being taken away from the neighbouring property and negatively affect the outlook from a number of its rooms and garden area. Accordingly LPC cannot support this application and notes that some of the plans submitted and statements made in support of the proposal are inconsistent or unsupported and therefore potentially misleading.