
3 April 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE A** will be held in the **Council Chamber** at these offices on **THURSDAY, 11TH APRIL, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

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 previous meeting held on 17 January 2019. **3 - 12**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended For Approval.

6. DM/18/3242 - Mount Pleasant Nursery, Cansiron Lane, Ashurst Wood, East Grinstead, RH19 3SE. **13 - 64**
7. DM/18/4013 - Land r/o West Lodge, Tiltwood, Hophurst Lane, Crawley, RH10 4LL. **65 - 90**
8. DM/18/4020 - Webster House, Whitemans Green, Cuckfield, Haywards Heath, RH17 5HX. **91 - 122**

Working together for a better Mid Sussex

9. DM/19/0279 - Royal Mail Hassocks Delivery Office, 36 Keymer Road, Hassocks BN6 8AA. **123 - 156**

Items Recommended For Refusal.

None.

Other Matters.

10. TP/18/0008 - 15 Romaine Close, Burgess Hill, West Sussex, RH15 0NS. **157 - 160**
11. 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 A:** Councillors E Matthews, D Sweatman, J Ash-Edwards, M Hersey, G Marsh, H Mundin, C Trumble, N Walker, J Wilkinson and P Wyan

**Minutes of a meeting of Planning Committee A
held on Thursday, 17th January, 2019
from 7.00 pm - 10.52 pm**

Present: E Matthews (Chairman)
D Sweatman (Vice-Chair)

J Ash-Edwards
M Hersey
G Marsh

H Munding
C Trumble
N Walker

J Wilkinson
P Wyan

Absent: None.

Also Present: Councillor G Wall

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

None.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

**3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

Councillor Ash-Edwards declared predetermination in item DM/18/2912 Land Parcel Adj Newbury, Courtmead Road Cuckfield and in item DM/18/4567 Pease Pottage Village Sports and Social Club in his Cabinet and Portfolio roles and will remove himself from the committee for the duration of discussion and voting on these items.

Councillor Marsh declared a predetermination interest in DM/18/2912 Land Parcel Adj Newbury, Courtmead Road Cuckfield in his Cabinet role and will remove himself from the committee for the duration of discussion and voting on this item. He also declared a personal interest in item DM/18/4567 Pease Pottage Village Sports and Social Club as one of the objectors is known to him.

Councillor Margret Hersey declared a predetermination interest in item DM/18/3656 41 Hickmans Lane, Lindfield and will remove herself from the committee for this item although she will be speaking as Ward Member. She also declared a personal interest in item DM/18/4414 Monkton Cottage, Ardingly Road as one of the objectors is known to her.

**4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING OF THE
COMMITTEE.**

The minutes of the meeting of the Committee held on 6 December 2018 were agreed as a correct record and signed by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

Councillor Marsh and Councillor Ash-Edwards withdrew from the Committee and sat in the public seating area and took no part in the discussion and voting on the following item.

6. DM/18/2912 - LAND PARCEL ADJ. NEWBURY, COURTMEAD RD, CUCKFIELD, RH17 5LP.

Steve King, Planning Applications Team Leader, introduced the application for the erection of a single five bedroom dwelling house and double garage. He drew attention to the additional representations contained in the Agenda Update Sheet, confirming that a copy of the letter from the solicitor acting for an objector had been sent to Members. He also referred to the extensive planning history of the site, noting that the consented elevations agreed in 2013 are similar to what is now proposed. He highlighted that planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The application complies with DP6 in the District Plan regarding the principle of the development, but there is some conflict with the Cuckfield Neighbourhood Plan CNP5. As the site falls partially within a conservation area the law states that special attention needs to be given to the desirability of preserving and enhancing the character and appearance of the conservation area. The Planning Applications Team Leader advised that in the officers view there will be limited harm to the character of the conservation area due to loss of views but there will be no adverse impact on the setting of the listed Church and no significant harm to neighbouring amenity.

He also drew Members attention to a PROW application made to West Sussex County Council in December by a solicitor acting for an objector to the scheme to seek to establish a right of way through the site. As this is a material planning consideration, it has been taken into account and in the Officers view would not cause significant impact.

Andrew Burton, Cuckfield Parish Council, Will McNamee and Flis Irving spoke in objection to the application citing harm to the conservation area and Church and that the site should be returned back to the Villagers. Martin Carpenter, as Agent, spoke in support of the application.

Following a question from a Member, the Team Leader confirmed that ownership matters are irrelevant to the determination on an application as it should be on planning merits.

A Member noted that there is a significant history to the application as it is Council owned land. He acknowledged the high level of emotion involved and that there was no hidden agenda with the application. In his view, the planning issues and policy are viewed in light of the Plan we have and it is clear that the current application fits the policies. Councillor Walker concurred, noting that planning is not a democratic process, it is a regulatory one defined by legislation and the committee must be guided by the highly trained officer guidance. With that in mind he moved to recommend that the application be approved as per the Officer recommendation.

The Team Leader clarified details in the additional letter referred to in the Agenda Update Sheet and sent to Members regarding Great Crested Newts, noting that the application was accompanied by a phase 1 habitat report. This has been assessed by the Council's ecological consultant who was satisfied by the report, and in addition condition 9 offers protection during the works. The Team Leader advised that there was no intention to carry out works on the hedges to the east and west of the application site.

James Neill, the Council's Barrister, wanted to clarify the Council's response to the additional letter regarding the last point raised on rights of way application referring to the quote from page 35 of the Report. He said it was clear from reading the whole Report that such reference was summarising the previous paragraph that even if the PROW application were successful, the stopping up, diversion or extinguishment of this footpath would not give rise to unacceptable harm from a planning aspect in terms of loss of public amenity or highways impact.

The Chairman took Members to recommendation to approve as set out in the Report which was agreed unanimously.

RESOLVED

That planning permission is granted subject to the conditions listed in the appendix.

Councillor Marsh and Councillor Ash-Edwards returned to the Committee for the following items.

7. DM/18/3022 - 11A CRAWLEY DOWN ROAD, FELBRIDGE, EAST GRINSTEAD, RH19 2NT.

Steve King, Planning Applications Team Leader introduced the application for the demolition of 11a Crawley Road and the erection of 32 dwellings with associated infrastructure, parking and landscaping. He noted that 11a Crawley Road and the access to the site is within Tandridge District Council boundary therefore the net gain to Mid Sussex District Council will be 31 dwellings. The site is outside of the built up area of East Grinstead, however planning permission has been granted for an additional 26 dwellings to the east of the site, and 63 dwellings on the west. There is an outstanding joint appeal on these two items as Tandridge have not granted access and this will be determined at a Public Inquiry in May 2019. He confirmed that access has been granted on appeal for the current application at 11a Crawley Road, and outlined the issues regarding the current application as contained in the report.

The Team Leader also drew Members attention to the highways section in the report and referred to the planning permission that was granted by the Secretary of State for up to 200 dwellings at Hill Place Farm in East Grinstead. He advised that the Secretary of State had not found that the cumulative impact of that scheme in March 2018 to be severe and that planning permission had been granted for that development. The Team Leader advised that in light of this decision it would be very difficult to sustain an argument that a net gain of 31 dwellings here would have a severe cumulative impact on the highway network.

The Team Leader also advised Members that by definition, Mid Sussex District Council had not found that impact of the two schemes either side of the application site to be severe because it had granted planning permission for both of these developments.

Jeremy Clarke, Felbridge Parish Council spoke in objection to the application on the grounds of the effect that the three planning applications will have on the small village of Felbridge, noting that the adjacent sites were confirmed when the District Plan was not in place. Alistair Hume, as Agent, spoke in support noting that an independent inspector concluded that the highways impact was not severe.

The Chairman read out a statement of objection provided by Councillor Heidi Brunsdon, the Ward Member for the area who was not able to attend the committee in person. In summary, the Ward Member felt that the application should be refused or deferred as premature until the conclusion of the appeal on the adjoining sites and the conclusion of an option appraisal for the A22/A264 Felbridge junction which is being carried out by West Sussex County Council, Surrey County Council, Tandridge District Council and Mid Sussex District Council as there are significant and complex highways issues relating to the application. She also feels that the application is not a sustainable location particularly in relation to the affordable housing units.

The Chairman noted that East Grinstead Town Council, the East Grinstead Society, Tandridge District Council and Felbridge Parish Council strongly object to this proposal. He acknowledged Felbridge Parish Council's objections to the application on the grounds that it is conflict with the East Grinstead Neighbourhood Plan policies EG 2 and 2a and District Plan policies DP6, DP12 and DP15.

A Member sought clarification that the outstanding appeal was for the access to the sites proposed to the east and west of this application. Acknowledging that access had been agreed on appeal for the current application, that West Sussex County Council and Surrey Highways Authorities have no objection, and that the Officers recommendation and Planning Inspector at the appeal concluded it was a sustainable location, he could not see a reason to refuse and would support the officer recommendation. Also, regarding any implications to the Ashdown Forest, he noted that the houses would be subject to SANG to mitigate this.

A Member drew comparison with a similar application at Friars Oak, Hassocks where an earlier application had been approved and was subsequently declined due to a change in circumstances. He felt there was a similar change in circumstance now. Had the adjoining two sites been presented now, with the District Plan in place, they would have been contrary to policies and refused. He did however acknowledge that now they have been approved, it is difficult to refuse a section of development in between.

A Member raised concern over the cumulative impact that the three applications will have on the Felbridge junction, and the pollution levels which could affect people walking to school. He noted that the report shows the application is not compliant with DP6, DP12 and DP15 and that other Local Authorities are unhappy with the application.

A Member noted that regarding the appeal for access, the Inspector judged it is a sustainable location. Coalescence is also not an issue and there is a difference to the Friars Oak application as that was pushing out into the countryside whereas this application is surrounded by development. He did however feel it was a missed opportunity to look at the design element.

A Member noted that it is difficult to find a planning reason to refuse especially as the two relevant highways authorities don't object.

A Member felt it was unfortunate that the three applications came forward in a piecemeal approach and were not strategically planned. He noted it was difficult to assess when the highway and access is shared by various authorities but that the Council had judged the development impact of the adjoining developments as acceptable, so to refuse the infill site would not be a sustainable argument.

The Vice Chairman commented that area has seen a lot of recent development and was not happy with application, especially with it's implications for the Felbridge junction.

The Chairman noted that the application was unacceptable for a number of reasons as well as the highways issues. He proposed to refuse the application as it is not in compliance with policies in Development Plan, particularly DP6, DP12, DP15, DP21 and also EG2, EG2a and EG5 of the East Grinstead Neighbourhood Plan. This was seconded by Councillor Sweatman.

The Legal Representative asked the Chairman to clarify the reasons why the application does conflict with the policies as Members would need to show clear and substantial reasons with supporting evidence otherwise the Council could be liable for costs at any appeal. The Chairman responded that it was self-evident as set out in the report as even the Officers acknowledge it is in conflict with District Plan policies as it relates to the harm to the Countryside.

A Member called for a recorded vote on the Chairman's proposal to refuse, as he felt it was contrary to the Planning Inspector and Highways Authorities. This was supported by another Member who felt that a refused application would be overturned at appeal.

It was confirmed with the required 5 members of the committee that a recorded vote would be held. He then took Members to the motion to refuse the application. Voting in favour of refusal were Councillors Wyan, Sweatman and Matthews. Voting against refusal were Councillors Ash-Edwards, Trumble, Marsh, Walker, MUNDIN and M. Hersey with Councillor Wilkinson abstaining.

The Chairman then took Members to the recommendation to approve the application as set out in the Report which was approved with 7 votes in favour and 3 against.

RESOLVED

That planning permission be granted subject to the recommendations below:

Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 11 April 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore

conflicts with policies DP20 and DP31 of the District Plan.

The Chairman paused the meeting for a 10 minute break at 8.52pm, resuming at 9.02pm.

Councillor Margaret Hersey then withdrew from the Committee and sat in the public seating area for the following item in order to speak as Ward Member but took no part in the voting.

8. DM/18/3656 - 41 HICKMANS LANE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX RH16 2BZ.

Kathrine Williams, Planning Officer introduced the application for the partial demolition of existing detached house, proposed single and two storey extensions to the front, side and rear elevations and associated alterations. In the officers opinion the separation distance to neighbouring properties will have no adverse impact and the committee is therefore recommended to approve the application.

Neighbouring residents Martin Kenward and Malcolm Smith spoke in objection to the application due to the overbearing nature of the development which is out of character with the area. Jeff Burrows spoke in support of the application, as the applicant, noting that the designs were sympathetic to original building and amended to address the neighbour's concerns.

Councillor Margaret Hersey, who had called in the application along with Councillor Anthea Lea, spoke as Ward Member in objection to the application on the grounds that if approved, the surrounding properties will be faced with a brick wall due to the size and location of the property. Along with the Parish Council, she felt it was also detrimental to street scene. Whilst there was no objection to the principle of redevelopment she felt it could be designed without being overbearing to the neighbours and contrary to DP26.

A Member sought clarification on the windows to the south elevation. These were confirmed as being unfrosted ensuite windows set up high and a second bedroom window and that window would be opaque as there is an uninhibited view to neighbouring property. He noted that there will be a loss of light to No.39 and the distance to No.43 at 20m is acceptable but close and felt that the Council did not usually allow extensions to the front of the building line of the properties in a townscape area.

A Member supported an application to update the property in principle but noted the substantial increase of the rear extension he felt this was overbearing and un-neighbourly at its two storey height. This was agreed by other Member who noted that the rear extension goes up to the boundary with No.43, would block sunlight and would have an unneighbourly impact.

The Planning Officer confirmed that the extension goes to the boundary with the adjoining footpath and it would only be possible to access the back garden through the property. She highlighted that the Right-of-Way Officer from West Sussex County Council had no objection to it reaching the boundary and if the applicant wanted to obstruct the footpath with scaffolding during construction, they would need to submit a separate application to the County Council.

She also confirmed that the adjoining property at No.43 faced west and the impact to light was assessed for this property against good practice guidance and it was not considered that the extension would cause a significant loss of light.

Councillor Marsh proposed that the application be refused as it is contrary to DP26, causing significant harm being overbearing and unneighbourly to No.43. This was seconded by Councillor Wilkinson.

The Chairman took Members to the motion to refuse the application. The motion to refuse was agreed with 8 votes in favour and 1 against.

RESOLVED

That planning permission be refused for the following reason: The proposed development would be unneighbourly and overbearing development that would have a significant adverse impact on the residential amenities of 43 Hickmans Lane. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031.

Councillor M Hersey returned to the Committee at 9.40pm for the following items.

9. DM/18/4388 - 30 STUART WAY, EAST GRINSTEAD, WEST SUSSEX, RH19 4RS.

Anna Tidey, Planning Officer introduced the application for the removal of the existing conservatory, single storey / two storey side extension, single storey rear extension, conversion of the garage into dining room, new porch and changes to external finishes. She drew attention to the Agenda Update Sheet where the applicant has provided additional drawings and illustrative models to show how the two storey extension will affect the light received by No.32 Stuart Way, highlighting no significant impact to light at No.32 Stuart Way.

Robert Bennett spoke in objection to the application on the grounds of loss of outlook and change to the appearance of the area.

The committee noted that the meeting would continue past 10pm and unanimously agreed to continue as public speakers were in attendance for subsequent items.

David Painter, the applicant, and Ross Bowditch, the agent and designer, spoke in support of the application noting that it was designed to minimize impact to neighbours.

The Planning Officer confirmed that No.32 had a blank side wall apart from a conservatory set back. The light models provided by the applicant had given satisfactory evidence of no adverse effect on lighting.

The Vice Chairman confirmed he had called it in the application along with Councillor Edward Belsey as he wanted the Committee to consider if it is contrary to policies EG3 (ABC) and DP26. He noted that the Council had refused an earlier application on the grounds of over development and being out of keeping with street scene which was still applicable as the pitched roof is right up to boundary and the set-back top floor is only half metre from the neighbour. He proposed that the application be refused but, as there was no seconder for this motion, that motion fell.

The Chairman took Members to the recommendation to approve, as set out in the Report. This was agreed with 9 votes in favour of approval and 1 against.

RESOLVED

That planning permission be approved subject to the conditions set in Appendix A.

10. DM/18/4414 - MONKTON COTTAGE, ARDINGLY ROAD, CUCKFIELD, HAYWARDS HEATH.

Anna Tidey, Planning Officer introduced the application for the demolition of the existing dwelling and replacement with a new 5 bed dwelling and garage/annexe. She drew Members attention to the agenda update sheet with further letters of objection, illustrative plans provided by the agent regarding the privacy screen for bedroom 3 and for clarity the reasons for refusal of application DM/18/1253.

Councillor Marie Dormer, from Cuckfield Parish Council, spoke in objection to the application due to the site, scale, spacing and design of the property although she acknowledged no objection to the principle of development on site. Nicola Guthrie and Tristan Redfern also spoke in objection to the application on the grounds of over development and loss of outlook.

Frances Druce and David Jenkins both spoke in support of the application noting that the design had been altered to address the neighbour's initial concerns.

A Member felt that, although design is in the eye of the beholder, the new building is too large and will decimate the light to Little Ruthven and Ruthven Close. He acknowledged that redevelopment of the site could take place but felt it should be nearer the road and of a different design. He could not support the application.

The Chairman approved of the modern design and a Member noted that nearby there are properties which have been considered for the Council's Design Award so it is not possible to say that modern design is out of keeping with the area.

In terms of the scale of overlooking, the Planning Officer confirmed that the distances are 17m, 21m and 16m to the neighbouring properties, going from front to back of proposed new property. The height of the existing bungalow is 4.8m and the proposed front elevation varies between 6 - 6.3m. The rear is 5.2m. There is screening on the eastern boundary at one point and on the other side there is a wall, however at first floor level there is more overlooking.

A Member had no objection to the principle but felt that the dark timber cladding proposed would be obtrusive and overbearing to look out on, especially from No.3. It was noted that the Silver Birch which serves as screening in between had no preservation order and could therefore be cut down, reducing screening even more.

A Member noted that the height of the roof will be visible to Ruthven Close, but not the activities of the house, therefore he was in support of the application.

A Member highlighted that the Parish Council did not object to development on the site, but did object to the design which should be given consideration. Councillor Walker noted that it was not possible to refuse simply on design and moved to propose to move to the recommendation that the application be approved. This was seconded by Councillor Trumble.

Councillor Marsh proposed that the application be refused but there was no seconder and so the motion was withdrawn.

The Legal Representative noted that the recommendation should read 'that planning permission be approved subject to the conditions set out in Appendix A', as this was not explicitly mentioned in the Report. The Chairman took Members to that recommendation to approve and this was agreed with 7 votes in favour of approval and 3 against.

RESOLVED

That planning permission be approved subject to the conditions set in Appendix A of the report.

11. DM/18/4476 - 3 SHELLEY WOOD, BURGESS HILL, WEST SUSSEX, RH15 9XL.

The Chairman introduced the application to reduce the crown of a T1 Oak by up to 2m. He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. He took Members to the recommendation to grant consent as set out in the Report which was agreed unanimously.

RESOLVED

That consent is granted subject to the conditions listed in the appendix.

Councillor Ash-Edwards withdrew from the Committee and sat in the public seating area and took no part in the voting on the following item.

12. DM/18/4567 - PEASE POTTAGE VILLAGE SPORTS & SOCIAL CLUB PAVILION, FINCHES FIELD RECREATION GROUND, OLD BRIGHTON ROAD SOUTH, RH11 9AH

The Chairman introduced the application for the variation of condition 6 of planning application DM/17/4027 in respect of car parking to be provided, with additional details of materials and finishes of proposed parking area (condition 4). He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. Councillor Marsh as Ward Member supported the application. The Chairman took Members to the recommendation to approve as set out in the Report which was agreed unanimously.

RESOLVED

That permission be granted subject to the conditions outlined at Appendix A.

Councillor Ash-Edwards returned to the Committee at 10.51pm for the following item.

13. DM/18/4620 - 17B BLUNTS WOOD ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 1ND.

The Chairman introduced the application for consent to fell a T1 multi stemmed hornbeam, reduce the height of a T2 Holly by up to 3m and lateral growth by 1m. To

remove the dead/diseased stem to the base and reduce the stem closest to shed back to first upright growth point on a T3 multistemmed Hornbeam (juvenile) and to remove stubs and reduce the secondary limb to first upright growth point on a T4 Hornbeam.

He noted that there were no public speakers and Members confirmed that they did not require a presentation on the item. The Chairman took Members to the recommendation to grant consent as per the Report which was agreed unanimously.

RESOLVED

That consent is granted subject to the conditions listed in the appendix.

14. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The Chairman concluded the meeting by acknowledging that the Legal Representative, Paul Collick, is leaving the Council after a significant number of years. The Chairman thanked him for his guidance at committees and the committee concurred.

The meeting finished at 10.52 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

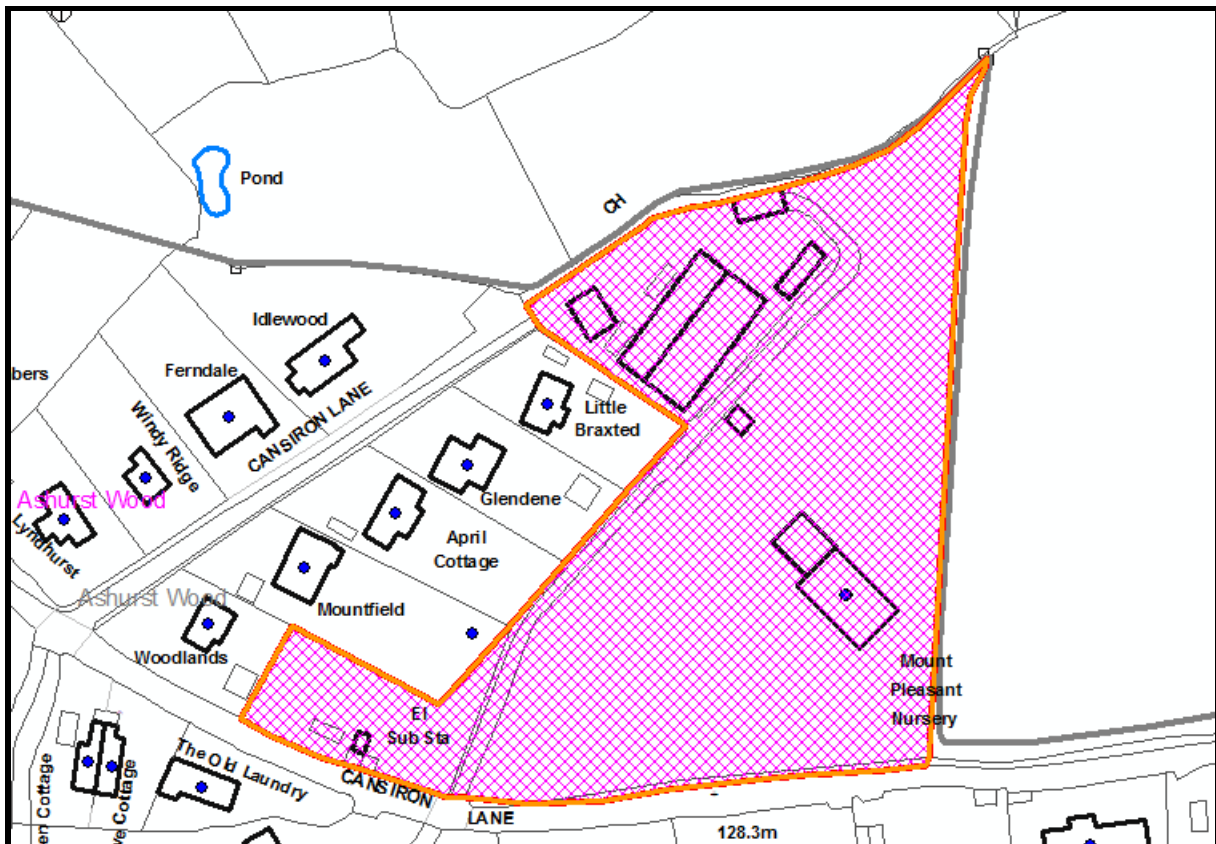
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

Ashurst Wood

DM/18/3242



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MOUNT PLEASANT NURSERY CANSIRON LANE ASHURST WOOD EAST GRINSTEAD

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND NURSERY BUILDINGS AND CONSTRUCTION OF UP TO 6 DWELLINGS WITH CREATION OF NEW ACCESS ONTO CANSIRON LANE AND PROVISION OF LAYBY. ALL MATTERS TO BE RESERVED EXCEPT FOR ACCESS. (AMENDED PLANS RECEIVED WITH CORRECTED RED LINE BOUNDARY AND ADDITIONAL ECOLOGICAL REPORT)

MR JOE TAYLOR

POLICY: Areas of Outstanding Natural Beauty / Article 4 Direction / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 11th July 2019

WARD MEMBERS: Cllr John Belsey /

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 outline planning consent, with all matters reserved except for access, for the demolition of the existing dwelling and nursery buildings and the construction of up to 6 dwellings with creation of new access onto Cansiron Lane and a new layby.

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.

Regarding the principle of the development, the site is allocated for residential development within the Ashurst Wood Neighbourhood Plan so in this respect complies with the Development Plan.

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 visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage, protected species and the Ashdown Forest impact.

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6, DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies ASW1, ASW2, ASW5, ASW7, ASW14, ASW15, ASW20, ASW21 and ASW23 of the Neighbourhood Plan as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

RECOMMENDATIONS

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards infrastructure, SAMM mitigation and the inclusion of an appropriate affordable housing formula (including required Affordable Housing provisions), as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure payments, SAMM mitigation and affordable housing formula by the 11th July 2019, 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, SAMM mitigation and affordable housing required to serve the development and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

SUMMARY OF REPRESENTATIONS

28 different neighbour/third party representations raising the following objections:

- too many houses as neighbourhood plan suggests just three,
- increased number of cars causing highway / bridleway safety risk along lane,
- effects on water pressure,
- effects on local infrastructure including schools,
- damage to Cansiron Lane and developer should pay towards repairs,
- adverse impact on character of the area,
- adverse impact on biodiversity within site,
- objected to site allocation at neighbourhood plan stage,
- adverse impact on trees especially on site frontage,
- badger activity common and development will have an adverse impact,
- grass snakes, bats, owls and dormice also affected,
- surveys out of date,
- passing place could be used for parking,
- traffic count flawed and not accurate,
- houses refused here in 1980s,
- overdevelopment of site,
- detailed design important and units should be bespoke and in keeping in terms of scale and appearance,
- any necessary infrastructure and affordable housing should be secured,
- land is contaminated due to history,
- existing access should be used,
- adverse impact on Cansiron Lane frontage,
- Ashdown Forest impact,
- no access to mains drainage,
- village already provided its requirement in Neighbourhood Plan,
- noise levels from extra traffic affecting residents,
- adverse AONB impact,
- light pollution from cars.

1 neighbour/third party representation raising the following in support:

- approved by villagers as suitable in Neighbourhood Plan, overgrown and unused site, use of brownfield site keeps green fields free, houses in keeping.

SUMMARY OF CONSULTATIONS

MSDC Trees:

No objections subject to conditions and reserved matters.

MSDC Ecology:

No objections subject to conditions and reserved matters.

MSDC Drainage:

No objection subject to conditions and reserved matters.

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 Housing:

No objection subject to insertion of formula into legal agreement.

MSDC Waste:

No objection.

WSCC Highways:

No objections subject to conditions.

WSCC PROW:

No objection.

WSCC Infrastructure:

No objections subject to infrastructure contributions.

Wealden District Council:

No objections subject to appropriate consideration being given to Ashdown Forest impact.

SUMMARY OF ASHURST WOOD VILLAGE COUNCIL COMMENTS

Recommend refusal: Support principle but cannot support this due to loss of trees along road, suggest relocating access.

Introduction

Application DM/18/3242 seeks outline planning consent, with all matters reserved except for access, for the demolition of the existing dwelling and nursery buildings and the construction of up to 6 dwellings with creation of new access onto Cansiron Lane and a new layby.

Relevant Planning History

09/00550/LDC - Existing use as private dwelling (This is an application to establish whether the proposed development is lawful: this will be a legal decision where the planning merits of the proposed development cannot be taken into account.)
Withdrawn - September 2009

AP/10/0050 - Appeal against an enforcement notice alleging the material change of use of the land from agriculture and a single dwelling house to a mixed use of agriculture, a single dwelling house and use for the stationing of a mobile home for residential purposes - Temporary permission granted - March 2011

12/03797/FUL - Extension of planning permission for mobile home for residential purposes, which has been on site, replacing old original mobile home of 15 years since March 2008, for which temporary planning was granted by Planning Inspectorate March 2011 - Refused December 2012

Site and Surroundings

The site is located to the east of Ashurst Wood and consists of a redundant former glass house nursery of 1.2 hectares in area. It is located approximately 0.6km east of the built-up area of Ashurst Wood (measured by road).

The northern part of the site has significant tree cover and contains multiple dilapidated and collapsed glass houses and other unused structures relating to the former nursery use and abandoned vehicles. The southern part of the site is less covered by trees and contains further dilapidated structures, brick chimney stacks, further miscellaneous construction materials and other debris. Trees and vegetation are quite extensive along all of the site boundaries.

The site is surrounded by woodland to the north, open countryside to the east and the residential area of Cansiron Lane to the west and south. Cansiron Lane to the south of the site is at this point is classed as a Bridleway (17ESx) whilst there is also a public footpath running across the northern boundary of the site (18ESx).

In terms of planning policy the site lies within the countryside as defined by the Mid Sussex District Plan. The site is also located within the High Weald Area of Outstanding Natural Beauty (AONB).

Application Details

The application is in outline form with access being the only matter currently being pursued. This means that it is just the principle of the development and the means of

access that are being assessed at this stage although the applicant has to demonstrate that such a proposal is achievable on the site. The submitted plans, other than the access arrangements, are therefore illustrative at this stage.

Matters reserved for consideration at a later date are appearance, landscaping, layout and scale.

The proposal seeks consent for the demolition of the existing dwelling and nursery buildings and construction of up to 6 dwellings with the creation of new access onto Cansiron Lane as well as the provision of layby/passing place.

List of Policies

District Plan

DP4 - Housing
DP6 - Settlement hierarchy
DP12 - Protection of Countryside
DP13 - Preventing coalescence
DP16 - High Weald Area of Outstanding Natural Beauty
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Neighbourhood Plan

The Ashurst Wood Neighbourhood Plan has been made so forms part of the development plan with full weight. The most relevant policies are:

ASW1 - Protection of the Countryside
ASW2 - Preventing Coalescence
ASW5 - Sites for New Homes
ASW7 - Mount Pleasant Nursery, Cansiron Lane
ASW14 - Design and Character
ASW15 - Affordable Housing
ASW20 - Impact of new development on traffic
ASW21 - Parking Provision
ASW23 - Infrastructure

National Policy and Other Legislation

National Planning Policy Framework (NPPF) February 2019

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."*

National Planning Policy Guidance

Technical Housing Standards

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

Assessment

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

- The principle of development
- Accessibility of the site
- Impact on visual amenity including AONB, coalescence and effects on trees
- Residential amenity
- Highways, access and car parking
- Public rights of way
- Ecology

- Infrastructure
- Affordable Housing
- Ashdown Forest
- Other Planning Issues (e.g. drainage, mix)
- 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 Ashurst Wood 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.

Being within the countryside Policy DP12 applies. This states that development will be permitted *"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."*

Policy DP6 is also relevant, particularly point 1, which states that:

"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..."*

In this case there is a relevant neighbourhood plan policy that allocates the application for residential development.

Policy ASW5 states:

"The Neighbourhood Plan provides for the development of a minimum of 62 homes during the Plan period, to be delivered as follows:

- *On sites allocated in Policy numbers 6 - 10, and*
- *On windfall sites*

Indicative numbers of dwellings for each site will be reviewed at the application stage and this may result in a higher number of dwellings once detailed design schemes are prepared."

Policy ASW7 provides the site specific allocation for this site:

"Proposals for residential development on land at Mount Pleasant Nursery, Cansiron Lane will be supported subject to the following criteria:

- a) The development of the site should respect the low density of existing dwellings in the immediate locality of the site; and*
- b) Provide evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has been satisfactorily undertaken before any development begins; and*
- c) Provide details of existing trees and hedgerows together with proposals for their management in order to retain the rural character of Cansiron Lane and the associated woodland habitat; and*
- d) Retain and strengthen tree screening to the eastern boundary of the site; and*
- e) Provide a tree buffer along the western boundary of the site; and*
- f) Provide a clear, safe boundary by means of hedging and fencing between the site and the public footpath to the north-west of the site and improve the footpath where necessary; and*
- g) Provide a single access from Cansiron Lane in a suitable location, which must ensure and respect use of the lane by walkers, cyclists and horse-riders as well as motorists; and*
- h) Provide a layby / passing point along the southern boundary of the site to ensure that there is sufficient space for two cars to pass each other; and*
- i) Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details."*

Many of the objections raised by residents suggest the application proposes too many dwellings on the site and submit the net gain of five is more than set out in the neighbourhood plan policies. This is not the case however.

The pre-text to Policy ASW5, so not the policy wording itself, refers to a separate report (Report on the Assessment of Potential Housing Sites) which identified an **"approximate capacity"** of three dwellings on this site. A specific housing number does not form the wording of Policy ASW5 which further clarifies, as highlighted above, that *"indicative numbers of dwellings for each site will be reviewed at the application stage and this may result in a higher number of dwellings once detailed design schemes are prepared."*

There are also no specific housing number stipulations within the policy wording of ASW7. The best indication of proposed housing numbers within this policy comes at criteria (a) which states that the proposed development *"should respect the low density of existing dwellings in the immediate locality of the site"*.

It is noted by planning officers that the Village Council has not objected on these grounds and accept the principle of the scheme as submitted.

The principle of a residential development of up to 6 dwellings is therefore acceptable on this site.

Accessibility of the site

Policy DP21 of the District Plan states:

"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."*

This policy reflects national policy in the NPPF, as set out in paragraph 103, which states:

"The planning system should actively manage patterns of growth in support of these objectives (as set out in para 102). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

Ashurst Wood itself is classed as a Category 3 settlement within Policy DP6 of the District Plan. These are defined as:

"Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements."

The village will therefore be able to meet many of the daily needs of future residents but as noted above the site is located some 0.6 km from the village boundary. This

distance, coupled with the unlit and narrow nature of the road to the village is likely to prove prohibitive in terms of walking for some future residents particularly those who are less mobile. However, the distance is such that some future occupiers could well choose to walk to the village, particularly when the relatively quiet nature of the road to the village is taken into consideration.

Overall on this issue, the site is somewhat distant from the built up area of Ashurst Wood and the services available within it. However, the site is allocated for residential development in the Neighbourhood Plan so the accessibility of the site should not be a reason to resist the scheme.

Impact on visual amenity including AONB, coalescence and effects on trees

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside and the AONB. Potential coalescence issues also need to be considered.

Policy DP12 states that the countryside will be protected in recognition of its intrinsic character and beauty.

Policy DP13 refers to coalescence and states that:

"The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next."

"Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."

Policy DP26 states that *"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."*

In respect of visual amenity these policies reflect national policy with paragraph 127 of the NPPF stating that planning decisions should ensure developments are sympathetic to local character and history whilst also establishing or maintaining a strong sense of place.

The objectives of the district plan policies are consistent with the principles of the NPPF.

The existing site, with the exception of the existing house and its curtilage that are to be demolished, is untidy with various areas of external storage, debris and dilapidated structures. Other than the trees and vegetation, the site contributes little to the character of the area and the redevelopment will see the removal of all those unsightly elements. The allocation of the site for housing will though inevitably lead

to some degree of urbanisation of the application site but this has to be expected given the planning policy position.

The submitted illustrative plans show a potential layout in a cul de sac arrangement resulting in a density that does not appear too dissimilar to the overall character of the area. The cul de sac arrangement is also not unlike the branch of Cansiron Lane to the immediate west. The applicant describes this as follows: *"the scheme also shows plot sizes that allow for a transition between the higher density dwellings to the west of the site and the lower density dwellings to the south of the site."*

This is an important point given the wording of Policy ASW7 (a) which states that development of the site should respect the low density of existing dwellings in the immediate locality of the site. Officers consider that a six unit scheme (net increase of five) can readily meet this policy requirement.

This statement can also be quantified. For example, the proposed density of the development is 5 dwellings per hectare (dph). This compares with the density of the nine houses to the immediate west, on either side of the small cul de sac (Lyndhurst clockwise to Woodlands), which comes to approximately 8.43 dph. To the south across the road, the density of the group of houses that runs from Twigg House to Home Meadow is approximately 4.42 dph. The low density of the surrounding area is therefore respected by the development.

Some concerns have been raised in the representations about the new access being visually obtrusive. Whilst the new access will open up part of the site to views from the road, it will replace the existing access point which will be closed off and replanted. There will therefore be only one access point serving the site, as there is at present, meaning the overall visual impact will be neutral. Although a passing place/layby is shown as being created at the mouth of the existing entrance, this is a requirement of Policy ASW7 of the Neighbourhood Plan which states at criteria (H) that development of this site should *"provide a layby / passing point along the southern boundary of the site to ensure that there is sufficient space for two cars to pass each other;"*

At this outline stage there are no reasons to conclude that a suitably designed scheme cannot be achieved on the application site.

In respect of the issue about coalescence, the development is obviously outside the built up area but this does not automatically mean it will result in the coalescence of individual settlements.

The proposal is on part of a site containing a dwelling and curtilage with the rest on the former nursery land that, as described above, consists of various dilapidated structure, storage areas and materials. The site is not therefore open countryside. In addition the proposal adjoins existing built development to the west and across the road to the south whilst the development is relatively modest in nature, being for a total of just six dwellings, when compared to the size of Ashurst Wood.

In light of these points and the fact the site is allocated the proposal is deemed acceptable. This is because it will not have a significant effect on the coalescence of

the settlements of Ashurst Wood and Forest Row as the proposal will not lead to a lessening of the distinctiveness of these local settlements.

The tree impact is also an important consideration. The proposal at this outline stage, and based on the illustrative layout, suggests the loss of 39 trees.

Regarding this loss the Council's tree officer has stated that: *"the majority of the trees recommended for removal have been classified Grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. As the site has been unoccupied for many years the vast majority of removals are young trees that have grown up over that time. Removal of trees of higher quality (Grade B or above) will be a significant loss and should be replaced (like for like) elsewhere on site."*

New planting to help compensate for the loss of the trees, particularly the category B trees can be secured by condition and the tree officer has confirmed their agreement to such an approach:

"All replacement planting should be included within the full landscape report. I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, support and aftercare are required. As the majority of the trees from the interior of the site are to be removed, I would suggest that some of the replacement planting is concentrated within the site and not just around the boundary. This will require only a small number of trees to have a significant affect visually"

The tree officer also requested in his initial comments that crown reductions were minimised as these were suggested for a number of category B trees so the applicant amended their report where appropriate to the satisfaction of the Council's officer.

One further point of concern was at the entrance with the tree officer stating that:

"There is concern over the entrance to the site and the possibility of this including the removal of established Hazel coppice along Cansiron Lane. If the entrance requires a visibility splay, widening the entrance, then there is potential for more of these trees being removed. If this is the case, then like for like trees should be planted to maintain a screen in this area and retain the unbroken tree line that runs along the lane."

The tree officer's comments confirm that this would be adequately addressed at the detailed landscaping stage.

Following clarification on the points raised above there is no objection from the tree officer so conditions and the reserved matters application (when landscaping will be formally considered) can secure additional details including a full landscape plan/report and an arboricultural method statement.

Some concern was raised in the representations about the loss of some oaks along the frontage. The applicant has however amended their arboricultural proposals since the application was first submitted with these oaks now being retained, and to be protected through the condition, which has satisfied the tree officer. In light of the above comments the proposal at this outline stage is therefore acceptable to planning officers in respect of the tree impact.

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

The most relevant part of Policy DP16 of the Mid Sussex District Plan states that:

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

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

Paragraph 172 of the NPPF states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."*

In this case the relatively minor nature of the housing proposal on an allocated site and the retention of much of the boundary vegetation means that the scheme, at this outline stage, accords with AONB policy as natural beauty is preserved.

In summary there are no objections to the application at this outline stage in respect to visual amenity, coalescence, tree impact or the AONB effects. Further consideration will be given to these issues at reserved matters stage.

Residential amenity

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)."

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that criteria (j) of ASW14 states that living conditions of adjoining residents should be 'safeguarded'. However, 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. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case

In this case there are existing neighbouring residential properties that have the potential to be affected to the immediate west and across the road to the south.

The illustrative plans show that the potential separation distances between the new dwellings and those existing to the west as between 34 and 40 metres. There are also trees and vegetation along the boundary in between. The properties to the south, with trees and a road in between, are located between 34 and 46 metres from the nearest new dwellings as shown illustratively. Members will be aware that the generally accepted minimum back to back distance between properties to ensure that significant harm through overlooking does not occur is just 21 metres. Although that distance applies primarily to built up areas the significant additional separation here shows that significant harm to residential amenity will not occur.

It is accepted that some neighbouring properties will be able to see the houses based on the illustrative plans, particularly where the new access is located. This does not however constitute significant harm in residential amenity terms. Existing and proposed landscaping, coupled with the detailed design and layout, all of which would be considered at reserved matters stage, can ensure that there is no significant loss of privacy to the outdoor amenity areas of the neighbouring residents.

The detailed design needed at reserved matters stage will enable a full assessment to be made of the development impacts, particularly when it comes to building heights and the positions of any windows or other openings.

Future noise and disturbance from the completed development, for example in terms of traffic movements or light pollution, would not be significant from a total of six dwellings. Driveways being located opposite other neighbouring properties is not uncommon along Cansiron Lane.

Construction noise itself is inevitable so this would not constitute a sustainable reason for refusing the application. Construction hours will though be limited by condition to 'normal' working hours.

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.

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."

Policy ASW20 also applies and this states that:

"Proposals for new development must meet both of the following criteria:

- a) Provide safe access for vehicles and pedestrians with adequate visibility; and*
- b) Include an assessment of the additional traffic likely to be generated by the development, its impact on pedestrians, cyclists, road safety, parking and congestion within the parish. This should demonstrate that traffic reduction measures have been considered to avoid negative impacts prior to providing measures to mitigate the impacts of increased traffic."*

ASW21 meanwhile sets out the parking requirements.

West Sussex County Council has been consulted on the merits of the application and their comments are set out in full within Appendix B. It is worth highlighting that highways officers visited the site following a request from planning officers. The applicant's Transport Report can be found on the planning file.

West Sussex has confirmed that:

"It is accepted that the existing use of the site as a nursery could historically have had the ability to attract vehicular activity. The anticipated trip generation from the

proposed has been outlined within the Transport Report. The Local Highways Authority accepts these findings. It would not be considered that the proposed would result in a material impact upon the point of access with the adopted highway network, namely Cansiron Lane circa 100 metres west of the application site.

The site access point will be afforded visibility splays of 2.4 x 33 metres, this would equate to approaching vehicle speeds of 25/26 mph using the Manual for Streets Stopping Sight Distance Calculation Coefficient. This would be considered adequate for the actual measured road speeds as detailed within the supporting Transport Report.

Vehicle Swept Path Tracking has been provided at the site access point for a fire tender. This demonstrated the site access point is suitable for emergency access and can accommodate two way traffic flows."

The highways authority conclude their comments by confirming that the following points should be demonstrated at reserved matters stage:

- An appropriate parking strategy taking into consideration current WSCC Car Parking Policies and the WSCC Car Parking Demand Calculator.
- An appropriate internal layout accommodating manoeuvring room for emergency and service vehicles.

In conclusion the Local Highways Authority does not consider that the proposal for 6 dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Access, parking and turning conditions will be applied as set out in Appendix A.

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 and Policies ASW20 and ASW21 of the Neighbourhood Plan.

Public Rights of Way

As noted above this part of Cansiron Lane is a bridleway whilst there is a footpath to the immediate north running along the edge of the site. The Public Rights of Way Officer at West Sussex has commented on the proposals and originally requested more information regarding the width of the footpath and the boundary treatment. The applicant subsequently confirmed that the footpath will be maintained at a consistent width of 1.5 metres (equivalent to the 5ft width that was originally set aside for the footpath). In addition the boundary treatment would be a mix of closeboarded fencing and hedgerow.

The Public Rights of Way officer confirmed their agreement to this as per the following comments:

"I would be happy to remove our holding objection based on the width of the footpath being at least 1.5m along its whole length but maintaining the extra width where it

already is on the ground. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSCC. Removal of the stile at the west end of the development would also be appropriate as the path will be fenced in and there is no need for any kind of stock control along this section of the path.

If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSCC website."

It is worth noting no objections have been raised by the officer about the impact of the proposal on the bridleway function of Cansiron Lane.

Further details on the footpath details will be forthcoming at reserved matters stage but at this outline stage there are no grounds for officers to object to the proposal based on the impact on the rights of way.

Ecology

The applicant has submitted a phase 1 habitat survey, a habitat appraisal and individual reports on reptiles, badgers, bats and dormice, which are all available to view in full on the planning file. These have been subject to assessment by the Council's ecological consultant and their comments are set out in full in Appendix B.

The initial comments requested the submission of a Great Crested Newt survey which was recommended by the phase 1 survey, or the applicants would need to demonstrate that adequate mitigation and compensation can be provided as part of a detailed application (based on worst case scenario). Some concerns were also expressed about the potential loss of trees/habitat.

The Council's ecologist confirmed that other biodiversity impacts could be adequately mitigated through conditions and these requirements have been secured through condition 9 in Appendix A.

The applicant submitted a Great Crested Newt Mitigation Strategy in January and this was subject to re-consultation. Following this the applicant subsequently identified a potential receptor site in the applicant's ownership near Weir Wood Reservoir. The Council's ecological consultant has commented on the mitigation strategy and receptor site as follows:

"Whilst the distance of the proposed receptor site is not ideal, I think it is sufficient to demonstrate that in a worst case scenario, if great crested newts are using the site as part of their terrestrial habitat in significant numbers, an alternative site is available and that it would be feasible to get a licence. Any licence for moving newts would be dependent on conditions attached to the licence regarding future management and monitoring. However, the receptor site would only be suitable if sufficient numbers of newts are found so as to be able to establish a viable population at the receptor site. Otherwise, they will still need to ensure contingency measures for dealing with small numbers of newts. This might be as simple as keeping the proposed northern gardens outside of the construction zone (segregated

by newt exclusion fencing) so that small numbers of newts can be safely released there and allowed to disperse into the surrounding landscape. The key here would be ensuring compliance with legal protection against killing or injury in a way that Natural England can licence. A small number of newts moved in this way would not have a significant conservation impact.

All of this is less ideal than an impact assessment based on survey information, but if MSDC are satisfied that the applicant is unable to provide this due to land access issues, then my view is that there is now sufficient information to conclude that if newts are found within the site, adequate mitigation or, as a last resort, compensation measures can be put in place in accordance with 175 of the NPPF and that a licence could be obtained from Natural England."

The applicant has confirmed that the nearby ponds are in private ownership, not the applicant's, so the surveying of them cannot be secured - hence the mitigation strategy has been submitted. The Council's ecologist has confirmed that the submitted information is sufficient to demonstrate how the impact on great crested newts can be mitigated or compensated for if large numbers of newts are found to be within the site. It is therefore considered by planning officers that the development is acceptable in respect of the potential Great Crested Newt impact and the proposed ecological condition will secure the necessary mitigation/compensation.

In regard to the potential loss of habitat, the applicants commented that *"In terms of the replacement planting the ratio of planting expected is set out in the AIA and we consider it to provide an appropriate level of replacement planting with an estimation at this stage that 45 replacement trees will be planted, the location of these trees would be detailed at the reserved matters stage."* Planning officers consider that this can be adequately compensated for at the reserved matters/condition stage, particularly bearing in mind the site is allocated in the development plan so some loss of existing habitat is inevitable. An informative will however be used to remind the applicant of the need for the reserved matters application to address this issue and provide some replacement habitat.

Subject to the condition in Appendix A the application is acceptable in respect of its biodiversity impacts meaning it complies with Policy DP38 of the Mid Sussex Local Plan and the NPPF.

Infrastructure

Contributions are requested in accordance with Policy DP20 of the District Plan, the Council's 'Development Infrastructure and Contributions' SPD and the NPPF.

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 formula based because being at the outline stage the precise mix of dwellings, and therefore the accurate contribution, is not yet known. The contributions will go towards the following projects/facilities:

Formal Sport: £ Formula approach (improvements to the Ashurst Wood Recreation Ground pavilion and field)

Play Equipment: £ Formula approach (improvements to John Pears Recreation Ground)

Kickabout: £ Formula approach (improvements to John Pears Recreation Ground)

Community Buildings £ Formula approach (improvements to the Ashurst Wood Recreation Ground pavilion)

Local Community £ Formula approach (towards allotments)

Education Primary: £ Formula approach (The contributions generated by this proposal shall be spent on additional equipment at Ashurst Wood Primary School)

Education Secondary: £ Formula approach (The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School)

Education Sixth Form: £ Formula approach (The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School Sixth Form)

Library: £ Formula approach (The contributions generated by this proposal shall be spent on additional stock at East Grinstead Library)

TAD: £ Formula approach (The contributions generated by this proposal shall be spent on:

- A cycle path along the A22 towards East Grinstead
- Safety improvements at School Lane/Maypole Lane junction
- Traffic calming within the village of Ashurst Wood)

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.

Affordable Housing

Policy DP31 of the District Plan sets the Council's threshold for seeking affordable housing in the AONB as between 6 -10 dwellings, or where the maximum combined floorspace is more than 1000 m2.

ASW15 of the Neighbourhood Plan meanwhile states that housing developments of 4 or more dwellings will be expected to provide a minimum of 30% of affordable housing on the site.

Just as is the case with the residential amenity test as outlined above, Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires development plan policy conflicts to be resolved in favour of the policy which is contained in the last

document to be adopted. The thresholds set out within Policy DP31 are therefore the correct parameters to apply in this case

With regards to the DP31 requirements, the proposal only results in a net gain of 5 units but the maximum combined floorspace is not yet known given the outline nature of the proposal. The floorspace will not be known for certain until the reserved matters stage so it is important that the legal agreement makes reference to the provision of affordable housing in the eventuality that the threshold of 1000 m² is exceeded. Including such a clause in the legal agreement will ensure that the current application complies with Policy DP31.

Ashdown Forest

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

Under the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations"), the competent authority, in this case Mid Sussex District Council, has a duty to ensure that any plans or projects that they regulate will have no adverse effect on the integrity of Ashdown Forest. Regulation 61 of the Habitats Regulations requires the Council to assess the possible effects of plans or projects, i.e. planning applications, on Ashdown Forest.

If the proposed development will not have a likely significant effect on the Forest, either alone or in combination with other proposed developments in the area, the Council may proceed to determine the application. However, if a significant effect is likely, either alone or in combination with other plans and projects, an appropriate assessment must be undertaken to establish whether the proposed development will have an adverse effect on the integrity of the European site. If the appropriate assessment concludes that there will not be an adverse effect on the integrity of the European site, the Council may proceed to determine the application.

There may be likely significant effects on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the protected bird species. Within 7km of the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. There are two parts to the mitigation. By providing an alternative option, Suitable Alternative Natural Greenspace (SANG) is the name given to greenspace that is of a quality and type suitable to be used as mitigation. A SANG site could either be provided on the development site itself or through a financial contribution towards a strategic SANG. The East Court and Ashplats Wood SANG Strategy has been agreed by the District Council.

The second part of the mitigation is to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) measures. The Council has produced an interim SAMM Strategy that sets out measures to protect the Ashdown

Forest SPA from new recreational pressures through managing access (visitor) behaviour and monitoring both birds and visitors. The projects that form the mitigation measures have been discussed and agreed in collaboration with the Conservators of Ashdown Forest and Natural England. The interim SAMM Strategy will be superseded by a Joint SAMM Strategy which is currently being prepared with the other affected local authorities.

This proposed development site lies within 7km of the Ashdown Forest SPA and as such, mitigation is required. In this case, given that the precise mix of dwellings is not known at this outline stage, a formula approach will be taken to ensure the correct figure is paid when the mix is formally established at reserved matters stage.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 55 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a

planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

Subject to a Planning Obligation securing the SAMM contribution being completed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the District Plan.

Ashdown Forest - Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

It is considered that the proposal would not result in any significant amount of vehicular movements across the Ashdown Forest and the proposed development has in any case been incorporated into the overall results of Mid Sussex Transport work. It is therefore logical and reasonable to conclude that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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.

For example, the respective consultees have confirmed in their responses (in Appendix B) that both drainage and potential land contamination matters can both be adequately addressed via appropriate conditions (as set out in Appendix A).

Future residential amenity and the overall mix of dwellings will be given further consideration at reserved matters stage but there do not appear to be any reasons why a policy compliant scheme cannot be achieved. For example, the illustrative sizes appear to show adequate size dwellings and plots.

Details of what sustainable construction features will be incorporated into the dwellings will be secured via condition as will the provision of adequate refuse and recycling provision.

Adequate access into the site for refuse vehicles has been confirmed and there is also ample space for the storage of refuse/recycling bins.

The effect of a development on local water pressure is not a reason to refuse a planning application.

Any potential damage caused to Cansiron Lane is a private matter between the relevant parties.

There is no reason to believe at this stage that the development will not provide a suitably quality environment for future occupiers.

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.

Regarding the principle of the development, the site is allocated for residential development within the Ashurst Wood Neighbourhood Plan so in this respect complies with the Development Plan.

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 visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage, protected species and the Ashdown Forest impact.

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6 DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies ASW1, ASW2, ASW5,

ASW7, ASW14, ASW15, ASW20, ASW21 and ASW23 of the Neighbourhood Plan as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Time Limit

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

Pre-commencement

2. The development hereby permitted shall not progress beyond damp-proof course stage unless and until samples of materials and finishes to be used for all facing materials, including the external walls / roof / fenestration of the proposed buildings, have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: In the interests of visual amenity and to accord with Policies DP16 and DP26 of the District Plan and Policy ASW14 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. 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 Policy DP41 of the District Plan.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - 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.

5. 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.

6. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme including an arboricultural method statement (AMS), shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. The AMS should take into consideration: all construction traffic accessing site, storage of materials, encroachment into RPAs and methodology/good working practices (in accordance with BS 5837). These works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan and Policy ASW14 of the Neighbourhood Plan.

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

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

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.

8. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning

Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2017, Policy DP17 of the Mid Sussex District Plan 2014 - 2031 and paragraph 175 of the National Planning Policy Framework.)

9. The reserved matters application shall be supported by the following documents relating to biodiversity:
- A full Ecological Impact Assessment of the detailed scheme in accordance with Chartered Institute of Ecology and Environmental Management guidance and BS42020: 2013, supported by up-to-date survey information;
 - Details of ecological mitigation and enhancement measures, which should be set out in a document separate from the EclA to enable practical implementation on site; and
 - Details of lighting proposals including mitigation to minimise impacts on wildlife.

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

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

Construction

10. Works of construction or demolition, as well as deliveries or collection, 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.

11. 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

12. The development hereby permitted shall not be occupied 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 7(c) that any remediation scheme required and approved under the provisions of condition 7(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 7(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.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan and Policy ASW20 of the Neighbourhood Plan.

14. No part of the development shall be first occupied until all accesses to the site other than that hereby approved have been stopped up permanently and obliterated in accordance with plans to first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of road safety and visual amenity to accord with Policies DP21 and DP26 of the District Plan 2014 - 2031 and Policy ASW14 of the Neighbourhood Plan.

15. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans to first be submitted to and approved in writing by the local planning authority. These parking spaces / turning areas 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 and Policy ASW20 of the Neighbourhood Plan.

16. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing 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.

17. 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 plans to be submitted to and approved in writing by the local planning authority, 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

18. 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. 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.

2. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSCC.
3. If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSCC website.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

5. The applicant is advised to gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.
6. The applicant is advised that to satisfy condition 8 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

7. The submitted illustrative layout is unlikely to be acceptable in respect of the need for providing some replacement habitat as raised in the ecological consultants comments.
8. In order to address condition 9, the Great Crested Newt implications must be included in the full "Ecological Impact Assessment" and the "Details of ecological mitigation and enhancement measures" required by the condition.
9. 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	4882-003	F	04.01.2019
Location and Block Plan	4882-001	A	11.01.2019
Site Plan	4882-002		11.01.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Dear Sir,

I should be pleased if you would note that at a recent meeting of the Council's Planning Committee, the council made the following comment:

DM/18/3242

Location: Mount Pleasant Nursery Cansiron Lane Ashurst Wood RH19 3SE

Desc: Outline application for demolition of existing dwelling and nursery buildings and construction of up to 6 dwellings with creation of new access onto Cansiron Lane and provision of layby. All matters to be reserved except for access. (Amended plans received with corrected red line boundary and additional ecological report)

Recommend: REFUSAL

On the 6th September 2018 the Village Council recommended refusal of this outline application and requested that the access be moved so that mature oak trees may be retained. It is noted that the officer wrote to the applicant's agent requesting 'justification as to why the new access point is being promoted rather than the use of the existing access point.'

The response from the applicant's agent dated 26th October 2018 states: 'The proposed location of the passing place was in the scheme presented to the Parish Council who supported the scheme (bar wanting the scheme to be reduced from 7 dwellings to 6). The location of the passing place has precluded the use of the existing access.'

This is incorrect. The applicant's former agent presented a scheme to members of the Village Council at a meeting on the 12th July 2016. This scheme utilised the existing access to the site and included a passing place before the access, opposite The Old Laundry. The passing place was later moved by the applicant. While the Village Council supports development on the site, it is also incorrect to say that the Council supported the scheme after requesting the reduction of the number of dwellings to 6. At the meeting it was made clear that Members of the Council would not make any decision on the scheme until the meeting of the Council's Planning Committee. A number of points were made by Members of the Village Council, in particular the fact that the Neighbourhood Plan stated that the site had an approximate capacity of three houses. It was pointed out that neighbouring residents would be unhappy with a higher number of houses on the site.

Following the meeting, the agent sent an email on the 3rd October 2016 stating that as a result of concerns expressed one house had been removed from the scheme, one garden size had been increased and one house had been moved further away from the road. It was also advised that a transport statement following a traffic survey had recommended that the access be repositioned. Copies of amended plans were sent, but there was no further discussion with the agent and there has been no discussion at all with the new agent.

The applicant has therefore not provided any justification for the new access point and the Transport Statement does not contain any information about repositioning the access. Indeed, the Transport Statement contains many inaccuracies, some of which have been pointed out in other representations. Apart from referring to Cansiron Road on several occasions instead of Cansiron Lane, the Statement suggests that the alternative to the proposed scheme would be to operate a Nursery on the site which would generate

significantly higher traffic. The Nursery use of the site was abandoned over 30 years ago and could not be reinstated without planning permission. Therefore paragraph 5.3 and Appendix 7 of the Statement are irrelevant to this application.

The Village Council requests that a new Transport Statement be prepared. This should include a survey taken at the start of Cansiron Lane to show the impact that the proposed development would have on the wider area (including the 40 houses between the start of the Lane and the site), as required by Policy 20 of the Neighbourhood Plan. It should also consider the use of the current access and advise whether it can safely be used, and advise on a suitable location for a passing place.

It should be noted that the allocation in the Neighbourhood Plan has enabled the development of this previously undevelopable site. During the Neighbourhood Plan process there was support for improving the site, which has long been regarded as an eyesore. However, in view of access difficulties along the lane (which is used by walkers and is a bridle path) and the position of the site at the very edge of the parish boundary and well outside the built-up area, the site was assessed as suitable for 3 properties. The Neighbourhood Plan was supported by the village at Referendum and it is clear from the responses to the application to date that there are a large number of objections to the current proposal because it fails to respect the Neighbourhood Plan.

Yours sincerely

Parish Consultation

Ashurst Wood Village Council's Planning Committee have met to consider the application and make the following recommendation:

Recommend: Refusal.

The site is allocated by the Ashurst Wood Neighbourhood Plan and members confirm that they would support in principle an outline application for a development of up to 6 dwellings. Members would reserve their recommendation on the details of the proposal for a later application.

However, they cannot support this outline application because the proposed access would involve the loss of mature oak trees which are important to the character of the lane. Members therefore request that the access be moved so that the trees may be retained.

MSDC Trees - original

Further to reviewing the submitted AIA tree report and a recent site visit, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837. The RPA of each tree has been calculated and displayed on the plan provided. The site currently has no trees subject to TPOs and is not within a Conservation Area.

Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified Grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. As the site has been unoccupied for many years the vast majority of removals are young trees that have grown up over that time.

Removal of trees of higher quality (Grade B or above) will be a significant loss and should be replaced (like for like) elsewhere on site.

Of the higher quality trees on site, several (for example T02-T06-&T60) have been recommended for 30% crown reductions, this seems excessive and no concise reasoning is given within the report. A reduction of this significance may send the trees into shock and be detrimental to the future health of the trees. Therefore, I would suggest that these works are reviewed and where possible more sympathetic recommendations are given for trees that are distant from planned construction works.

There is concern over the entrance to site and the possibility of this including the removal of established Hazel coppice along Cansiron Lane. If the entrance requires a visibility splay, widening the entrance, then there is potential for more of these trees being removed. If this is the case, then like for like trees should be planted to maintain a screen in this area and retain the unbroken tree line that runs along the lane.

All replacement planting should be included within the full landscape report. I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, support and aftercare are required.

An AMS report will also be required. This report should take into consideration: all construction traffic accessing site, storage of materials, encroachment into RPAs and methodology/good working practices (in accordance with BS 5837).

In conclusion, I do not object to the development in principle and would support the application subject to the above amendments and receipt of landscape and AMS reports.

MSDC Trees - further

I've reviewed the amended report and all protection measures have been addressed including, ground protection and fencing. This is all satisfactory and in line with BS 5837.

As mentioned in my previous comments, all new planting should be detailed within a full landscape report. These details should include: size, species, support, feeding and aftercare.

As the majority of the trees from the interior of the site are to be removed, I would suggest that some of the replacement planting is concentrated within the site and not just around the boundary. This will require only a small number of trees to have a significant affect visually.

Ground protection (cellweb) at the access to site, must be in place pre commencement of any construction/demolition works or vehicles accessing site.

MSDC Ecology - original

Recommendation

Designated sites

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England.

Protected species

I am unable to find any follow up to the assessment of ponds for great crested newts, which is recommended in the phase 1 habitat survey report by Fellgrove Ecology. In the absence of such information, the applicants need to demonstrate that adequate mitigation and compensation can be provided as part of a detailed application (based on worst case scenario).

Habitats

The proposal will involve the clearance of broadleaf woodland, which the applicant's ecologists have identified as a habitat of principal importance (lowland mixed deciduous woodland), listed under S41 of the Natural Environment and Rural Communities Act 2006. Whilst this appears to be fairly recent secondary woodland, which has developed with the abandonment of the former site use and therefore would not, in my opinion, qualify as irreplaceable habitat (for the purposes of applying policy 175 of the NPPF), as a priority habitat type, it needs to be considered against the rest of this policy which states:

"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

It also needs to be considered against the district plan policies of the district plan, DP37 of which states:

"Development that will ... lead to the loss of trees, woodland ... that have ... wildlife importance, will not normally be permitted." And "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 DP38 of which states:

"Biodiversity will be protected and enhanced by ensuring development: ... Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); ... Promotes the restoration, management and expansion of priority habitats in the District."

Pertinent to the application of the DP37 is the wildlife importance of the woodland that would be lost. The relatively recent origin of the woodland will mean it is at the lower end of the scale in terms of woodland biodiversity and therefore the DP37 considerations might be outweighed by other material considerations. Nevertheless, clearance of the woodland would result in a net loss of habitat, contrary to DP38 unless compensated for. If MSDC accepts that its loss cannot be avoided (through an alternative site or alternative layout) then as mitigation is not applicable, then in order to avoid a net loss, compensation should be required (as indicated in the applicant's phase 1 habitat report). If this is not achievable at the site level (e.g. by establishment of new woodland on adjacent land as suggested in the phase 1 habitat survey report), consideration should be given to a suitable off-site scheme such as those offered through a dedicated offset company with proven experience of being able to deliver suitable compensatory habitat creation with long-term security.

In my view, other biodiversity impacts could be adequately mitigated through conditions. Therefore, if the above issues are addressed to the satisfaction of MSDC, I would recommend that any outline consent is subject to the following condition:

The reserved matters application shall be supported by the following documents relating to biodiversity:

A full Ecological Impact Assessment of the detailed scheme in accordance with Chartered Institute of Ecology and Environmental Management guidance and BS42020: 2013, supported by up-to-date survey information;

Details of ecological mitigation and enhancement measures, which should be set out in a document separate from the EclA to enable practical implementation on site; and

Details of lighting proposals including mitigation to minimise impacts on wildlife.

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

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

MSDC Ecology - further

It is the area of woodland lost and whether there will be new woodland creation of equivalent value (once established) that is the key metric here rather than just numbers of trees. It is compensation for loss of habitat not just trees. It seems unlikely that this can be achieved within the site so off site may need to be considered.

I have now been through the document. The main problem with it is that it doesn't say what they would do with any newts if found. It simply says "An amphibian receptor site has not yet been identified. Details of the relocation site including suitability will be provided separate to this mitigation strategy. The above limitation is not considered a material constraint to the usefulness of this mitigation strategy." If a survey of the ponds is really not possible (to possibly rule out presence of the species), then the application needs to demonstrate that any impacts can either be avoided, adequately mitigated or, as a last resort, compensated for, as per the requirements of the NPPF. So if relocation is necessary, then there must be suitable land available. There is no obviously suitable space within the outline indicative layout— a receptor site would need to be outside of any private garden and connected to the ponds by suitable habitat (making the north of the site suitable but the area of open space to the south too remote and isolated). The plan states "a hibernaculum will be built within the site to help support the local population of amphibian including GCN". However, this makes little sense without suitable terrestrial habitat with habitat links to the ponds. There is hardly any scope within the indicative layout for the proposed habitat enhancements, which are described but not illustrated on a plan. This is key information to demonstrate the feasibility of the outline consent being able to comply with biodiversity policies. Without it, I would be concerned that if outline consent is granted, subject to resolving this at the reserved matters stage that they may end up with an unimplementable planning consent.

More minor issues (that could be addressed through an amended mitigation plan), but the area showing exclusion fencing and newt trapping doesn't cover the whole of the site (it misses the northern section, which is likely to be the highest risk area in terms of proximity to the ponds and habitat suitability). The methodology for capture of newts does not follow Natural England / English Nature mitigation guidelines (eg. no use of pit-fall traps and the survey effort is rather vague). Departure from standard practice is not explained.

MSDC Ecology - final

Whilst the distance of the proposed receptor site is not ideal, I think it is sufficient to demonstrate that in a worst case scenario, if great crested newts are using the site as part of their terrestrial habitat in significant numbers, an alternative site is available and that it would be feasible to get a licence. Any licence for moving newts would be dependent on conditions attached to the licence regarding future management and monitoring. However, the receptor site would only be suitable if sufficient numbers of newts are found so as to be able to establish a viable population at the receptor site. Otherwise, they will still need to ensure contingency measures for dealing with small numbers of newts. This might be as simple as keeping the proposed northern gardens outside of the construction zone (segregated by newt exclusion fencing) so that small numbers of newts can be safely released there and allowed to disperse into the surrounding landscape. The key here would be ensuring compliance with legal protection against killing or injury in a way that Natural England can licence. A small number of newts moved in this way would not have a significant conservation impact.

All of this is less ideal than an impact assessment based on survey information, but if MSDC are satisfied that the applicant is unable to provide this due to land access issues, then my view is that there is now sufficient information to conclude that if newts are found within the site, adequate mitigation or, as a last resort, compensation measures can be put in place in accordance with 175 of the NPPF and that a licence could be obtained from Natural England.

I have previously recommended conditions in my memo of 5 November 2018, including the requirement for the reserved matters application to be supported by a full Ecological Impact Assessment and this is still applicable if MSDC decides to grant consent.

GCN implications be included in the full Ecological Impact Assessment and the "Details of ecological mitigation and enhancement measures" required by the condition that I recommended. Perhaps add an informative note to that effect? The mitigation measures will need to include provision for translocation as a last resort if significant numbers are found, but also needs to cover less drastic options for low numbers or concluding likely absence if none found after sufficient trapping effort (as per Natural England guidelines on trapping effort).

MSDC Drainage

Recommendation:

No objection subject to conditions and reserve matters

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. 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 soakaways, attenuation and controlled discharge to an existing watercourse.

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.

Confirmation of the watercourse's location and downstream route will be required, as well as confirmation that it is not part of the highway drainage system.

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.

Further guidance in relation to this and guidance for specific disposal methods can be found in the 'Further Drainage Advice' section.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the mains foul sewer system. The development will need to consider how the site will connect to the existing sewer network.

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

Main Comments:

There are concerns regarding the potential for noise and dust disturbance to existing nearby premises during the construction phase.

I therefore recommend construction conditions to ensure that good practice is followed to minimise disturbance.

Recommendation: Approve with conditions

1. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
 - Monday to Friday: 08:00 - 18:00 Hours
 - Saturday: 09:00 - 13:00 Hours
 - Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

2. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
 - Monday to Friday: 08:00 - 18:00 hrs
 - Saturday: 09:00 - 13:00 hrs
 - Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

3. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

MSDC Contaminated Land

Main Comments:

The application looks to demolish the existing properties and erect up to 6 residential dwellings.

The site has been identified as potentially contaminated land due to previous use as a Garden Nursery.

Given the above and the sensitivities of the proposed end use for this application, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

Recommendation: Approve with conditions

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

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

MSDC Leisure

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 five or more dwellings.

CHILDRENS PLAYING SPACE

John Pears Recreation Ground, 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 £10,925 is required to make improvements to play equipment (£5,938) and kickabout provision (£4,988).

FORMAL SPORT

In the case of this development, a financial contribution of £6,800 is required toward improvements to the Ashurst Wood Recreation Ground pavilion and field (Ref: AW/11).

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 £3,900 is required toward improvements to the Ashurst Wood Recreation Ground pavilion and field (Ref: AW/11).

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (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.

MSDC Waste

I have viewed the plans for this development and the tracking for the movement of a refuse collection vehicle in the turning circle has used a vehicle of the same specification as vehicles used in Mid Sussex. Therefore, we are confident that our contractors would be able to gain access to the road in order to service all bins. The only issue would be parked vehicles on the road but due to the provision of garages and private driveways, we do not consider this issue a high risk.

We can also confirm that each property has adequate space to store the 2 x 240 bins required.

MSDC Housing

The applicant is proposing a development of up to 6 dwellings in AONB. There is an existing dwelling which results in a net increase of 5 additional dwellings. The application is in outline form and as such the GIA of the dwellings is not confirmed. At Reserved Matters stage, if the GIA of the total dwellings is more than 1,000sqm, a 30% onsite affordable housing contribution will be required. The applicant is required to seek the approval of the Responsible Officer for Housing, in relation to number, size and location of affordable dwellings, in advance of any REM submission that provides a GIA of more than 1,000sqm. This will enable the affordable housing units to be integrated into the development and meet known housing need at the time. Any affordable housing provision should be provided in accordance with our tenure requirements of 75% rented and 25% shared ownership, unless the best available evidence at the time suggests otherwise. These provisions will need to be incorporated into the S106.

WSCC Highways

I can confirm that we visited the above site today.

All I would add is that road speeds observed on site were in line with those recorded by the applicants speed survey, for which they have demonstrated adequate visibility.

The Local Highways Authority does not have any further comments to make to those provided on 28/08/2018. If you feel like you need any specific comments to address any additional specific issues please do let me know.

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

The proposed seeks the Outline application for the demolition of existing dwelling and nursery buildings and construction of up to 6 dwellings with creation of new access onto Cansiron Lane and provision of layby. All matters to be reserved except for access.

The application has been supported with a Transport Report prepared by Reeves Transport Planning.

Access & Visibility

Access will be achieved via a new point of access onto Cansiron Lane, which, at this point, is a private concern.

It is accepted that the existing use of the site as a nursery could historically have had the ability to attract vehicular activity. The anticipated trip generation from the proposed has been outlined within the Transport Report. The Local Highways Authority accepts these findings. It would not be considered that the proposed would result in a material impact upon the point of access with the adopted highway network, namely Cansiron Lane circa 100 metres west of the application site.

The site access point will be afforded visibility splays of 2.4 x 33 metres, this would equate to approaching vehicle speeds of 25/26 mph using the Manual for Streets Stopping Sight Distance Calculation Coefficient. This would be considered adequate for the actual measured road speeds as detailed within the supporting Transport Report.

Vehicle Swept Path Tracking has been provided at the site access point for a fire tender. This demonstrated the site access point is suitable for emergency access and can accommodate two way traffic flows.

The Local Planning Authority may wish to consult with the refuse collection authority to ensure the access design is suitable for the specific refuse vehicle which would visit the site.

The applicant should gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.

I note this part of Cansiron Lane is also considered the line of public Bridleway (17ESx). I have made WSCC Public Rights of Way aware of this application and they may provide additional comments in due course.

Other Matters

The application is Outline with all matters reserved except for that of access. The applicant should demonstrate at the reserved matters stage:

- An appropriate parking strategy taking into consideration current WSCC Car Parking Policies and the WSCC Car Parking Demand Calculator.
- An appropriate internal layout accommodating manoeuvring room for emergency and service vehicles.

Conclusion

The Local Highways Authority does not consider that the proposal for 6 dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised at this stage:

Condition

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Informative

Access Works

The applicant is advised to gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.

WSCC PROW - original

I would be grateful if the applicant can provide details on the width of the public footpath 18ESX that runs alongside the proposed development. Looking on the land registry website the footpath and the development site are part of the same land parcel. This footpath has in the past been quite neglected with vegetation and other fencing / building material limiting

the useable width of the path at times. It has been a very enclosed and dark footpath and I would like to see provision for the path within the development proposal.

A width of at least 2 meters should be given for this path and I would also like details of any fencing / landscaping that will be placed adjacent to the path.

WSCC PROW - final

That's great thanks for forwarding this on. I would be happy to remove our holding objection based on the width of the footpath being at least 1.5m along its whole length but maintaining the extra width where it already is on the ground. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSCC. Removal of the stile at the west end of the development would also be appropriate as the path will be fenced in and there is no need for any kind of stock control along this section of the path..

If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSCC website.

WSCC Infrastructure

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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 July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any

legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2018/2019 are - Primary £17,920, Secondary £27,000, Further Secondary £29,283, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on additional equipment at Ashurst Wood Primary School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School Sixth Form.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by East Grinstead Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library's catchment area; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$ (which currently for the financial year 2018/2019 are 30sq.m and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on additional stock at East Grinstead Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = $(C - D) \times E$, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

	Dwelling Size		Occupancy
	House		Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £686

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1373

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on:

- A cycle path along the A22 towards East Grinstead
- Safety improvements at School Lane/Maypole Lane junction
- Traffic calming within the village of Ashurst Wood

General points

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

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

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

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

Wealden District Council

I refer to the above mentioned application, which was considered in accordance with the Council's approved scheme of delegation on 31 August 2018.

I am now able to advise you that this Council RAISE NO OBJECTIONS to this application subject to:

1. NOTE: Attention is drawn to regulation 63 of The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations 2017) that states:

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Wealden District Council considers it essential that such an assessment is made, and that the effects of all plans and projects, both approved and proposed, are taken into account in the assessment (i.e. an 'in combination' assessment). The principal issues of concern would be air quality on sensitive roads over the Ashdown Forest Special Area of Conservation (SAC) and the additional recreational pressures on the Ashdown Forest Special Protection Area (SPA).

Subject to Mid Sussex District Council, as the 'competent authority' under the Habitats Regulations 2017, giving these proposals appropriate consideration, no objections are raised.

I trust that this information is sufficient and would be very grateful if you would advise this Department of any forthcoming decision.

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MID SUSSEX DISTRICT COUNCIL

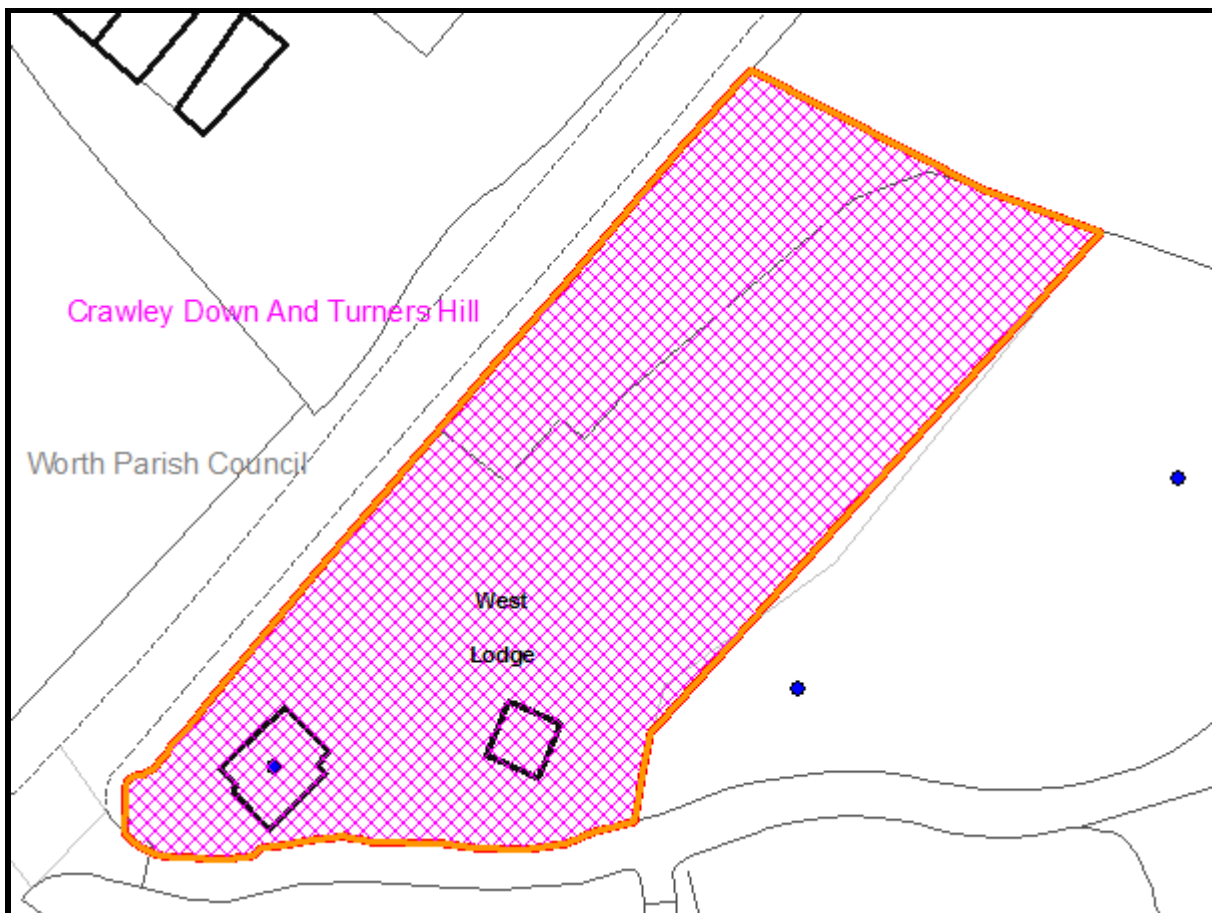
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/18/4013



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LAND R/O WEST LODGE TILTWOOD HOPHURST LANE CRAWLEY DOWN

PROPOSED ERECTION OF 2 NO. 4 BED DETACHED HOUSES AND GARAGES, INCLUDING THE DEMOLITION OF EXISTING GARAGE. AMENDED LAYOUT AND REVISED ELEVATIONS.

MR PETER HEWSON

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 30th April 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Bruce Forbes / Cllr Neville Walker /

CASE OFFICER: Susan Dubberley

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

This application seeks full planning permission for the construction of two new 4 bedroom dwellings each with detached garage on land rear of West Lodge, Tiltwood, Hophurst Lane.

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

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

The application site lies in the countryside, outside the built up area of Crawley Down and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside.

Policy DP15 provides for exceptions to the presumption against new homes in the countryside in the where special justification exists. The proposals however do not accord with DP15.

Policy DP6 of the District Plan is not a relevant policy as the proposal is on an application site that is not contiguous with the built up area.

Whilst the proposal conflicts with policy DP12 and DP15 of the District Plan, the proposals are considered to accord with the relevant Neighbourhood Plan policies, namely CDNP05 of the Neighbourhood Plan that does not restrict the location of new

developments. 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. Only limited weight can thus be given to this policy in support of the application.

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).

There are other material considerations, specific to this site which are relevant to this application. While it is acknowledged that there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural environment, in this case a significant material consideration is that there is existing development on the site and a number of similar applications has been given consent on the Tiltwood Estate, some of which are under construction and other sites have extant permissions. The houses would be seen in the context of the existing development and the proposed layout, scale and appearance of the houses are considered to be in keeping with the character of the existing and approved development.

Weighing in favour of the scheme is that the development will provide 2 new dwelling in a sustainable location in terms of its location to a Category 2 settlement. The development will provide positive economic and social benefits through the New Homes Bonus, construction jobs and an increased population likely to spend in the community. It is considered to accord with policy CDNP05 of the Neighbourhood Plan which supports new residential development.

There will be a neutral impact in respect of a number of issues such as highways, landscaping, drainage and sustainability. A legal agreement would also secure monies to mitigate the impact on the Ashdown Forest. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan policies.

Overall it is considered that while the proposal is not in compliance with all of the policies in the development plan, in particular there is a conflict with DP12 and DP15. There are however other material considerations in this case; the development is not isolated or in open countryside as there is existing development on the site and the proposed layout, scale and appearance is considered to be in keeping with the character of the existing development and it is not considered therefore that in this instance that there would be a significant adverse impact on the wider countryside.

In light of the above circumstances, it is considered that in this case there are sufficient material considerations such that the development is considered acceptable and should be approved.

The proposal would comply with policies within the development plan DP13, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Policies CDNP04.2, CDNP05, CDNP06, CDNP08, CDNP09, CDNP10 and CDNP11 of the Neighbourhood Plan and the provisions of the National Planning Policy Framework.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in appendix A.

SUMMARY OF REPRESENTATIONS

Worth Parish Council

Object, as contrary to DP6 as not contiguous with BUAB, and contrary to CDNP10, due to increased vehicular movements onto the access road. There are 18 dwellings proposed in this immediate vicinity, which is piecemeal development. In our opinion this is contrary again to DP6 as this number is over 9 dwellings.

Comments following amended plans:

The plot is not contiguous with the BUAB, nor is it allocated within the District Plan or the Neighbourhood Plan. Therefore the application does not comply with DP6 or DP12.

The overall development of this site has resulted in incremental additions to vehicle movements, sufficient in our view to cause an unsafe access to the highway at Hophurst Hill. The application does not therefore comply with CDNP10.1

SUMMARY OF CONSULTATIONS

MSDC Street Naming and Numbering Officer

Request informative is added to any decision notice granting approval

WSCC Highways

No objection subject to conditions.

MSDC Arboriculturist

No objection.

MSDC Drainage Engineer

No objection subject to conditions.

INTRODUCTION

Full planning permission is sought for the erection of two 4 bedroom detached dwellings each with detached garage on land rear of West Lodge, Tiltwood, Hophurst Lane.

RELEVANT PLANNING HISTORY

There have also been numerous approved planning applications on the Tiltwood Estate including:

Planning permission was granted for 2no. 5 bed houses in rear garden of Tiltwood East on 25 June 2018. (DM/17/0402)

Planning permission was granted for a 2 storey 4 bedroom detached dwelling with side attached single garage on 5 October 2017 at Tiltwood House. (DM/17/3021).

Planning permission was granted for a 3 Bedroom detached chalet bungalow with attached double garage at Tiltwood Coach House East (DM/16/5620).

Planning permission was granted for a detached 4 bedroom house on 4 January 2016 (DM/15/4482).

Planning permission was granted in May 2015 for 2 new dwellings within the rear garden of Tiltwood Coach House for - Rebuild and extend outbuilding to form a single storey 2 bedroom cottage. Karen's Cottage - Convert and extend workshop/store to form a single storey 1 bedroom cottage" (14/04424/FUL).

Planning permission was allowed on appeal for 5 new dwellings and ancillary storage accommodation within the rear garden of Tiltwood House. (DM/15/2734).

Planning permission was granted for the erection of 2 new dwellings on adjoining land to the west of ownership of Tiltwood House (DM/15/4482 and DM/15/4478). (Under construction).

Planning permission was granted for erection of one 4 bedroom detached house on land to the southwest of Tiltwood House (DM/16/2544).

Planning permission was granted for the erection of a 4-bed detached house and detached garage arranged over 2-storeys to the north west of Tiltwood West in Crawley Down. (DM/16/2552). (Under construction).

SITE AND SURROUNDINGS

The site comprises part of the rear garden of west lodge, a detached dwelling located on the Tiltwood Estate accessed from an existing private gravel drive, with entry and exit from Hophurst Lane adjacent to the west of West Lodge. The garden runs parallel to Hophurst Lane located to the north of the site and is screened from

the road by mature trees. To the south of the site are two detached house currently under construction.

The application site is designated within the countryside in the District Plan and the site is within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

APPLICATION DETAILS

Full planning permission is sought for the erection of two 4 bedroom detached dwellings with detached garages located in what is currently the garden of West Lodge. West Lodge would retain a rear garden and the houses would be sited to the east. An existing garage would be demolished in order to provide access onto the site and a new repositioned garage is proposed for the existing house. Access onto Hophurst Lane would be from the existing shared driveway to the Tiltwood properties.

The two houses would have the same design and have an L-shaped footprint with a single storey projecting front element and a two storey wing with a cat slide roof that integrates with the single storey elements.

The proposed materials are camber tiles red/brown roof tiles and the walls to the 2 storey element are to be orange/red 'handmade' clay tiles, similar to those on West Lodge. The base of the house walls to be a blue/black brickwork in keeping with other new developments on the site. The cladding to the walls to the single storey wings is to be charred black timber, again in keeping with other new developments on the site. Windows and sliding doors to be double glazed in powder coated anthracite grey coloured aluminium frames.

LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

The most relevant policies are:

- Policy DP6: Settlement Hierarchy
- Policy DP12: Protection and Enhancement of Countryside
- Policy DP13: Preventing Coalescence
- Policy DP15: New Homes in the Countryside
- Policy DP17: Ashdown Forest SPA and SAC
- Policy DP21: Transport
- Policy DP26: Character and Design
- Policy DP27: Space Standards
- Policy DP37: Trees, Woodland and Hedgerows
- Policy DP39: Sustainable Design and Construction
- Policy DP38: Biodiversity
- Policy DP41: Flood Risk and Drainage

Worth - Crawley Down Neighbourhood Plan

The CDNP was 'made' in January 2016 and so forms part of the development plan. In accordance with the Planning and Compulsory Purchase Act 2004 and the NPPF, an assessment has been undertaken of the CDNP policies to identify if there are any in conflict with the District Plan. Where there is a conflict the weight to the policy has been identified.

The most relevant policies are:

Policy CDNP04.2: Infill Housing

Policy CDNP05: Control of New Developments

Policy CDNP06: Sustainable Drainage Systems

Policy CDNP08: Prevention of Coalescence

Policy CDNP09: Protect and Enhance Biodiversity

Policy CDNP10: Promoting Sustainable Transport

Policy CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

National Policy

National Planning Policy Framework (NPPF) (February 2019)

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

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

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

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

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

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

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

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

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

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT (Consideration of Key Issues)

Principle of development

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

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and the Crawley Down Neighbourhood Plan.

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

As the proposed development is located within the Countryside the proposal is contrary to Policy DP12 of the District Plan.

Policy DP12 of the District Plan 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.*

It is clear that a fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the District Plan, a development plan document or a neighbourhood plan.

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

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

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

Policy DP6 of the District Plan relates to Settlement Hierarchy and 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 the application site is not contiguous with the built-up area of Crawley Down, then this policy is not relevant to this application.

The proposal must also be assessed against the Crawley Down Neighbourhood Plan Policy CDNP05 which states:

Policy CDNP05: Control of New Developments Subject to the other policies of this Neighbourhood Plan, Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) *The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) *Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) *The individual plot sizes are proportionate to the scale of the dwelling.*
- e) *Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) *Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) *The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) *Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) *The development is arranged such that it integrates with the village.*
- j) *Housing need is justified.*
- k) *The development does not impact unacceptably on the local highway network.*
- l) *Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) *Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*
- n) *Includes affordable homes as required by District policy.*
- o) *Proposals for new housing developments must meet the standards set out in Appendix 1*

- p) *Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes.*

It is considered that the proposal would comply with criteria a), b), c), d), f), g), h) and k), o). Due to the small scale nature of the proposal, criteria d), e,) g) i), l), m) n) and p) are not considered to apply, so overall, it is considered that the application would comply with this policy.

Policy CDNP05 is permissive in nature and the principle of housing development is not constrained by the location of development (i.e. whether it is within or outside the built up area boundary). Policy DP12 of the District Plan has a more restrictive approach and there is therefore conflict 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. Therefore only limited weight can be given to policy CDNP05 of the Neighbourhood Plan in support of the application.

The application proposal is thus contrary to the Development Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance the Plan.

In this case the material considerations are the fact that the application site is located on the already developed Tiltwood Estate, where the planning history of the wider site shows that there have been several recent approvals on the site for housing developments, some of which are now under construction and other sites with extant permissions. It is not considered therefore that in this instance that there would be a significant adverse impact on the countryside arising from the development. The development is not isolated or in open countryside and the proposed layout, scale and appearance of the proposed houses is considered to be in keeping with the character of the existing development and it is not considered therefore that in this instance that there would be a significant adverse impact on the wider countryside. The site itself is also quite well contained by mature trees and hedges along the site boundaries.

Therefore while it is acknowledged that there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural environment, in this case due to the location of the site on the developed Tiltwood Estate it is not considered therefore that in this instance that there would be a significant adverse impact on the countryside arising from the development.

In light of the above circumstances, it is considered that in this case there are sufficient material considerations such that the principle of development is considered acceptable.

Design and visual impact

Policy DP26 in the District Plan seeks to ensure a high standard of design in all new development and requires new development to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place.

Neighbourhood Plan policy CDNP05 (a) requires developments to fit unobtrusively with the surrounding character of the area.

The design of the dwelling is considered to be appropriate to its semi-rural setting. The design is also in keeping with other recent planning approvals for residential development on the Tiltwood estate. As such, it is considered that the proposal would meet the above policies and guidance.

Policy DP13 of the District Plan seeks to prevent coalescence. The proposed dwellings would be seen in the context of the recent planning approval and development in the area, therefore it is not considered to impact on the gaps between neighbouring settlements.

As such, it is considered that no harmful impact would be caused to the visual amenities of the area and accordingly the application would comply with the Policies DP13 and DP26 of the District Plan, policies CDNP05(a) and CDNP08 of the Neighbourhood Plan and the requirements of the NPPF.

Standard of accommodation

Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The dwellings have been designed in accordance with these standards with both units well above the minimum standards for new houses of this size.

The proposal is considered to comply with policy DP27 of the District Plan.

Impact on neighbouring amenity

Policies DP26 of the District Plan aims to protect amenity. A similar ethos is found within CDNP04.2 (f) of the Neighbourhood Plan.

In terms of the impact on adjoining properties the nearest house to plot one is the existing house at West Lodge which lies to the west and would have a separating distance of some 30m. To the south there is a detached house under construction

with a separating distance of between 15 to 17m with the proposed house sited so that it would be at an angle and would looking towards the detached garage of the house under construction.

Plot 2 would be located some 14m away from plot 1 with a detached double garage in between. To the south is another house that is under construction and due to the orientation the house on plot 2 it would also be sited opposite the garage to this property.

Due to these distances and orientation of the houses it is considered that the proposal would not cause a significant detrimental impact upon the neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

The proposal is therefore considered to comply with policy DP26 of the District Plan.

Access, parking and impact on highway safety

Policy DP21 the District Plan requires development to: be sustainably located to minimise the need for travel, promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking, not cause a severe cumulative impact in terms of road safety and increased traffic congestion, be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages, and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The WSCC Highways Engineer has raised no objections to the parking and while noting the proposed double garages do not meet minimum internal dimensions in order to provide cycle storage and vehicle parking, the Highways Engineer is satisfied that alternative secure and covered cycle storage can be secured via condition.

The concerns of the Parish council in regard to the safety of the access onto Hophurst Lane are noted however the WSCC Highways Engineer has commented:

The private drive has two access points on to Hophurst Lane. The western most access would provide a more direct route of ingress to the site; however there are no restrictions on which access can be used. On site it was observed that a vehicle exiting from the western access would have sufficient visibility and be able to see to the maximum extent possible in both north east and south west directions. Speeds observed were in line with the posted limit and the uphill approach to the 30 mph zone, approximately 80 metres south west, appeared to slow approaching traffic down. The LHA do not wish to raise any highways concerns with the use of the existing accesses.

The WSCC Highways Engineer concludes that there are no transport grounds to resist the proposal. The proposal is therefore considered to comply with policy DP21 of the District Plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage Engineer has raised no objection and considers that this matter can be suitably dealt with by condition, so there should be no conflict with policy DP41.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states that: *"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."*

Initially the Arboriculturist raised concerns over the development and its future relationship with the surrounding trees. The concern was that post development pressure would be likely as several trees are in close proximity to the proposed houses and therefore the trees:

'will cast significant shade over the rear gardens. Leaf drop, deadwood and perceived fear of failure are all commonly given reasons for requesting the reduction or removal of trees post development. It would be very difficult for the council to resist these requests once the properties have been built. Many of the high quality trees along the highway boundary are Early mature and so still need space for future growth. Provision for the future growth of these trees will be severely limited by the construction of the properties.'

Following negotiations the design of the houses has been amended and the position of the house on the site changed so that the houses are now further away from the trees. The Arboriculturist has considered the amended layout of the site and now has no objection to the application. It is therefore considered that the proposal would comply with the above policy.

Ashdown Forest

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

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require the payment of £6,280 and the SANG contribution would be £4,066.

The District Council now has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In

relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

In this case, the applicant has agreed to enter into a legal agreement securing the necessary SAMM mitigation and the Planning Obligation securing the SAMM contribution is currently being progressed. A condition can be used securing the SANG mitigation. The proposal therefore accords with Policy DP17 of the District Plan.

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 was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme 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. This means that there is not

considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Planning Balance and Conclusions

This application seeks full planning permission for the construction of two new 4 bedroom dwellings each with detached garage on land rear of West Lodge, Tiltwood, Hophurst Lane.

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

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

The application site lies in the countryside, outside the built up area of Crawley Down and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside.

Policy DP15 provides for exceptions to the presumption against new homes in the countryside in the where special justification exists. The proposals however do not accord with DP15.

Policy DP6 of the District Plan is not a relevant policy as the proposal is on an application site that is not contiguous with the built up area.

Whilst the proposal conflicts with policy DP12 and DP15 of the District Plan, the proposals are considered to accord with the relevant Neighbourhood Plan policies, namely CDNP05 of the Neighbourhood Plan that does not restrict the location of new developments. 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. Only limited weight can thus be given to this policy in support of the application.

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).

There are other material considerations, specific to this site which are relevant to this application. While it is acknowledged that there is an overriding need to ensure that

the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural environment, in this case a significant material consideration is that there is existing development on the site and a number of similar applications has been given consent on the Tiltwood Estate, some of which are under construction and other sites have extant permissions. The houses would be seen in the context of the existing development and the proposed layout, scale and appearance of the houses are considered to be in keeping with the character of the existing and approved development.

In light of the above circumstances, it is considered that in this case there are sufficient material considerations such that the development is considered acceptable and should be approved.

The proposal would comply with policies within the development plan DP13, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Policies CDNP04.2, CDNP05, CDNP06, CDNP08, CDNP09, CDNP10 and CDNP11 of the Neighbourhood Plan and the provisions of the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for external walls, windows and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority.

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

3. The development hereby permitted shall not proceed until details of the proposed surface water and foul drainage and means of disposal, including details of surface water management during construction and details of future maintenance, have been submitted to and approved by the Local Planning Authority, in agreement with Southern Water, and shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the District Plan.

4. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be

occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

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

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

6. No part of the development shall be first occupied until details of covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle spaces have been provided in accordance with the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

7. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

INFORMATIVES

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

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- 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.

2. The applicant is advised that to satisfy condition 4 above there are likely to be two options. The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended. The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.
3. 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.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	PH/1/1		01.10.2018
Survey	PH/1/2		01.10.2018
Survey	PH/1/3		01.10.2018
Block Plan	PH/1/4	E	11.12.2018
Proposed Site Plan	PH/1/5	E	11.12.2018
Proposed Site Plan	PH/1/6	E	11.12.2018

Proposed Floor Plans	PH/1/7	C	11.12.2018
Proposed Elevations	PH/1/8	C	11.12.2018
Proposed Sections	PH/1/9	B	11.12.2018
Illustration	PH/1/10	E	11.12.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

The plot is not contiguous with the BUAB, nor is it allocated within the District Plan or the Neighbourhood Plan. Therefore the application does not comply with DP6 or DP12.

The overall development of this site has resulted in incremental additions to vehicle movements, sufficient in our view to cause an unsafe access to the highway at Hophurst Hill. The application does not therefore comply with CDNP10.1

Parish Consultation - further

Object, as contrary to DP6 as not contiguous with BUAB, and contrary to CDNP10, due to increased vehicular movements onto the access road. There are 18 dwellings proposed in this immediate vicinity, which is piecemeal development. In our opinion this is contrary again to DP6 as this number is over 9 dwellings.

WSCC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is for the demolition of existing garage, erection of replacement garage and the erection of two 4-bedroom dwellings in garden land of West Lodge. West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been consulted previously on highways matters for this location for various proposals of dwellings at the Tiltwood Estate accessed via the existing private drive, to which no highways concerns have been raised. A site visit was conducted on 11th July 2016 to assess the suitability of the existing access on to Hophurst Lane, a 'C' classified road subject to a 40 mph speed restriction in this location.

Previous LHA comments regard access and visibility should be referred to:

The private drive has two access points on to Hophurst Lane. The western most access would provide a more direct route of ingress to the site; however there are no restrictions on which access can be used. On site it was observed that a vehicle exiting from the western access would have sufficient visibility and be able to see to the maximum extent possible in both north east and south west directions. Speeds observed were in line with the posted limit and the uphill approach to the 30 mph zone, approximately 80 metres south west, appeared to slow approaching traffic down. The LHA do not wish to raise any highways concerns with the use of the existing accesses.

Each dwelling (including the existing) will be provided two external parking spaces on site, which meet the minimum specifications of 2.4 x 4.8m per space as set out in MfS and can be counted towards parking provision. The proposed plans indicate that a double garage will be provided for each proposed dwelling and a replacement double garage for the existing dwelling. The plans demonstrate that the garages do not meet the minimum internal dimensions as set out in Manual for Streets (MfS) of 6 x 6m. Although this is not anticipated

to cause a highway safety concern in this location, the applicant should increase the size of the proposed garages to meet the minimum internal dimensions in order to provide sufficient space for vehicle parking and bicycle storage. There is sufficient space on site for vehicles to turn on site and exit onto the publically maintained highway in a forward gear.

Although there is no direct footway link adjacent to the site, the nearest bus stop is approximately 20 m south of the western access with services on to Crawley. Crawley Down village provides a limited range of retail, services and amenities. Cycling would be an attractive and sustainable mode of transport in this location. As the proposed double garages do not meet minimum internal dimensions, they are not sufficient to provide cycle storage and vehicle parking; the applicant should either increase the size of the proposed garages to minimum 6 x 6m or provide alternative secure and covered cycle storage; details of this can be secured via condition.

In conclusion, the LHA does not consider that the proposal for a replacement dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

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

Conditions:

Car parking space

No part of the development shall be first occupied until the car parking 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 to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Street Naming and Numbering

I note from the list of planning applications received during the week 4th October 2018 to 10th October 2018 that the applications listed below will require address allocation if approved.

Planning application number(s):

DM/18/4018

DM/18/3937

DM/18/4039

DM/18/4013

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.

MSDC Arboriculturist

Comments dated 14/01/2019

Having reviewed the submitted plans and amended layout of the site, I have no further objection to the above application.

Comments dated 30/10/2018

Further to reviewing the AIA/ AMS reports provided, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPOs and is not within a conservation area.

No trees are to be removed to facilitate the application, although a very large mature Oak tree was recently felled.

Protection measures for retained trees have been outlined within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and temporary ground protection.

All of the above is suitable and in accordance with BS 5837.

However, there is concern over the development and its future relationship with the surrounding trees.

Post development pressure is likely as several trees are in close proximity to the planned properties and will cast significant shade over the rear gardens. Leaf drop, deadwood and perceived fear of failure are all commonly given reasons for requesting the reduction or removal of trees post development. It would be very difficult for the council to resist these requests once the properties have been built.

Many of the high quality trees along the highway boundary are Early mature and so still need space for future growth. Provision for the future growth of these trees will be severely limited by the construction of the properties.

MSDC Drainage Engineer

Recommendation: No objection subject to conditions

Advice

Summary and overall assessment

The proposed drainage for this development relies upon a number of downstream development plots having their drainage arrangements approved and conditions discharged. This means that this site could not have the opportunity to drain unless all their downstream neighbours, almost in series, have approved systems of their own. The series of development that DM/18/4013 relies upon are:

DM/17/2787
To
DM/16/2552
To
DM/16/2544
To
DM/16/0600

All of the above plots have had the proposed drainage arrangements approved and conditions discharged. This means that we are willing to allow this proposed development to progress pending condition.

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.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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

Flood Risk

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

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

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will utilise soakage.

Foul Water Drainage Proposals

It is proposed that the development will discharge to the proposed and approved arrangements as agreed with DM/17/5016.

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.

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MID SUSSEX DISTRICT COUNCIL

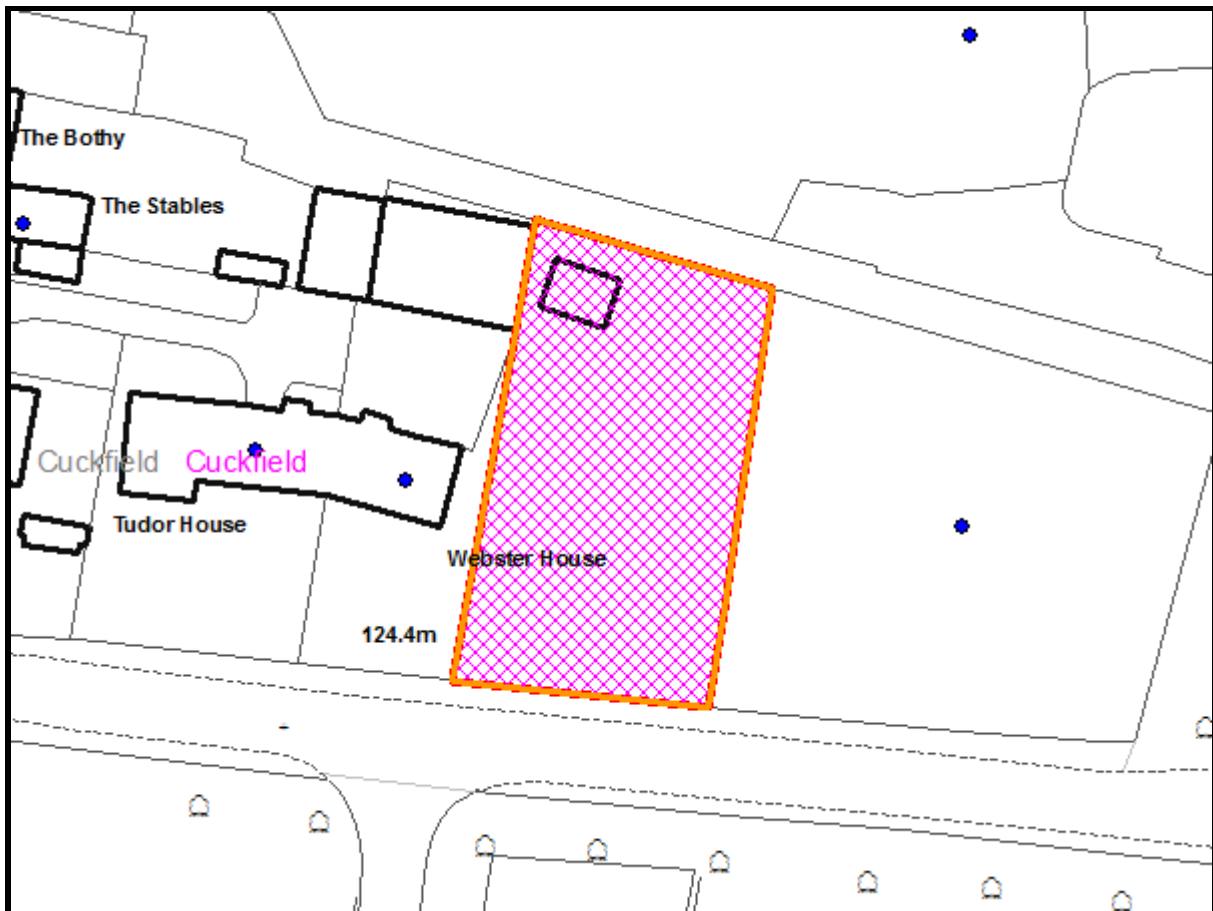
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

Cuckfield

DM/18/4020



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WEBSTER HOUSE WHITEMANS GREEN CUCKFIELD HAYWARDS HEATH

OUTLINE APPLICATION FOR PROPOSED TERRACE OF 3 ATTACHED COTTAGES AND ASSOCIATED STORAGE SHEDS WITH NEW ACCESS FROM THE SITE ONTO WHITEMANS GREEN (TREE REPORT AND AMENDED PLANS RECEIVED 21 FEBRUARY 2019)

MR AND MRS D SAYER

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads -

20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 21st December 2018

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

Weighing against the application is firstly that the site's location within designated countryside and not contiguous with a built-up area boundary is such that there is an automatic conflict with the requirements of Mid Sussex District Plan Policies DP6, DP12 and DP15 and Cuckfield Neighbourhood Plan Policy CNP5. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

Also weighing against the application is that there would be harm to the setting of the Whitemans Green Conservation Area through the reduction in the gap between development within the Conservation Area and that clustered around Mill Hall to the west. However, this degree of harm is considered to be only very minor, that is at the lower end of the 'less than substantial' scale as per paragraph 196 of the NPPF.

Weighing in favour of the application is that the proposal would provide the

opportunity for three modestly sized dwellings to be built in a location which provides for good access to local services and facilities by means other than the private car. In addition, the Council would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

There is not considered to be any harm to the character of the area or the High Weald AONB landscape.

For the purposes of this outline application there will be a neutral impact in respect of a number of issues such as impact upon neighbouring amenity, future occupier amenity, highway safety, parking, drainage and the impact on the Ashdown Forest.

Overall the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6, DP12, DP15 and CNP5 due to the site's location, and a minor conflict with policies DP35 and CNP1 as concerns the impact on the setting of the Whitemans Green Conservation Area. These conflicts weigh against the proposal.

However, it is considered that the proposal would not harm the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB and that the site should be considered an appropriate location for residential development in sustainability terms. In this respect, the fundamental requirements of policies DP12, DP16 and CNP5 would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and CNP1.

Taking all of the above into account, with reference to NPPF paragraph 196, it is considered that the public benefits of the proposal would outweigh the less than substantial harm to the setting of the Conservation Area. The proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

4 letters of support received during original publicity period:

- Smaller houses needed in Parish
- Sympathetic layout
- Appearance is inkeeping

2 letter of objection or neutral comment received during original publicity period:

- Visibility splays include land outside of applicant's ownership
- Surface and foul drainage needs to be considered to prevent flooding and blockages
- Access, including construction traffic, should be from new proposed access point only
- Planting scheme at western boundary would mitigate loss of outlook on Tudor House
- Extension of pavement on northern side of highway to site would enhance pedestrian safety

3 letters of support received during second publicity period (following receipt of revised illustrative site layout plan and tree report):

- Revised layout more inkeeping and suitable
- Design is balanced and sympathetic
- Smaller houses needed in Parish

1 letter of objection received during second publicity period:

- Reduction in separation to Whitemans Green.
- Prominent and more intrusive than original layout
- Reduction in garden sizes
- Removal of garages with risk of theft and vandalism
- Habitable rooms facing busy and noisy road
- Tree Survey missing from original submission

SUMMARY OF CONSULTEES (full comments in appendices)

Conservation Officer:

Consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Drainage Officer:

No objection subject to condition.

Local Highway Authority:

No objection, recommended conditions.

PARISH COUNCIL COMMENTS

Whilst the Council noted that the proposal falls inside the AONB and outside the Built-Up Boundary and the concerns of the conservation officer regarding Mill Hall

and the Whiteman's Green Conservation Area, the provision of smaller and more affordable housing was seen to outweigh these constraints. No objection.

INTRODUCTION

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

RELEVANT PLANNING HISTORY

In 2004 an application was refused (04/00507/FUL) for a detached dwelling with new garage to Webster House for reasons that the site was outside the built up area boundary, that the proposal would be harmful to the High Weald AONB and that the proposal would detract from the setting of the Whitemans Green Conservation Area.

SITE AND SURROUNDINGS

The application site comprises the rectangular shaped grassed side garden area associated with Webster House, a two storey semi-detached dwelling accessed via a shared driveway which adjoins Whitemans Green B2114 to the west. The site measures approximately 946 square metres and is generally flat, with the exception of a raised mound to its eastern side. There are three trees towards the south-eastern corner of the site and a laurel and hawthorn hedgerows at the southern boundary, with boarded fencing in between. There is a pitched roof double garage in the north-western corner of the site (to be removed).

Webster House to the west has no side facing windows and is characterised by a hipped plain tile roof, white upvc windows and brickwork and tile hung walls. Further beyond is adjoining Tudor House. There is close boarded fencing and the flank wall of a neighbouring building along the north-western boundary. The northern boundary is formed by a brick wall, with a driveway and then large field beyond. There is close boarded fencing along the eastern boundary, the other side of which is a line of trees and a small undeveloped parcel of land. The boundaries of the High Weald AONB, Cuckfield built-up area and Whitemans Green Conservation Area all follow the northern and eastern sides of this neighbouring land.

The site is within designated countryside and the High Weald AONB. The site's north-eastern corner is approximately 8 metres from the boundary line for the built-up area and Whitemans Green Conservation Area. Whitemans Green B2114 to the south has a 30mph speed limit. Further beyond to the south is the recreation ground including large car park and pavilion.

Webster House is the easternmost of approximately 10 dwellings lining the northern side of the highway on the periphery of the village. At the centre of these buildings is prominent Mill Hall. The near, western end of Whitemans Green Conservation Area is characterised by traditional dwellings to the north and south of a tree lined public green.

APPLICATION DETAILS

The proposed development is the removal of the garage and erection of a terrace of three dwellings together with associated new access and shared driveway to parking and storage sheds to the rear.

The application is for outline planning permission with all matters reserved, therefore the site layout plan, floor plans and elevations are to be treated as for illustrative purposes only as merely one way in which the development could be carried out. These show the formation of a vehicular access onto Whitemans Green B2114 at the south-eastern corner of the site with 2.4 metres by 43 metres visibility splays, a 2 storey terrace of 3 no. 3 bedroom units, including dormer and velux windows, 7 parking spaces to the rear (2 for each dwelling and 1 visitor) and a storage shed divided into 3 units.

The terrace fronts onto the highway and follows the front building line of Webster House. It is of traditional appearance, with a gabled roof, double pitched roof front dormers and single pitched front porch canopies and single storey rear outshots.

The application is supported by an Arboricultural Impact Assessment which details that limited tree and hedgerow will be necessary to facilitate the development, including providing suitable visibility splays. Indicative landscaping planting is shown dotted around the site.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031 (MSDP)

Adopted as part of the development plan.

Relevant policies:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP16 High Weald AONB
- DP17 Ashdown Forest SPA and SAC
- DP21 Transport
- DP26 Character and Design
- DP27 Dwelling space standards
- DP35 Conservation Areas
- DP41 Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (SPD - Appendix 1 Parking Standards)

Cuckfield Neighbourhood Plan 2011-2031 (CNP)

Adopted as part of the development plan.

- CNP1 Design of New Development and Conservation
- CNP5 Protect and Enhance the Countryside

National Policy and Legislation

National Planning Policy Framework (NPPF) (February 2019)

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF 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.

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

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

ASSESSMENT

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

- The principle of development;
- Visual impact, including on the High Weald AONB and the setting of Whitemans Green Conservation Area
- Impact on neighbouring amenity
- Standard of amenity for future occupiers
- Future occupier amenity
- Highways, access and parking

- Impact on the Ashdown Forest
- Drainage
- Planning balance and conclusion

Principle of Development

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

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

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

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

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

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The "in accordance" determination is one in accordance with the development plan when read as a whole.

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 for this part of Mid Sussex consists of the Mid Sussex District Plan ('MSDP') and Cuckfield Neighbourhood Plan ('CNP').

MSDP Policy DP15 relates to new homes in the countryside and states as follows:

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

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

Linked to Policy DP15 is firstly 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'*

Also linked is Policy DP6, which states:

'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 built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The application site is within the countryside as designated by the development plan. However, the character of the streetscene in this location is of an edge of village, semi-rural nature, with residential development in either direction to the east (Whitemans Green) and west (B2114 out of the village into the open countryside).

Whilst the site is at closest point within 10 metres of the Cuckfield built-up area boundary line, it is not contiguous with this. Therefore, the proposal does not meet the criteria requirements of Policy DP6 and accordingly it follows that the proposal also does not meet any of the special justification criteria of Policy DP15.

With respect to Policy DP12, there is no specific policy reference in the development plan which provides support for the development. The proposal is therefore also contrary to the wording of this policy. However, it is important to understand the intention behind this policy, which is set out in the supporting text, as follows:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

The characteristics and context of this site is of a residential garden bounded by dwellings to the west (located further away from the built-up area boundary), a driveway and field beyond to the north, the Conservation Area to the east beyond an

undeveloped parcel of land and a car park and pavilion to the south of the highway at Whitemans Green Recreation Area. It can thus be reasonably said that the site's context combines urban and rural elements and that there is not a prevailing 'countryside' character in respect of considerations of openness / natural landscape or tranquillity. These considerations are discussed further below.

At Neighbourhood Plan level, Policy CNP5 states the following:

'Outside of the Built up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and*
- b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and*
- c) It would not have an adverse impact on the landscape setting of Cuckfield and*
- d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5, and*
- e) Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.'*

The application site is not allocated for development in Policy CNP 6 (a) and (b), is not a type of development to which Policies CNP 10, CNP 14 and CNP 17 apply, and as set out above, is not strictly in accordance with other relevant planning policies in the District Plan applying to the area in respect of the principle of development.

However, as with Policy DP12, it is important to understand the intention behind policy CNP5, which is set out in the supporting text, as follows:

'The planning strategy for Cuckfield generally is to focus development within the defined Built up Area Boundary and to restrict development in the countryside in order to protect landscape of major or substantial value or sensitivity, views from public areas, formal and informal recreational amenities as well as biodiversity.'

Table 1 in the Neighbourhood Plan classifies the local character area of the Parish within which the application sits as of moderate value and moderate sensitivity. The proposal would therefore not affect landscape identified as of substantial value or substantial or major sensitivity. As described above, the existing use, character and setting of the site is not of a countryside nature. It should also be noted at this point that the Parish Council have no objection to the application despite the conflict with Policy CNP5.

In terms of the site's locational sustainability, it is on the periphery of Cuckfield which is classed as a category 2 settlement (larger villages) in the settlement hierarchy listed under MSDP Policy DP6. Subject to crossing the highway for use of the

pavement on its southern side, the site is within one mile walk of the majority of those wide ranging facilities and services within Cuckfield. Therefore notwithstanding its location within designated countryside, the site can be described as having relatively good sustainability credentials in terms of the opportunity for future occupants to access day to day services by other means of transport to the private car.

In summary, the site's location is such that the principle of development is contrary to the development plan. However, as set out above there are a number of mitigating factors to be taken into account as material planning considerations in the overall planning balance.

Visual impact

The site layout plan, floor plan and elevations are all to be treated as for illustrative purposes only in relation to this outline application. Should this application be approved, a subsequent reserved matters application will be required for approval of the detail of the development.

MSDP Policy DP26 and CNP Policy CNP1 set out similar expectations for the quality of new development in design and character impact terms:

'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.'*

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;

 - *height, scale, spacing, layout, orientation, design and materials of buildings,*
 - *the scale, design and materials of the public realm (highways, footways, open space and landscape), and**
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

The grouping of buildings around Mill Hall are of varying appearance but generally are of simple, traditional form and scale. It is considered that the applicant has satisfactorily demonstrated through the illustrative site layout plan and elevations that a terrace of three modest sized dwellings can be provided on site in a manner which would fulfil the requirements of the above policies. These illustrative details show a terrace of appropriately inkeeping appearance with those buildings to the west, whilst not overdeveloping the site in respect of built footprint. Whilst a section of frontage hedgerow would need to be removed for the formation of the access, the majority of this would be retained and the access would therefore simply follow the appearance of those to the west. The trees identified for removal are low quality species of minimal public amenity value.

For the purposes of this outline application, it is considered that the general design and character requirements of the above policies would be met.

Impact on the High Weald AONB

MSDP Policy DP16 states:

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

- *the identified landscape features or components of natural beauty and to their setting;*

- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

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

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

As set out above, CNP Policy CNP5 contains the same requirement in respect of the need to conserve and enhance landscape and scenic beauty.

Paragraph 170 of the NPPF provides that the intrinsic character and beauty of the countryside should be recognised in decision making and paragraph 172 provides that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The Council's report and decision notice in 2004 to refuse a single dwelling on the site of similar positioning and scale to those hereby illustratively proposed reasoned that new dwellings are firmly resisted in the AONB other than in exceptional circumstances and that the dwelling would be obtrusive and damaging to the landscape. There is however no such current policy requirement, and furthermore it is the Planning Officer's view that the site can suitably accommodate the proposed development without any adverse impact on the landscape. As identified above, the site sits within an area of only moderate value and moderate sensitivity as identified by the Neighbourhood Plan, has an existing residential character and there is considerable surrounding development in what is a semi-rural setting. Whilst the detail of the proposed development would need to be carefully assessed at a later reserved matters stage to ensure that the layout, scale and appearance is appropriately sensitive, it is considered that for the purposes of this outline application it can be concluded that the AONB protection requirements of the above policies would be met.

Impact on the setting of Whitemans Green Conservation Area

The relevant part of MSDP Policy DP35 states:

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

The relevant part of CNP Policy CNP1 sets out a requirement for development to be sympathetic to the setting of any heritage asset.

Paragraphs 192-196 of the NPPF are relevant, as follows:

'192. In determining applications, local planning authorities should take account of:

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

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

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

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

The Council's report and decision notice in 2004 reasoned that the proposed dwelling would be prominent in an open area forming part of the setting of the Conservation Area, detract from the appearance of this area and close the gap between Whitemans Green and the buildings around Mill Hall School.

The Council's Conservation Officer has commented on the application as follows:

'The application site is a garden area to the east of Webster House, which is part of a group of buildings around Mill Hall, just to the west of Whiteman's Green and within the setting of the Whiteman's Green Conservation Area. Mill Hall was historically a country house with substantial landscaped gardens to the north and west. Associated with the house was Mill Hall Farm and a range of outbuildings some of which are still extant (The Coach House, Bothy and Stables). This group of buildings, although located only a short distance to the west of Whiteman's Green, appears to have been distinct from the semidetached cottages and villas around the Green. The group has subsequently expanded to include further houses to the south and south east of the farm, but remains detached from the Whiteman's Green, separated from the Green and Conservation Area by the gardens which are the subject of this application and a small field.

The proposal is for the erection of a terrace of three cottages with associated parking and landscaping.

In my opinion the principle of development in this location is contentious, as it will diminish the existing separation of the settlement around Whiteman's Green and the buildings associated with Mill Hall, to the detriment of the setting of the Conservation Area, the character of which depends partly on the rurality of its setting. Furthermore, the form of the development is not appropriate to the context, being of a suburban character which would not sit comfortably in this rural context, to the further detriment of the setting of the Conservation Area.

I therefore consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.'

The applicant's agent has made a number of points in response to the Conservation Officer's comments. Of most pertinence, it is contended that that the proposal would have no bearing on the tree lined village green due to the separation distance and intervening trees and roadside hedge, and that countryside views from the western end of the Conservation Area, especially of the South Downs, would not be interrupted or affected by the development. It is argued that the group of buildings around Mill Hall is a well-established feature in the wider setting of the Conservation Area and that the proposal would be seen and associated with this grouping, rather than Burrell Cottages to the east on the western edge of the Conservation Area (with the small field, treelines and road front hedge in between).

The Planning Officer acknowledges the Conservation Officer's view that development on the site will inevitably decrease the separation between the buildings around Whitemans Green and Mill Hall, and agrees that this factor can be reasonably described as harmful to the setting of the Conservation Area to some degree. However, the Planning Officer does not agree with the characterisation of the proposal as 'suburban'.

With reference to Policy DP35, it is not considered that the proposed development would be harmful to views into and out of the Conservation Area of the countryside. It is further considered that the proposal would in many respects be appropriately

sympathetic to the setting of the Conservation Area, as required by the Neighbourhood Plan, albeit it must be remembered that the detail of the development is not for consideration under this outline application.

The Conservation Officer considers the degree of harm to the setting of the Conservation Area to be 'less than substantial'. In accordance with NPPF paragraph 196, the public benefits of the proposal need to be weighed against harm. The Planning Officer's overall assessment is that the degree of harm is at the lower end of 'less than substantial', i.e. that the adverse impact on the setting of the heritage asset would be only very minor. Nevertheless, in accordance with NPPF paragraph 193, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Under this weighted balancing exercise, it is considered that public benefits of providing 3 smaller sized dwellings in this location would outweigh the harm.

Impact on neighbouring amenity

Part of MSDP Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Whilst CNP Policy CNP7 concerns housing development within the built up area, it is notable that this policy contains a requirement for development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents.

In accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, policy conflict is to be resolved in favour of the more recently adopted policy, which in this case is DP26. The applicable test is therefore of significant harm.

Whilst the principle of development is only being assessed at this stage, it is considered that the applicant has satisfactorily demonstrated for the purposes of this outline application that a terrace of three dwellings could be developed on site in accordance with this policy requirement. The detail of a subsequent reserved matters application would be carefully assessed in respect of the impact on those adjacent dwellings to the west.

Future occupier amenity

Part of MSDP policy DP26 also refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards.

The applicant would need to demonstrate through a subsequent reserved matters application that space standards are met for the occupation rate of the dwellings and that the layout of the scheme provides a good quality of amenity for future occupants. For the purposes of this outline application however, it is considered that there is no conflict with the above policy.

Highways, access and parking

MSDP Policy DP21 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.'

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

'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.'

CNP Policy CNP16 states:

'Proposals will be permitted where they meet the following criteria:

- a) Safely located vehicular and pedestrian access with adequate visibility exists or could be created; and*
- b) Development proposals would ensure sustainable transport links to the principal village facilities including the village centre, the primary and secondary schools and recreation open space are provided; and*
- c) Where adequate transport infrastructure is not available to serve the development, the development would provide, or contribute towards, appropriate measures which will address the identified inadequacy and assist walking, cycling, public transport and other highway improvements; and*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate*
- f) Development proposals would maintain or enhance the existing routes of the twittens (public rights of way).'*

Whilst the occupation rate of the dwellings as three bedroom units is only illustrative at this stage, the Councils minimum indicative car parking standards as set out on the Development Infrastructure and Contributions SPD are for two spaces per three bed dwelling. The illustrative site layout plan meets this requirement, plus a visitor space is shown. Turning space is also shown, such that vehicles would be able to exit onto the highway in a forward gear.

The associated storage sheds would allow for the secure storage of bicycles.

The Local Highway Authority's comments on the application are set out in full in the Appendix. In summary, no objection is raised, with the visibility splays associated with the proposed access and proposed parking and turning provision deemed to be acceptable. The Local Highway Authority note that occupants would need to cross the B2114 to access the pavement and that there is no pavement dropped kerb in place, however this is also the case for all those existing occupants of the dwellings to the west which are situated further away from the village's amenities.

The Planning Officer is of the view that there are no transport grounds to resist the application and that that subject to the use of conditions to control the detail of the development, the requirements of the above policies would be satisfactorily met.

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

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

It is proposed that the development will manage surface water drainage through sustainable drainage systems (SuDS). It is proposed that the details of this system would be addressed as part of a planning condition. It is proposed that the development will discharge foul water drainage to the main public foul sewer located in proximity to Burrell Cottages. If it is found that this would not be suitable then a private sewerage treatment plant is proposed as an alternative.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. 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.

The Council's Drainage Engineer has provided a suggested condition in the event of the application being approved, such that the details of this can be suitably controlled by a planning condition to comply with the above policy.

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.

PLANNING BALANCE AND CONCLUSION

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

Weighing against the application is firstly that the site's location within designated countryside and not contiguous with a built-up area boundary is such that there is an automatic conflict with the requirements of Mid Sussex District Plan Policies DP6, DP12 and DP15 and Cuckfield Neighbourhood Plan Policy CNP5. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

Also weighing against the application is that there would harm to the setting of the Whitemans Green Conservation Area through the reduction in the gap between development within the Conservation Area and that clustered around Mill Hall to the west. However, this degree of harm is considered to be only very minor, that is at the lower end of the 'less than substantial' scale as per paragraph 196 of the NPPF.

Weighing in favour of the application is that the proposal would provide the opportunity for three modestly sized dwellings to be built in a location which provides

for good access to local services and facilities by means other than the private car. In addition, the Council would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

There is not considered to be any harm to the character of the area or the High Weald AONB landscape.

For the purposes of this outline application there will be a neutral impact in respect of a number of issues such as impact upon neighbouring amenity, future occupier amenity, highway safety, parking, drainage and the impact on the Ashdown Forest.

Overall the proposal is not in strict compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6, DP12, DP15 and CNP5 due to the site's location, and a minor conflict with policies DP35 and CNP1 as concerns the impact on the setting of the Whitemans Green Conservation Area. These conflicts weigh against the proposal.

However, it is considered that the proposal would not harm the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB and that the site should be considered an appropriate location for residential development in sustainability terms. In this respect, the fundamental requirements of policies DP12, DP16 and CNP5 would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and CNP1.

Taking all of the above into account, with reference to NPPF paragraph 196, it is considered that the public benefits of the proposal would outweigh the less than substantial harm to the setting of the Conservation Area. The proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, landscaping, layout, scale and means of access thereto of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

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

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

3. No development shall take place, 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 and to comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

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

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan.

5. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

6. No development shall take place until details of proposed site and plot boundary walls or fences have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: In the interests of visual amenity and the amenity of future and neighbouring occupiers and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

7. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

8. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

9. No part of the development shall be first occupied until car parking and turning spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking provision is provided and to comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

10. 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 comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

3. 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.
4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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			01.10.2018
Proposed Site Plan	003B	01	22.03.2019
Proposed Floor Plans	001		01.10.2018
Proposed Elevations	002A		21.02.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Whilst the Council noted that the proposal falls inside the AONB and outside the Built-Up Boundary and the concerns of the conservation officer regarding Mill Hall and the Whiteman's Green Conservation Area, the provision of smaller and more affordable housing was seen to outweigh these constraints

No objection.

Parish Consultation – further

No objection. Whilst it was understood that this development was in the AONB (as per CNP5e), other policies outweighed this in terms of accommodating these houses. The proposal to build houses adjacent to the existing property would not impact the local area views, and Cuckfield had a need for smaller houses.

Conservation Officer - Emily Wade

The application site is a garden area to the east of Webster House, which is part of a group of buildings around Mill Hall, just to the west of Whiteman's Green and within the setting of the Whiteman's Green Conservation Area. Mill Hall was historically a country house with substantial landscaped gardens to the north and west. Associated with the house was Mill Hall Farm and a range of outbuildings some of which are still extant (The Coach House, Bothy and Stables). This group of buildings, although located only a short distance to the west of Whiteman's Green, appears to have been distinct from the semidetached cottages and villas around the Green. The group has subsequently expanded to include further houses to the south and south east of the farm, but remains detached from the Whiteman's Green, separated from the Green and Conservation Area by the gardens which are the subject of this application and a small field.

The proposal is for the erection of a terrace of three cottages with associated parking and landscaping.

In my opinion the principle of development in this location is contentious, as it will diminish the existing separation of the settlement around Whiteman's Green and the buildings associated with Mill Hall, to the detriment of the setting of the Conservation Area, the character of which depends partly on the rurality of its setting. Furthermore, the form of the development is not appropriate to the context, being of a suburban character which would not sit comfortably in this rural context, to the further detriment of the setting of the Conservation Area.

I therefore consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Drainage Officer

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. 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 Proposal

It is proposed that the development will manage surface water drainage through sustainable drainage systems (SuDS). It is proposed that the details of this system would be addressed as part of a planning condition.

Foul Water Drainage Proposal

It is proposed that the development will discharge foul water drainage to the main public foul sewer located in proximity to Burrell Cottages. If it is found that this would not be suitable then a private sewerage treatment plant is proposed as an alternative.

Drainage Consultation

Information into our requirements for foul and surface water drainage are included within the sections; 'surface water drainage advice' and 'further drainage advice'

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.

Surface Water Drainage Advice

The following information will be required for the proposed development. It is acceptable for these details to be provided at discharge of conditions stage.

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.

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.

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

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

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

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

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments
Climate change allowances - Detailed guidance - Environment Agency Guidance
Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.

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

A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

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

4.

Outfall to Watercourse:

Any proposed run-off to a watercourse 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. You cannot discharge surface water unrestricted to a 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. Guidance into the OWC application process can be found on West Sussex County Council's website at

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Any proposed run-off to a sewer 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. You cannot discharge surface water unrestricted to a 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.

Local Highway Authority

Ignoring the mistakes within the design and access statement WSCC have assumed the application is for a new access as per site plan 003 provided. Visibility from this access point can be achieved as per Manual for Streets guidance for a 30mph road. Set back 2.4m from the edge of the carriageway. Visibility splays of 2.4m x 43m in both directions are possible and these appear to be within the applicant's control, or with WSCC highway land.

It is noticed the proposed widening of the access road will be in excess of 4m. Referring to Manual for Streets guidance a width of 4.1m or above would be preferable as this allows two cars to pass each other. The width of the access here is important as although Whitemans Green has a 30mph speed limit, it is a 'B' classified distributor road and therefore access on and off the highway here should be achieved without the need to stop or wait in the carriageway. Widening can be reduced further into the site if space is required to do so.

Trips

As this is a small development of houses the trips rate will be low and there are no perceived capacity issues.

Car Parking

Car parking for the development has been assessed using the WSCC car parking calculator (see attached) For a development of this size and location an allocation of 1 garage space per dwelling with cycle storage and 1 visitor space is in line with WSCC standards. These spaces, if constructed as garages, should be slightly wider at 3m x 6m to accommodate the cycle storage proposed. Any additional parking can be 2.4m x 4.8m with turning space provided in order to exit in forward gear and this appears to be possible.

Refuse/Fire Access

Servicing of the dwellings has not been specified. If refuse vehicles need to gain access a swept path diagram showing this movement must be provided to ensure this movement can be undertaken safely. If the site will be serviced from the main road this is considered acceptable as currently this is most likely to be taking place.

Services

It is likely the road will remain private, in which case and service margins should be incorporated into verges or footways and is either 2m in width or 1m either side of the access to ensure it can be kept open and clear at all times.

Pedestrian Links

Pedestrian access directly from the site is limited. The shared use layout will tie into the existing road layout but no crossing facilities are provided to gain access to the footway on the other side of the road. This continues along the northern edge of the B2114 into the Village of Whitemans Green.

Consideration needs to be given to the design of the access and how pedestrians of all mobility levels will be able to cross the road from the north to the southern side, as it seems they would require some form of footway and dropped crossing feature to accommodate this.

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.

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.

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.

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MID SUSSEX DISTRICT COUNCIL

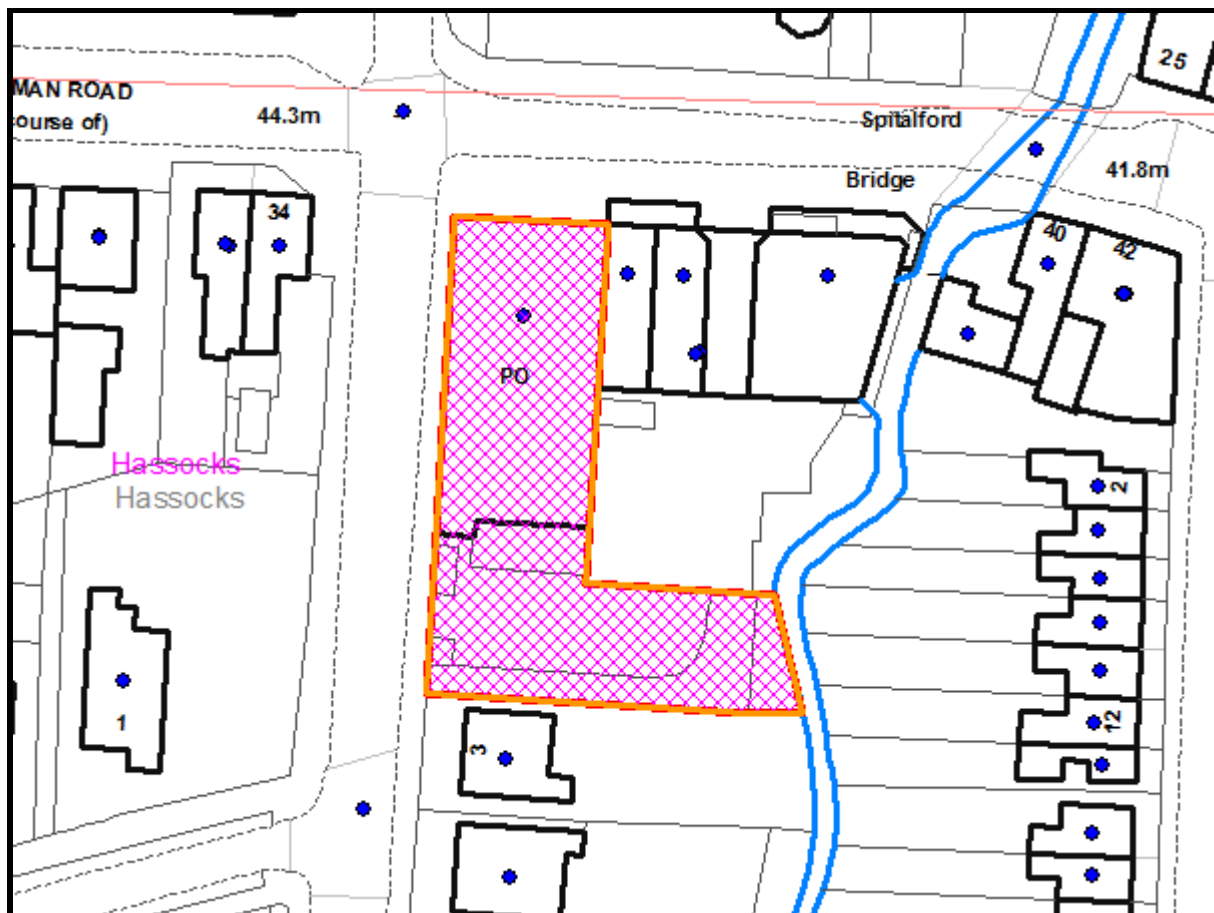
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

Hassocks

DM/19/0279



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**ROYAL MAIL HASSOCKS DELIVERY OFFICE 36 KEYMER ROAD
HASSOCKS**

**PART DEMOLITION AND CONVERSION TO CREATE 189M SQ. OF A1
RETAIL FLOORSPACE ON THE GROUND FLOOR WITH 2NO. 2-
BEDROOM FLATS, 2NO. 1-BEDROOM FLATS AND 1NO. 3-BEDROOM
FLAT ON THE FIRST AND SECOND FLOOR ABOVE. 5NO. 3-BEDROOM
TOWNHOUSES WITH GARDENS AND 10NO. PARKING SPACES.
RESUBMISSION OF WITHDRAWN APPLICATION DM/18/1445 (AMENDED
PLANS RECEIVED 14/3/19 SHOWING MINOR EXTERNAL DESIGN**

**CHANGES INCLUDING THE INSERTION OF OBSCURE GLAZED WINDOWS IN THE SOUTHERN SIDE ELEVATION).
MR D MARTIN**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Archaeological Notification Area (WSSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 29th April 2019

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

CASE OFFICER: Kate Brocklebank

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

Planning permission is sought for the partial demolition of the existing former post office depot and sorting office (sui generis) and redevelopment to create 189 sqm of A1 retail floor space and a total of 10 residential units; 2no. 2-bedroom flats, 2no. 1-bedroom flat and 1no. 3-bedroom flat within the frontage building, laid out over three floors. Fronting onto Downs View Road, 5no. 3-bedroom townhouses are proposed each with second floor terrace and rear courtyard garden.

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

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

The application site lies within the built-up area boundary of Hassocks, which is in principle a sustainable location and mixed use development would be supported. Issues relating to design and impact on character of the area have been addressed

by the amended design following positive engagement with the applicant.

The provision of 10 new dwellings and 189 sqm of A1 retail floorspace on the site will make a positive contribution to the district's housing supply and Hassocks high street retail offer

The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for each the residential units proposed. The proposal would also result in construction jobs over the life of the build, jobs within the retail unit and the increased population likely to spend in the community and make provision of a new unit which could provide for increased local services in Hassocks.

With the imposition of conditions to control the development in detail, the proposal would be acceptable in terms of neighbouring amenity, highways impacts and the Ashdown Forest and would provide a good standard of accommodation, will protect neighbouring amenity and would adequately protect existing trees and improve biodiversity on the site and is considered to adequately accord with the Development Plan and the relevant paragraphs of the NPPF.

Officers consider that in the context of the adopted District Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 11 July 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Two letters of representation have been received, objecting to the development on the following grounds:

- Inadequate parking - will exacerbate existing problems in the village.

- There is no capacity for overspill parking.
- Reduce the number of townhouses to 3 from 5 thus freeing up more space for parking.
- Redevelopment should be aimed at retirement housing instead - services are overstretched already.
- No space allocated for deliveries.
- Disruption caused by building works.
- Overdevelopment.

SUMMARY OF CONSULTEES

Hassocks Parish Council:

Object - Recommend Refusal - Insufficient parking - fails to meet adopted parking standards.

Urban Design Officer:

No objection - providing conditions are imposed covering landscaping and facing materials, the design of the windows (including depth of the reveals), as well as the design and integration of the rainwater downpipes.

MSDC Drainage Engineer:

No objection - proposed brownfield development and detailed drainage matters can be handled under condition prior to commencement of development.

WSCC Flood Risk Management:

No objection - Area is at high risk of ground water flooding based on current mapping, no records of flooding on the site. Ordinary watercourse shown running along eastern boundary of the site. Details of surface water drainage should be secured by condition including maintenance and management of the Sustainable Urban Drains (SUDs) system prior to development commencing.

MSDC Contaminated Land:

No objection - providing contamination discovery condition is imposed.

MSDC Environmental Protection:

No objection with the imposition of conditions to control dust from demolition, construction hours, noise from any plant & machinery installed in the commercial unit, opening hours and delivery hours:

MSDC Arboricultural Officer:

No objection providing conditions to secure adherence to the submitted Arboricultural Method Statement (AIA) and landscaping plan and timescale.

Street Naming and Numbering:

Standard informative recommended.

WSCC Highway Authority:

No objection - The site is considered to be well located providing a good balance of sustainable travel options within short walking distances from the site whilst providing an appropriate level of car parking spaces for the proposed use. It is considered that the additional 2-4 spaces of overspill parking demand can be absorbed within the local highway. Conditions to secure cycle parking, a Construction Management Plan (CMP) and Servicing Management Statement should be imposed.

WSCC Infrastructure:

No objection subject to infrastructure contributions.

MSDC Leisure:

No objections subject to infrastructure contributions.

MSDC Housing Officer:

No objection - development is below the policy threshold.

RELEVANT PLANNING HISTORY

DM/18/4415 - Part demolition and conversion of the former Royal Mail depot to create 178m sq. of A1 retail floorspace on the ground floor, 5no. 3-bedroom townhouses with gardens, 2 no. 2-bedroom flats, 2 no. 1-bedroom flats, 1 no. 3-bedroom flat and 8no. parking spaces. Withdrawn.

SITE AND SURROUNDINGS

The application site is a purpose built former Post Office depot and sorting office which is currently vacant. The building is a two storey corner building constructed of red brick with tile hung upper front elevation (onto Keymer Road) and includes a single storey rear flat roofed extension with decorative flint panels which fronts Downs View Road. The property has a rear delivery yard which is enclosed behind chain fencing and the red edge includes a strip of land outside the fenced area running along the southern boundary and extends to the rear of Adastra Place and along the north rear boundary of no.3 Downs View Road.

The site is located on the corner of Keymer Road and Downs Views Road, in the centre of Hassocks Highstreet a short distance from the train station which is located west of the site along Keymer Road; the character of the two streets is markedly different. Keymer Road is the main high street in Hassocks and this section is characterised predominantly by two storey brick buildings of various styles and ages

with mixed commercial uses on the ground floor and a mix of commercial and residential at first floor level. Hassock Infant School is located directly opposite the site, on the north side of Keymer Road.

To the south of the site along Downs View Road, the character is residential and consists of varied housing styles which predominantly consists of chalet style and two storey detached dwellings, a number of which have front gardens and off-street parking.

APPLICATION DETAILS

The application seeks planning permission for the partial demolition of the existing former post office depot and sorting office (sui generis) and redevelopment to create 189 sqm of A1 retail floor space and a total of 10 residential units; 2no. 2-bedroom flats, 2no. 1-bedroom flat and 1no. 3-bedroom flat within the frontage building, laid out over three floors. Fronting onto Downs View Road, 5no. 3-bedroom townhouses are proposed each with second floor terrace and rear courtyard garden.

The development includes communal refuse and recycle storage within the ground floor frontage block and a total of 10 car parking spaces are proposed within the rear/southern portion of the site. Each of the townhouses indicate space for cycle parking in the rear courtyard gardens.

The proposed palette of materials:

- Ibstock 'PETWORTH' red brick as the main facing material.
- Aluminium framed windows and doors - RAL 7021 dark grey.
- Zinc standing seam roof and aluminium copping.
- Pale stone pavers and shingle to the parking area.
- Oiled larch slatted garden fencing.
- Black aluminium downpipes.

The application is a resubmission of previously withdrawn application DM/18/4415 and has been the subject of negotiation primarily to amend the design and increase the off-street car parking provision by two spaces.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

Relevant Policies:

DP1: Sustainable Economic Development
DP3: Village and Neighbourhood Centre Development
DP4: Housing
DP6: Settlement Hierarchy
DP17: Ashdown Forest Special Area (SPA) and Special Area of Conservation (SAC)
DP20: Securing Infrastructure
DP21: Transport
DP25: Community Facilities and Local Services

DP26: Character and Design
DP27: Dwelling Space Standards
DP29: Noise, Air and Light Pollution
DP31: Affordable Housing
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Neighbourhood Plan

Hassocks Parish Council Neighbourhood Plan - Regulation 14 consultation was undertaken between 7th January until 18th February.

Material planning consideration with little weight.

Policy 4: Managing Surface Water
Policy 5: Enabling Zero Carbon
Policy 9: Character and Design
Policy 14: Residential Development
Policy 19: Village Centre

National Policy and Legislation (NPPF) February 2019

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, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Para 12 states "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."

Para 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."

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

Para 47 states that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- The design and visual impact of the proposal on the character of the area;
- The impact on amenity - future and existing;
- Impact on the Ashdown Forest;
- Impact on trees;
- Highways;
- Flood Risk;
- Infrastructure;
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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.

The application is a mixed use scheme, seeking permission for a portion of A1 retail (189 sqm) on the ground floor fronting the high street and 10 residential units above and to the rear of the retail, providing a mix of flatted development and town houses.

Using this as the starting point, the development plan in Mid Sussex consists of the District Plan; the Hassocks Neighbourhood Plan has recently been withdrawn (January 2019) and the amended Pre-submission (Regulation 14) Plan has recently been out to consultation.

In relation to the residential element of the scheme, 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 Hassocks, the principle of additional windfall housing development is considered 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 principle of residential development is therefore supported on this site by Policy DP6. Policy 14 of the Draft Neighbourhood Plan shares the same principles as the Policy DP6.

In relation to the commercial element of the development, Policy DP1 (Sustainable Economic Development) supports the provision of new employment premises, making effective use of employment premises, seeking to provide opportunities for people to live and work in within their communities. The policy supports the principle of redevelopment providing it is in accordance with other policies in the Plan.

District Plan Policy DP3 (Village and Neighbourhood Centre Development) seeks to support village centre development, including mixed uses providing it:

- 'helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and
- is appropriate in scale and function to its location including the character and amenities of the surrounding area; and
- is in accordance with the relevant Neighbourhood Plan.'

Policy DP25 (Community Facilities and Local Services) is also considered relevant to consideration of the proposal and which in turn supports provision or improvement of community facilities and local services, including local shops. Policy 19 of the Draft Neighbourhood Plan supports developments that will enhance the character and sense of place of the central retail and commercial area of Hassocks.

The proposal seeks permission to redevelop the existing site and change the use from the Post Office sorting depot use (Sui Generis) to provide a total of 189 sqm of retail (A1) floorspace. Royal Mail vacated the building within the past 12 months

when they relocated to Burgess Hill. The building is a purpose built facility containing on the ground floor at the front section, the former Post Office counter and the upper floor contains ancillary staff accommodation and offices, the rear single storey element contained the sorting function whilst the rear of the site is laid to parking, loading bay and yard.

The unusual layout of the building, its size and condition is unlikely to be readily suitable for the majority of uses wishing to occupy such a location given the large floor area and lack of shop front. The proposed redevelopment will create a modern, appropriately sized retail unit with large shopfront openings, offering an opportunity for a prominent position on the high street. The proposal is therefore considered to provide a good opportunity for a new retail offer on the high street, appropriate in scale and function, the principle of which meets the requirements of Policies DP1, DP3 and DP25 of the District Plan.

The principle of mixed use development on this site is therefore deemed acceptable and adequately accords with the District Plan; however account must be taken of all other relevant Development Plan Policies before determining whether the application can be supported.

District Plan Spatial Strategy

The NPPF sets out the principles of sustainable development. The District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy at DP6 of the District Plan. Hassocks is designated as a Category 2 settlement which is characterised as a larger village, acting as a Local Services Centre, providing key services in the rural area of the District. It is considered to serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.

The application site, which is located within the village centre is thus considered to be a suitable and sustainable location for residential and retail development.

Design and impact on character of area

Policy DP26 of the Mid Sussex District Plan relates to character and design. Relevant sections state:

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;*
- *optimises the potential of the site to accommodate development.*

Policy 9 of the Draft Neighbourhood Plan is similar to the above in terms of its overall aims.

The application follows withdrawal of a previous scheme (DM/18/4415) and has been subject to negotiation in relation to the design; as noted by the Council's Urban Designer, significant improvements have been made in this regard. The proposal is considered to respond well to the context in relation to the design aesthetic of the elevational treatment along with the proposed layout. The building has a distinctly modern design which relates well to both the Keymer Road frontage and the character of Downs View Road, which are distinctly different.

The frontage block provides a clean aesthetic and relates well to the town houses to the rear, whilst sitting comfortably within the somewhat mixed character of the high street. The elevations have been broken down into three defined bays that are vertically articulated by the indented rainwater downpipes and replicated by the proposed shopfront and window groupings that give the façade an underlying rhythm and order. To the front of the site on Keymer Road, an existing planter and seating area exists and an indication of how this could be landscaped has been shown on the landscaping plan and final details are sought by condition.

The 5 town houses which front onto Downs View Road have an equally contemporary design, whilst their form and proposed bay frontages evoke a run of traditional terraced houses. It is noted that this is in contrast to the prevailing character of Downs View Road, however, they form part of a different context as they are read in connection with the Keymer Road frontages, to which they are adjoined and provide a suitable transition between the two character areas. In

addition, terraced houses feature along nearby Parkland Road to the east and are therefore judged as appropriate for the context. The southern flank elevation has also been amended ensure that it is articulated appropriately on the basis is it likely to be readily visible from within Downs View Road.

Overall the proposal is considered to be an appropriate response to the context and provides a good standard of design. The finer detail of the proposal is not yet fully understood and as such, conditions are recommended securing details including the proposed window design and reveals, which are currently only drawn in basic terms, along with agreement on matters including facing materials and a better understanding of how they relate to one another across the facades, landscape design, including the proposed planting to the threshold area on Keymer Road and submission of sample elevations are a larger scale in order to fully understand the final design. The development therefore accords with the requirements of Policy DP26.

Impact upon residential amenity

Policy DP26 of the Mid Sussex District Plan states that development should '*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.*'

Neighbouring amenity impact:

The development has been designed with the frontage block having a north, south and westerly aspect, whilst the townhouses have east and westerly aspect. The layout of the proposal in relation to neighbouring development is such that the closest back to back distance is over 45m to the east towards the rear of the properties on Parklands Road.

To the south of the site, the closest property (no.3 Downs View Road) is located 6m from the southern flank elevation of the proposed development. The building line is such that the proposal projects forward of the neighbouring property to the front and is also set in front of the rear elevation of No.3. In order to address design comments, three small obscure glazed windows are proposed at ground first and second storey level, serving a WC and the staircase respectively. Within the rear of the frontage block, there is a pair of bedroom windows proposed at first and second floor level; the separation distances maintained are approximately 32.5m to the side elevation of No.3, which has no side windows. The relationship to the most southerly townhouse would be akin to those which exist elsewhere along Downs View Road where the properties are detached.

To the front of each of the townhouses, a small terrace is proposed at second storey level. Owing to the building link and their location to the front of the properties, the only views afforded from each would be over the public frontage of Downs View Road and give their modest scale, are only likely to be use passively and incidental to the main amenity space to the rear of each property.

The first and second storey windows within the rear of the townhouse are set at 90 degrees to the rear windows of Adastra Place, which is also a mixed use scheme containing a number of residential units. The proposed separation distances and orientation is such that some oblique mutual overlooking may be afforded between the two. It is not however considered this would be to a harmful degree and is considered to be reasonable for the context of a more densely populated village centre. The main views from the rear of the townhouses would be over the existing communal parking area.

It is therefore considered that the proposed design and scale coupled with the proposed separation distances would not therefore give rise to any adverse impacts by way of having an overbearing impact resulting in loss of sunlight/daylight and would not result in harmful overlooking or loss of privacy. The proposal is therefore considered to adequately protect neighbouring amenity and would accord with the relevant section of Policy DP26 in this regard.

Quality of proposed accommodation:

The proposed accommodation would provide a good standard of accommodation with suitable natural ventilation, outlook and daylighting levels being achieved. The proposed townhouses would each have the benefit of a small terrace and rear courtyard garden whilst the flats contained within the front block would have no such provision.

The site is located within the village centre of Hassocks which is a mix of housing and flatted development, a number of which have no private amenity space and whilst it is regrettable that no such provision is made for the flats, it is not considered to be out of character for such a proposal in this context and could not therefore warrant refusal of planning permission. There are also good urban design principles and adverse impacts on neighbouring amenity which justify not including balconies or a communal roof terrace on the development.

It is likely that there would be some mutual overlooking between the rear of the townhouses and the frontage block and into the garden areas. However it would only be oblique owing to the window arrangement within the most northerly townhouse and would not therefore be to a harmful degree and is considered to be reasonable in the context of the location. To a certain extent, it is also considered to be for the future occupier to decide on a 'buyer beware basis'.

Conditions suggested by Environmental Protection to secure soundproofing between the retail use and the flats above, along with construction hours, dust control, plant and machinery, opening hours and deliveries and collections are considered appropriate and would ensure protection of both existing neighbouring and future occupiers in accordance with policy DP26. Given the dense nature of the development, it is also considered appropriate to restrict permitted development rights for each of the townhouse under classes A (extensions), B (roof extensions) and E (garden buildings) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Space Standards:

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The proposed internal layout of the dwellings would provide a layout and space provided overall is considered to provide an acceptable standard of accommodation and also includes where appropriate storage would be provided within the development and therefore adequately meets the nationally described space standards, in accordance with policy DP27 which relates to space standards.

Highways

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

“Plans and decisions should take account of whether:

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

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

The application proposes a total of 10 parking spaces within the rear south eastern portion of the site and would be made available for the residential occupiers of the development; which is below the standards set out in adopted Development Infrastructure Contributions SPD.

A Transport Assessment has been submitted in support of the proposal and WSCC Highway Authority (HA) have considered the application and raise no objection noting that; *the site is considered to be well located providing a good balance of sustainable travel options within short walking distances from the site whilst providing an appropriate level of car parking spaces for the proposed use.*

The layout and access meet the appropriate design standards in accordance with Manual for Street Guidance and have been informed through consultation by the applicant with the Highway Authority. The HA have also considered the likely level of displaced parking associated with the development on the basis that no visitor parking or staff parking is proposed and calculate it to be between 2-4 spaces, which they conclude could be absorbed within the local highway network. Conditions to

secure cycle parking provision, a servicing management statement for the A1 retail unit and a Construction Management Plan are also recommended.

It is noted that objections have been received in respect of the parking provision. However on the basis of the sites sustainable location, accessed via various modes of sustainable transport and having consideration of the small number of displaced parking, the development adequately accords with relevant Development Plan Policies and the NPPF and refusal could not be warranted on these grounds.

In light of the above comments, the proposal is considered acceptable from a highways perspective, thereby complying with policy DP21 of the Mid Sussex District Plan.

Sustainability

Policies DP39 (Sustainable Design and Construction) and DP42 (Water Infrastructure and the Water Environment) relate to sustainability requirements for new development in relation the design and construction as well as water consumption. A statement has been submitted in relation to sustainability showing that consideration has been given to access requirements, secured by design, biodiversity and maximising energy efficiency and water conservation. Policy 5 of the Draft Neighbourhood Plan seeks all residential development proposals to maximise the opportunities for inclusion of renewable and low carbon energy generation.

The statement includes reference to provision of solar thermal hot water systems along with energy and water efficient fixtures and grey and rainwater harvesting. The landscape design has sought to incorporate native and wildlife friendly planting, integration of bird and bat boxes along with retention of the mature trees to the rear of the site, adjacent to the parking area. In addition, cycle parking has been identified within each of the townhouse gardens and individual dedicated refuse and recycling storage will be provided within each unit with the communal facility for the main collection on the ground floor accessed on the west elevation. Details including the siting and projection above the roof for the Heat Pipe collector systems has been submitted and is considered unlikely to be readily visible from within the streetscene and have been carefully considered in this regard.

With the above measures in place the proposal is considered to adequately meet the requirements of polices DP39 and DP42 and will be secured by condition.

Trees

In addition to the requirements set out in policy DP26 regarding the protection of trees and greenspaces and gardens, policy DP37 seeks to support development which incorporates existing important trees and hedgerows particularly where they are of a native species and make a positive contribution to the visual amenity or character of an area.

The site is predominantly built out, bar the south eastern portion which contains some mature trees which are proposed to be retained adjacent to the parking area. The Council's Arboricultural Officer has considered the submitted Arboricultural

Method Statement (AMS) and Arboricultural Impact Assessment (AIA) along with the landscape plan and is satisfied with the proposal providing conditions to secure the detail in the AIA and a landscaping condition with a planting trigger and replacement after 5 years where anything fails.

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 was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme 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. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Drainage and flood risk

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere. Policy 4 of the Draft Neighbourhood Plan seeks to reduce the risk of surface water flooding and reduce existing run-off rates in the first instance.

The Council's Drainage Engineer has considered the application and raises no objection providing details of foul and surface water drainage are secured by condition. The Engineer notes that the submission suggests that existing soakaways could be utilised in order to manage surface water. However is of the view that it most likely discharges directly to the local watercourse and as such further detail is required to demonstrate this would be appropriate and if not, an alternative arrangement should be agreed by condition.

WSCC have also provided comments regarding floor risk and surface water treatment which stand as additional guidance and support the Council's Engineers views.

With the imposition of a condition to secure foul and surface water disposal in detail the proposal would adequately meet the requirements of DP41 in relation to flood risk.

Infrastructure:

Contributions are requested in accordance with Policy DP20 of the District Plan, the Council's 'Development Infrastructure and Contributions' SPD and the NPPF.

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

The suggested infrastructure contributions sought in order to adequately mitigate impacts of the development are set out as follows:

County Council Contributions:

- Library contribution which should be £3,939
- Primary Schools- £25,841
- Secondary Schools- £27,810
- Total Access Demand (TAD) - £11,177

The contributions generated by this proposal shall be spent on additional equipment at The Windmills Junior School.

The contributions generated by this proposal shall be spent on additional equipment at Downlands Community School.

The contributions generated by this proposal shall be spent on additional stock at Hassocks Library.

The contributions generated by this proposal shall be spent on a safer routes to school scheme, to include pedestrian and cycle improvements which will improve and promote sustainable movement between the development and Downlands Community School.

District Council Contributions:

- Children's playing space - £16,431 - Adastra Park - required to make improvements to play equipment (£8,930) and kickabout provision (£7,051).
- Formal sport - £11,642 - Required toward improvements to formal sport facilities in Adastra Park, Hassocks.
- Community buildings - £6,677 - Required to make improvements to Age Concern, Hassocks.

- Local Community Infrastructure: £7,576 - Project - Clayton Green Recreation Ground.

PLANNING BALANCE AND CONCLUSION

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

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

The application site lies within the built-up area boundary of Hassocks, which is in principle a sustainable location and mixed use development would be supported. Issues relating to design and impact on character of the area have been addressed by the amended design following positive engagement with the applicant.

The provision of 10 new dwellings and 189 sqm of A1 retail floorspace on the site will make a positive contribution to the district's housing supply and Hassocks high street retail offer; The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for each the residential units proposed. The proposal would also result in construction jobs over the life of the build, jobs within the retail unit and the increased population likely to spend in the community and make provision of a new unit which could provide for increased local services in Hassocks.

With the imposition of conditions to control the development in detail, the proposal would be acceptable in terms of neighbouring amenity, highways impacts and the Ashdown Forest and would provide a good standard of accommodation, will protect neighbouring amenity and would adequately protect existing trees and improve biodiversity on the site and is considered to adequately accord with the Development Plan and the relevant paragraphs of the NPPF.

Officers consider that in the context of the adopted District Plan the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore 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

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.

Pre-commencement conditions

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

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

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

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

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), tree protection measures shall be carried out in accordance with the submitted Arboricultural Method Statement (AMS) dated 16 January 2019, received 23 January 2019 and the development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031.

6. No development, including demolition shall commence until a dust control scheme to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

Ground floor slab level conditions:

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DP16, DP26, DP34 and DP35 of the Mid Sussex District Plan 2014-2031.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until sample elevations and sections at a scale of 1:20 of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The plans shall show the detailed window design and the depth of their reveals, integration of rainwater downpipes and detailing how the differing facing materials relate across the facade.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DP16, DP26, DP34 and DP35 of the Mid Sussex District Plan 2014-2031.

Construction

9. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays.

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

10. 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: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

11. 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 Mid Sussex District Plan 2014-2031.

12. Prior to first occupation of the residential development, the communal refuse and recycling store on the ground floor of the frontage building shall be made available for use for future residential occupiers of the development and maintained as such thereafter.

Reason: In the interests of sustainable development and the amenities of the area and to accord with Policies DP26 and DP39 of the Mid Sussex District Plan 2014-2031.

13. No part of the A1 retail development shall be first occupied until such time as until a Servicing Management Statement for has been submitted and approved in writing by the Local Planning Authority. This shall set out:

- the arrangements for the loading and unloading of deliveries, in terms of location and frequency
- arrangements for the collection of refuse.

Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To safeguard the operation of the public highway and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

14. Prior to first occupation of the development hereby approved, the sustainability and biodiversity measures set out in the Sustainability Statement dated 21/1/2019 and received 23 January 2019 shall be implemented in, made available for use and thereafter retained.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policies DP38 and DP39 of the Mid Sussex District Plan 2014-2031.

15. The windows in the south elevation of the most southerly townhouse hereby approved shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

16. Prior to occupation of the development hereby permitted, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all boundary treatments to include type, position, design, dimensions and materials along with details of the proposed hard surfacing materials across the development, including the proposed planting to the threshold on Keymer Road. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031.

17. The development hereby permitted shall not be occupied until a soundproofing scheme, for the protection of the residential unit from noise associated with the ground floor commercial use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved detail before occupation.

Reason: To safeguard the amenity of future occupiers and to accord with Policies DP26 of the Mid Sussex District Plan 2014 - 2031.

18. The noise rating level of any operational plant or machinery (eg extract fans, condenser units etc.) shall be no higher than 50dBA during the hours of 07:00 - 23:00) and 40dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. A scheme demonstrating compliance, including any mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use as a Class A1 establishment and thereafter be maintained in accordance with the approved details.

Reason: In the interests of neighbouring amenity and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

Post-occupation and management conditions

19. No extension or enlargement of the dwellinghouse or provision of buildings incidental to the enjoyment of the dwellinghouse within the curtilage of the of the property as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policy DP26 of the Mid Sussex District Plan 2014-203.

20. No customers shall remain on the premises outside the hours of 08:00 and 23:00 daily.

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

21. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 08.00 to 13.00 on Saturdays and 09:00 to 13:00 on Sundays and Bank or Public Holidays.

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

INFORMATIVES

- The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	A.001	a	28.03.2019
Existing Floor Plans	A.002		23.01.2019
Existing Elevations	A.003		23.01.2019
Existing Elevations	A.004		23.01.2019
Proposed Floor Plans	D.001	b	14.03.2019
Proposed Floor Plans	D.002	b	14.03.2019
Proposed Floor Plans	D.003	b	14.03.2019
Proposed Elevations	D.004	b	14.03.2019
Proposed Elevations	D.005	b	14.03.2019
Landscaping	D.006		23.01.2019
Proposed Roof Plan	D.008		23.01.2019

APPENDIX B – CONSULTATIONS

Hassocks Parish Council:

RECOMMEND REFUSAL. Whilst the Council recognises that some amendments have been made to the original application DM/18/1445, the Council continues to consider that the provision of only 10 parking spaces is wholly inadequate for the number of bedrooms and retail space proposed. The parking provision continues to be contrary to DP21: Transport of the District Plan, and is not consistent with the Residential Parking Standards as set out in the MSDC Development Infrastructure and Contributions SPD (Appendix 1, Figures 7 and 9). Based on the standards given, the Council would expect to see the provision of at least 18 parking spaces and 18 cycle spaces for the residential properties, and in the region of 10 parking spaces for an A1 retail unit of 189m sq. therefore a total of 28 parking spaces, not 10 spaces overall, as is currently proposed.

Architect / Urban Designer - Will Dorman:

Summary and Overall Assessment:

The scheme has undergone significant improvements since the previous withdrawn planning application proposal (DM/18/4415), and now responds well to its context in terms of the quality of the elevations as well as the layout. The front and side elevations of the Keymer Road block now benefit from well-ordered facades and together with the set-back top floor echo the contemporary aesthetic of the proposed houses while also tying in with the scale and proportions of the adjacent Keymer Road frontage. For these reasons, I raise no objections to this planning application but as well as conditions covering landscaping and facing materials, I would also recommend conditions (or further drawings in advance of determination) that address my concerns about the design of the south / flank elevation of the houses, the design of the windows (including depth of the reveals), as well as the design and integration of the rainwater downpipes.

Layout:

The scheme is generally well laid out, with the Keymer Road frontage / shopfront following the existing building line and the return frontage designed so that it provides a continuous building frontage that wraps around the corner defining the return elevation on Downs View Road while also accommodating a modest set-back / defensible space for the five houses. The narrow depth of the site nevertheless allows for only modest rear gardens serving the houses.

On the Keymer Road frontage, it is disappointing the opportunity has not been fully taken to comprehensively rationalise the existing cluttered front threshold, but the proposed tree planting will represent an improvement.

The car parking is discreetly accommodated at the rear via an access way that occupies the natural separation gap with the adjacent house at 3 Downs View Road. I nevertheless have concerns about the relationship of the parking and the existing tree as there does not appear to be sufficient safeguarding distance; Irene's advice is therefore needed.

Elevations:

Apartment Block / Shopfront:

The design of the Keymer Road frontage building has evolved further to previous feedback. The more contemporary-looking vertical-faced top floor frontage provides a cleaner aesthetic that relates better to the proposed houses; the set-back behind the parapet also allows the top floor to be more subordinate to the main brick facade than the previous mansard design.

The front elevation now benefits from its subdivision into three defined bays that are vertically articulated by the indented rainwater downpipes and the replicated shopfront and upper floor window groupings that give the façade underlying rhythm and order. To achieve this formality the end windows on the top floor are nevertheless positioned rather close to the corners.

The flank elevation has been similarly organised into 3 bays, although the shopfront cannot be extended all the way around because of the need for entrances to the upper floor flats and service areas.

Houses:

The five proposed houses have a contemporary aesthetic and their identical frontages are characterised by double storey projecting bay windows; the repeated form and order evokes

a run of traditional terraced houses. While they contrast with the detached character of the other houses in Downs View Road, their context is different because they are read with the Keymer Road frontages which they are attached to. Furthermore terraced houses feature along the nearby Parkland Road, and the proposed houses can be judged appropriate for their context. The southern flank return will nevertheless be quite visible as it will extend higher and further forward than the adjacent houses. For this reason, it would benefit from being articulated with one or two upper floor windows that could be obscured if there is an overlooking concern (and I recommend a condition to cover this).

My main concern about the architectural approach, is the lack of a secondary material to provide additional interest / articulation; the projecting bays and top floor would especially benefit from this. Also the rainwater downpipes could look clunky if care is not taken with its design (for this reason I recommend further detail will be necessary).

Windows:

The windows are shown in little detail. For instance, it is not clear which panels are opening or closed ones. I therefore would also like a condition to cover their detailed design.

Updated comments regarding amended plans:

Flank:

The addition of the side windows is an improvement and sufficiently addresses my concerns. The soldier course sits a little uncomfortably as it does not wrap around the corners (and it is not clear where it terminates) and is truncated by the indented brick window grouping.

Facing Materials / Articulation:

I accept Martin's point and will not pursue this (NB: I was not thinking of introducing another brick, but extending the zinc cladding around the projecting bay + set back top floor); however the facing materials should nevertheless be subject to a condition.

Drainage Engineer:

Recommendation: No objection subject to conditions

Summary and overall assessment:

I have no objection to this proposed brownfield development, and I suggest that detailed drainage matters can be handled under condition. However, I need to make it clear what information will be required in order to satisfy the suggested condition.

The submitted drainage plan shows the use of soakaway, I believe that ground conditions here may prove to be ineffective for percolation. I suspect that the existing arrangement for this site is to discharge surface water directly to the adjacent watercourse. Therefore, at the discharge of conditions stage, I will require percolation test results that show whether it is or is not appropriate for the use of soakaway.

If soakage is appropriate, then I will require the detail design and supporting calculations that show how such a soakaway will be able to cater for the 1 in 100 year 6hr storm event plus have 40% extra capacity for climate change. This will also need to demonstrate that it can achieve a half drain time of 24hr or less.

If soakage is not appropriate, then we will require the detail design and supporting calculations for the use of surface water attenuation with a controlled discharge to the adjacent watercourse. This would need to provide suitable storage of surface water to meet with the volumes generated by rainfall up to the 1 in 100 year storm event plus have 40% extra capacity for climate change. The rate of discharge to the adjacent watercourse will

need to be restricted to match the site's existing greenfield run-off rates from the 1:1 to the 1:100 as per the Non-statutory Technical Standards for SuDS. This could be achieved through the use of a complex discharge system or a flat discharge rate that matches the 1:1.

To summarise the above: 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.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk, but there is some possible pluvial flood risk associated with areas adjacent to this site. There are not any historic records of flooding occurring on this site, but there are records of historic flooding in this area.

Surface Water Drainage Proposals

It is proposed that the development will utilise soakaway, I doubt this will be an effective method considering local ground conditions and proximity to Herring Stream.

Foul Water Drainage Proposals

It is proposed that the development will utilise existing foul system that serves the site.

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.

Environmental Health:

This application for part demolition and conversion of the former Royal Mail premises to A1 and residential will require the use of planning conditions to control the potential effects on residential amenity to both new and existing residents. One of the main concerns is noise from the new retail unit affecting the flats above. Building Regulations Part E covers the soundproofing of Dwelling Houses and Flats formed by material change of use as well as construction of new buildings but does not appear to deal with the situation here where new flats require protection from potentially noisy commercial premises. I therefore recommend a soundproofing condition in order to protect the residents should this development receive approval. Additionally I recommend conditions to control dust from demolition, construction hours, noise from any plant & machinery installed in the commercial unit, opening hours and delivery hours:

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.

Dust Control: Demolition shall not commence until a dust control scheme to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (eg extract fans, condenser units etc) shall be no higher than 50dBA during the hours of 07:00 - 23:00) and 40dBA during night time (23:00 - 07:00) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. A scheme demonstrating compliance, including any mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use as a Class A1 establishment and thereafter be maintained in accordance with the approved details.

Soundproofing: The development hereby permitted shall not be brought into use as a Class A1 establishment until a soundproofing scheme, for the protection of the residential units adjacent to or above the commercial use has been submitted to and approved in writing by the Local Planning Authority and the scheme as approved has been implemented.

Opening Hours: The premises shall only be open to customers between the hours of 08:00 and 23:00 hours on any day.

Deliveries and collections: No deliveries or collections of commercial goods or waste outside the following hours:

- Mon to Fri 07:00 to 19:00 hours
- Sat 08:00 to 13:00 hours

Reason: To protect the amenity of local residents.

Contaminated land:

Main Comments: The application looks to create a mixed residential and commercial uses.

I have reviewed the historical mapping for the area, and while historically there was garage adjacent, this was remediated to allow residential use in 2006.

While the adjacent site was remediated, given the sensitivities of the proposed end use a discovery strategy should be attached, so that in the event that contamination is found, that works stop until such time that a further assessment has been made, and remediation methods put in place if needed.

WSCC Highways:

WSCC raise no objection to the above proposal to create a mixed use development of A1 and C3 uses. The site is considered to be well located providing a good balance of sustainable travel options within short walking distances from the site whilst providing an appropriate level of car parking spaces for the proposed use. The site meets relevant planning policies in both the district plan and NPPF in terms of its location and proposed use.

The layout of the site will utilise the existing access, with dropped kerb. Advice has been sought from the applicant to ensure the spaces are laid out in accordance with Manual for Streets Guidance. WSCC car parking calculator has also been consulted to consider the expected demand for car parking given its central location and proposed use.

Accompanying this response are two calculator outputs which show an overall parking demand for the site. Depending on how the 10 spaces are allocated, the development could expect a car parking demand of 12-13 spaces. Given the site has not provided for any visitor parking, or the 2 employees associated with the A1 use, it is considered that the additional 2-4 spaces can be absorbed within the local highway. In line with NPPF guidance on promoting sustainable developments cycle parking is provided in the gardens of each house.

A construction management plan will need to be submitted to the LPA for approval, a condition attached provides details of what the plan should include to ensure the construction of the development does not affect the safety or operation of the public highway.

WSCC Infrastructure:

Summary of contributions:

Education				
Locality	Hassocks			
Population Adjustment	21.3			
	Primary	Secondary	6th Form	
Child Product	0.2060	0.2060	0.1112	
Total Places Required	1.4420	1.0300	0.0000	
Library				
Locality	Hassocks			
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£3,939			
Contribution towards Burgess Hill	£0			
Contribution towards East Grinstead/Haywards Heath	£0			
Population Adjustment	21.3			
Sqm per population	30/35			
Waste				
Adjusted Net. Households	10			
Fire				
No. Hydrants	TBC			
Population Adjustment	N/A			
£/head of additional population	N/A			
TAD- Transport				
Net Population Increase	21.3			
Net Parking Spaces	-5			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			
Summary of Contributions				
S106 type	Monies Due			
Education - Primary	£25,841			
Secondary	£27,810			
Education - 6th	No contribution required			
Libraries	£3,939			
Waste	No contribution required			
Fire & Rescue	No contribution required			
No. of Hydrants	be secured under Condition			
TAD	£11,177			
Total Contribution	£68,767			

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

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 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 and a reduction in 5 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on additional equipment at The Windmills Junior School.

The contributions generated by this proposal shall be spent on additional equipment at Downlands Community School.

The contributions generated by this proposal shall be spent on additional stock at Hassocks Library.

The contributions generated by this proposal shall be spent on a safer routes to school scheme, to include pedestrian and cycle improvements which will improve and promote sustainable movement between the development and Downlands Community School.

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered

Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £17,920 per child
- Secondary Schools- £27,000 per child
- Sixth Form Schools- £29,283 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

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

Community Leisure Officer:

Thank you for the opportunity to comment on the plans for the development of 10 residential dwellings at Royal Mail Hassocks Delivery Office, 36 Keymer Road, Hassocks BN6 8AA 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 five or more dwellings.

CHILDRENS PLAYING SPACE

Adastra Park, owned and managed by the Parish Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £16,431 is required to make improvements to play equipment (£8,930) and kickabout provision (£7,051). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £11,642 is required toward improvements to formal sport facilities in Adastra Park, Hassocks.

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 £6,677 is required to make improvements to Age Concern, Hassocks.

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.

Housing Officer:

The applicant is proposing a development of 10 residential dwellings with a combined gross internal floorspace of less than 1,000sqm. There is therefore no requirement to provide a contribution to affordable housing, either onsite or by way of commuted sum.

MSDC Arboricultural Officer:

No objection - all looks satisfactory re impact on existing trees but please condition adherence to AIA dated 16TH January 2019 and 'Landscaping as proposed' DRG.NO.D.006, Sep 2018. Also condition planting in first planting season and replacement within 5 years etc.

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MID SUSSEX DISTRICT COUNCIL

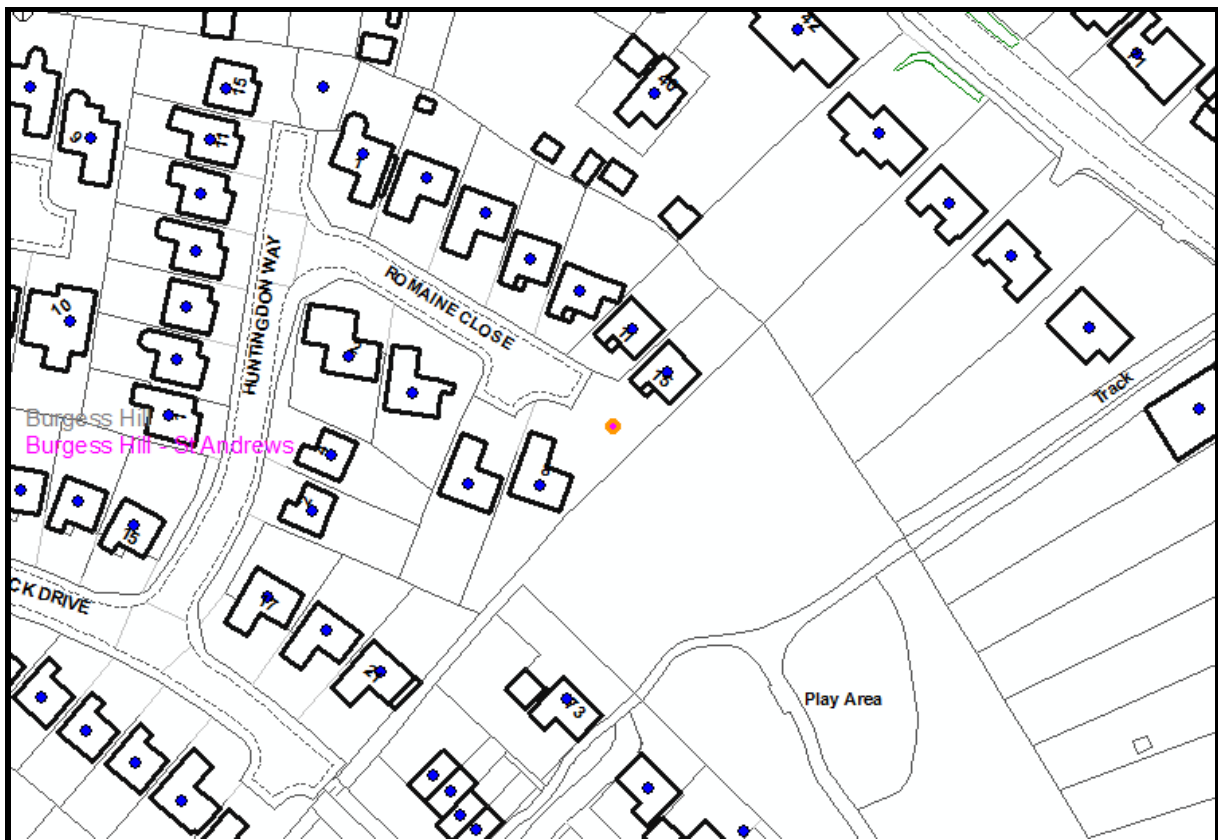
Planning Committee A

11 APR 2019

OTHER MATTERS

Burgess Hill

TP/18/0008



**15 Romaine Close Burgess Hill West Sussex
Mid Sussex District (No.8) Tree Preservation Order 2018**

REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/18/0008 refers, for an Order covering one silver birch located within the garden of 15 Romaine Close at the end of the cul-de-sac.

The tree is a semi mature specimen and grows in an elevated position, making it highly prominent and visible from the public realm. It softens the urban character and uniformity of the area.

BACKGROUND

The tree was considered to be under threat as it was protected by planning condition (condition 3 BH/117/75) and a request was received to fell the tree. Following a visit by the tree officer, it was considered that it merited protection.

The tree scored 17 (out of 25) on the TEMPO assessment and this indicates that an Order is appropriate.

THE OBJECTION

An objection has been submitted on behalf of the owners of the tree. The grounds of objection may be summarised as follows:

- the owners consider that having a healthy young tree will have greater value than a diseased old one; the intention was to replant with a new tree
- the TPO is unnecessary
- the tree has been dropping its leaves early and the owners have been told that it is diseased
- shocked that TPO has been placed on tree and this was not discussed with owners' the council did not seek owners' point of view

ASSESSMENT

Having regard to the owners comments, prior to the Order being served your officer superficially inspected the tree and it appeared to be healthy. In completing this report it has been revisited and it still appears to be healthy.

It should be noted that it would not be normal practice to discuss the making of an Order with a tree owner prior to making it, as this may led to the loss of the tree.

While it is noted that the owner wishes to replant, a mature tree contributes to the character of an area in a way that a young tree cannot and a new tree would not be protected by planning condition. The area is not well treed and it is considered that the tree makes a positive contribution to its environment.

It is considered that the tree has significant public amenity value and that it was expedient to issue an Order in accordance with government advice.

Officers are content that the tree meets the relevant criteria for inclusion in the Order and that their protection is justified, and it is considered that the Order should be confirmed.

RECOMMENDATION

It is recommended that the Order is confirmed.

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