
20 May 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 29TH MAY, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

1. To receive apologies for absence.
 2. To receive Declarations of interest from Members in respect of any matter on the Agenda.
 3. To confirm the Minutes of the meetings of the Planning Committee A, held on 11 April 2019 and Planning Committee B, held on 28 March 2019. **3 - 14**
 4. To consider any items that the Chairman agrees to take as urgent business.
- Items Recommended for Approval.**
5. DM/18/5130 - Oaktree Farm, Burgess Hill Road, Ansty, RH17 5AH **15 - 54**
 6. DM/19/0404 - High Trees, 41 Hickmans Lane, Lindfield, RH16 2BZ **55 - 68**
 7. DM/19/0670 - Haywards Heath Rugby Football Club, Sports Pavilion, Whitemans Green, RH17 5HX. **69 - 104**
 8. DM/19/0777 - Hurstpierpoint Ex Servicemens Club, Willow Way, Hurstpierpoint, BN6 9TH. **105 - 112**

Items Recommended for Refusal.

9. DM/18/4711 - 78B West Street, East Grinstead, RH19 4EJ.

113 - 122

Other Matters.

None.

10. 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.

**Minutes of a meeting of Planning Committee A
held on Thursday, 11th April, 2019
from 7.00 pm - 8.15 pm**

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

J Ash-Edwards	C Trumble	P Wyan
M Hersey	N Walker	
H Mundin	J Wilkinson	

Absent: Councillors G Marsh

Also Present: Councillors

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

None.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Marsh.

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

None.

**4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 17
JANUARY 2019.**

The minutes of the meeting of the Committee held on 17 January 2019 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.

**6. DM/18/3242 - MOUNT PLEASANT NURSERY, CANSIRON LANE, ASHURST
WOOD, EAST GRINSTEAD, RH19 3SE.**

Stuart Malcolm, Senior Planning Officer introduced the outline application for the demolition of the existing dwelling and dilapidated nursery buildings and construction of up to 6 dwellings with the creation of new access onto Cansiron Lane and the provision of a lay-by. He noted that the site lies just over 0.5km from the built-up area of Ashurst Wood, with a public right of way across the northern boundary and

Cansiron Lane itself being a bridleway. The application site is allocated for residential development in the Ashurst Wood Neighbourhood Plan. The 6 new dwellings would give a net increase of 5 dwellings on site, with the new access more centrally located and a lay-by to be used as a passing place. He noted that there would be some impact to trees on the site which are mainly category C but confirmed that 2 Oak trees referred to in the representations will be retained. There are no objections from the Highways Authority or the rights-of-way team and the ecological consultant is content with the measures put in place.

Councillor Jennie Forbes spoke in objection, as Chair of the Village Council Planning Committee, noting that although the Council supports development on the site they have concerns around the number of units proposed, the wording of conditions and the impact to the trees and bridleway.

Councillor John Belsey spoke as Ward Member in objection noting the 28 objections received and supporting the concerns of the Village Council. He wished to support the Ashurst Wood Neighbourhood Plan which originally allocated 3 units to the site and he raised concerns regarding construction traffic around school times. He also asked for the S106 monies to be used for projects within Ashurst Wood.

In response to questions from the speakers, the Senior Planning Officer confirmed that condition 3 and 4 are correct from a planning procedural perspective, with no reason for the wording to be the same due to the different nature of the content of the conditions. He also confirmed that any making-good of road damage during construction would be a private matter between the parties involved.

Regarding the S106 contributions, he drew Members attention to the proposals on p.34 of the report but confirmed that there is room for alternatives, subject to meeting the relevant tests, if Members wished to propose a different use.

A Member noted that the net gain of 5 units was addressed in the report in terms of reflecting the density of adjacent plots but he raised concern over the loss of trees, seeking clarification on the category of all trees to be felled. He also queried why the application was not considered under delegated powers due to the number of units involved.

The Senior Planning Officer confirmed that it was before the committee as officers felt that it would be prudent for the committee to determine given the number of objections and the Neighbourhood Plan allocation. Regarding the Neighbourhood Plan, he noted that the approximate capacity of 3 units on site is only referenced in the pretext of ASW5 and not in the actual policies of ASW5 or ASW7. Furthermore Policy ASW5 states that indicative numbers of dwellings for each site will be reviewed at the application stage. The criteria of ASW7 also says that a proposed development should respect the low density of existing dwellings in the immediate locality of the site, which this application accords to. Regarding the trees, he confirmed that there are 39 to be removed of which 2 are Category 'U', 28 are Category 'C' and 9 are Category 'B'. On p.26 of the report, the Tree Officer requests that like-for-like replacements are provided and in this case 45 trees will be replanted.

A Member expressed support for the application but requested that condition 6 relating to hedgerows be specifically considered at the next planning stage, if this application be approved. He also requested that S106 monies be allocated in conjunction with the Parish Council and Ward Member.

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 recommendations below:

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'.

7. DM/18/4013 - LAND R/O WEST LODGE, TILTWOOD, HOPHURST LANE, CRAWLEY, RH10 4LL.

Susan Dubberley, Senior Planning Officer introduced the application for the proposed erection of 2 four bed detached houses and garages including the demolition of the existing garage. She drew Members attention to the amendments in the Agenda Update Sheet whereby the original recommendation is to be deleted and replaced with a new recommendation.

She drew Members attention to the main issue with the proposal as it is contrary to DP12 and DP15 in the District Plan, however she noted that other material considerations needed to be taken into account. The site is located on the already developed Tiltwood Estate with other planning permissions recently granted for properties designed by the same architect as the application being considered. Although it is located in the countryside, the layout is in keeping with the approved and existing development and would have no significant detrimental impact on the countryside.

Phillip Andrews spoke in support as the architect on behalf of the freeholders of West Lodge.

A Member voiced concerns about supporting an application that is contrary to policies in the District Plan as it sets a precedent for more applications to encroach in areas where they should not be permitted.

The Chairman drew Members attention to p.82 of the report noting that the houses would be seen in the context of the existing development and are in character with it, so this should be taken into consideration. The Senior Planning Officer also confirmed that a development can be outside the boundary providing it maintains the rural landscape character of the district.

The Chairman took Members to recommendation to approve as set out in the report which was agreed with 8 Members in favour and 1 against.

RESOLVED

That planning permission be granted subject to the following recommendations, as detailed in the Agenda Update Sheet:

Recommendation A

That planning permission be granted subject to the condition of a section 106 legal agreement to secure the necessary SAMM contributions 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 SAMM payments by 11 July 2019 then the application should be refused at the discretion of the Divisional Lead for Planning and Economy for the following reason:

The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the District Plan and paragraph 118 of the National Planning Policy Framework.

8. DM/18/4020 - WEBSTER HOUSE, WHITEMANS GREEN, CUCKFIELD, HAYWARDS HEATH, RH17 5HX.

Andrew Morrison, Senior Planning Officer introduced the outline application for the proposed terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whiteman's Green and drew Members attention to the Agenda Update Sheet which list plans that should not be considered as part of this application.

He noted that the site is just outside the built-up area boundary for Cuckfield and also outside of the Whiteman's Green Conservation Area. It is in designated countryside and the High Weald Area of Natural Beauty. As the character of the site is not of a rural nature and it is close to the built-up boundary with access to a good range of services, the adverse impact to the conservation area is considered minor in comparison to the benefit of providing 3 small dwellings.

As there were no public speakers or Members wishing to comment, the Chairman took Members to recommendation to approve as set out in the report which was agreed unanimously.

RESOLVED

That planning permission be granted subject to the conditions set out in Appendix A

9. DM/19/0279 - ROYAL MAIL HASSOCKS DELIVERY OFFICE, 36 KEYMER ROAD, HASSOCKS BN6 8AA.

Steve Ashdown, Team Leader - Major Development & Investigations introduced the application for the part demolition and conversion to create 189m sq. of A1 retail floorspace on the ground floor with 2 x 2 bedroom flats, 2 x 1 bedroom flats and 1 x 3 bedroom flat on the first and second floor above, 5 x 3 bedroom town-houses with gardens and 10 parking spaces.

He confirmed that the principle of the development is acceptable with no objections from the statutory consultees. It is also acceptable in terms of neighbourhood amenity and highways and offers a good standard of accommodation. It is also in accordance with the Development Plan and relevant policies in the NPPF.

As there were no public speakers, 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 recommendations below:

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.'

10. TP/18/0008 - 15 ROMAINE CLOSE, BURGESS HILL, WEST SUSSEX, RH15 0NS.

Steve Ashdown, Team Leader - Major Development & Investigations introduced the application to confirm a new Tree Preservation Order (TPO) covering one silver birch located within the garden of 15 Romaine Close. As it is one of only 2 trees in the road, it is considered to have significant public amenity.

As there were no public speakers or Members wishing to comment, the Chairman took Members to recommendation to approve the Order as set out in the Report which was agreed unanimously.

RESOLVED

That the Order is confirmed.

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

None.

At the conclusion of the formal business of the Committee, the Vice-Chairman noted that this would be the last Committee chaired by Councillor Matthews, who would not be standing for re-election in May, after 24 years as a District Councillor. He thanked the Chairman for his support noting that it had been a privilege to serve as Vice-Chairman on his committee. This sentiment was reiterated by the Vice-Chairman of the District Planning Committee.

The Chairman wished the Members well, and thanked the Officers for their excellent advice over the years.

The meeting finished at 8.15 pm

Chairman

**Minutes of a meeting of Planning Committee B
held on Thursday, 28th March, 2019
from 7.00 pm - 8.09 pm**

Present: C Hersey (Chairman)

P Coote
S Hatton
C Holden

A MacNaughton
P Moore
R Salisbury

R Whittaker

Absent: Councillor A Watts Williams

Also Present: Councillors A Barrett-Miles and N Webster

In absence of the Vice-Chairman, Councillor Watts Williams, the Committee appointed Councillor Moore to be Vice-Chairman for the duration of the meeting.

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

Councillor M. Hersey substituted for Councillor Watts Williams.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Watts Williams.

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

Councillor M. Hersey declared a predetermined interest in DM/19/0071 - Land North of Lindfield Common Bowling Green Car Park, Backwoods Lane, Lindfield as she is a Lindfield Parish Councillor and Lindfield Parish Council submitted the application. She confirmed that she would leave the room for the duration of the discussion and voting on the item.

Councillor Whittaker declared a personal interest in DM/19/0180 - 11 The Stennings, East Grinstead, West Sussex, RH19 1PF as he is the applicant. He confirmed that he would leave the room for the duration of the discussion and voting on the item.

**4. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
28 FEBRUARY 2019.**

The minutes of the Committee held on 28 February 2019 were agreed as correct records and signed by the Chairman.

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

None.

6. DM/18/4132 - PUMP HOUSE, VALEBRIDGE ROAD, BURGESS HILL, RH15 0RT.

Andrew Morrison, Senior Planning Officer, introduced the report which sought full planning permission for the erection of 25 residential dwellings on land east of Valebridge Road, Burgess Hill following the demolition of Pump House and Nuggets dwellings. The vast majority of the site however, including all proposed dwellings, falls within the administrative area of Lewes District Council and therefore the access is the only aspect of the proposal that requires planning permission from Mid Sussex District Council. He drew attention the Agenda Update Sheet which detailed a substitute Location Plan and Proposed Site Plan.

A Member commented on the previous housing developments on Valebridge Road which has increased traffic movements on the road. He enquired whether the Council would contact West Sussex County Council Highways to propose to bring in a speed limit of 30mph for the whole of Valebridge Road.

Nick Rogers, Business Unit Leader for Development Management, confirmed that it would not do any harm to write a letter to the County Council to ask them to review the speed limit on the road.

A Member sought clarification over the recipients of payments from the Community Infrastructure Levy and the Section 106 Contributions from the development. She also questioned if the District Plan takes precedence over the Burgess Hill Neighbourhood Plan.

The Senior Planning Officer clarified that the mechanism to seek to secure contributions would be for Mid Sussex to bid for a proportion of the Community Infrastructure Levy funds that are to be paid to Lewes District Council by the developer in the event Lewes District Council grant permission.

Tom Clark, Solicitor to the Council, advised that the District Plan does take precedence over the Burgess Hill Neighbourhood Plan.

A Member raised her concerns as she could not find any mention of a Construction Management Plan in the report and highlighted issues within her ward with construction trucks spilling their waste spoil.

The Senior Planning Officer explained that he had considered the issue but felt it be more appropriate for Lewes District Council to impose such a condition. He added that he would write to the case officer of the application at the Council to request that spoil and such like construction waste is reviewed in the Construction Management Plan.

A Member enquired whether Lewes District Council will be collecting the bins.

The Vice-Chairman, and Ward Member of a neighbouring ward, confirmed that Lewes District Council collects the bins of other housing developments on Valebridge Road that fall within their authority.

The Chairman noted that no other Member wished to speak so moved to recommendation to approve the application which was agreed unanimously.

RESOLVED

That planning permission be approved subject to conditions outlined at Appendix A and Agenda Update Sheet.

7. DM/18/4746 - LAND REAR OF CHIPPENDALE, GATEHOUSE LANE, BURGESS HILL, RH15 9XD.

The Chairman reminded Members that the application was considered at the last meeting of the committee but was deferred pending further clarification on the positioning of the dwelling compared to previous planning permissions.

Andy Watt, Senior Planning Officer, introduced the report which sought to vary Condition 2 of Planning Permission DM/17/0537, which previously approved the erection of a detached dwelling, detached garage and access. The variation provided revised plans to reflect the amendments to the siting of the dwelling works which have taken place retrospectively.

Claire Pickford, local resident, spoke against the application.

Mark Best, agent of the applicant, spoke in favour of the application.

Councillor Andrew Barrett-Miles, Ward Member, spoke against the application. He highlighted the effect of the property on No.5 and No.6 The Oaks which has created an unneighbourly environment and visible impact on the street scene. He also drew attention to the loss of privacy and outlook on the gardens and believed that the new application should be refused.

A Member explained that she attended Gatehouse Lane to view the development and found it to be completely overbearing. She believed that it was not acceptable and that it should not go ahead.

The Chairman enquired the distances of the closest point of the development to the nearest neighbouring property.

The Senior Planning Officer clarified the distances of the dwelling to the nearest neighbouring property for the application, firstly which was approved by the Planning Inspector, secondly the application that was previously approved by the committee in 2017 and finally the application before the committee. The appeal scheme was located 19.6m from the nearest property; the previously approved application was located 22.4m away from the nearest neighbouring property and the application before the committee reduced the distances to 22m.

Nick Rogers, Business Unit Leader for Development Management, drew attention to national guidance on retrospective planning applications.

A Member felt that it would be difficult to refuse an application when the Planning Inspector had previously approved an application which was closer to neighbouring dwellings than the current application.

A Member expressed understanding of Members concerns. He requested guidance on the acceptable distances and questioned whether an outright refusal on that issue alone would be unreasonable.

The Business Unit Leader for Development Management explained that the 2013 Inspector's decision has now lapsed however his views on the effect of a dwelling on

neighbouring properties still remains a material consideration. The Inspector has considered the relation of the dwelling with other neighbouring properties at 19.6m and found it acceptable therefore any subsequent application with a greater distance would be more difficult refuse.

The Chairman noted that no other Member wished to speak so moved to recommendation to approve the application which was agreed with 5 Members in support and 4 Members against.

RESOLVED

That planning permission be approved subject to conditions outlined at Appendix A.

8. DM/18/4994 - HAYWARDS HEATH CRICKET CLUB, THE PAVILION, PERRYMOUNT ROAD, HAYWARDS HEATH, RH16 3BW.

Nick Rogers, Business Unit Leader for Development Management, introduced the report which sought planning permission to replace an existing equipment store, in the same location within the north west corner of The Health Recreation Ground, adjacent to the existing cricket nets.

The Chairman noted that no Member wished to speak so moved to recommendation to approve the application which was agreed unanimously.

RESOLVED

That planning permission be approved subject to conditions outlined at Appendix A

[Councillor M. Hersey removed herself from the discussion at 7:55pm]

9. DM/19/0071 - LAND NORTH OF LINDFIELD COMMON BOWLING GREEN CAR PARK, BACKWOODS LANE, LINDFIELD.

Hamish Evans, Planning Officer, introduced the report which sought planning permission for the erection of a Public Convenience Block at Land North of Lindfield Common, Bowling Green Car Park, Backwoods Lane, Lindfield. The application is before committee as the application site is located on land owned by Mid Sussex District Council.

A Member enquired who will maintain the Convenience Block.

The Chairman confirmed that it will be Lindfield Parish Council that maintains the block.

The Chairman noted that no other Member wished to speak so moved to recommendation to approve the application which was agreed unanimously.

RESOLVED

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

[Councillor M. Hersey returned to participate in the discussion at 7:58pm]

10. DM/19/0092 - JASPER WOOD, CUTTINGLYE ROAD, CRAWLEY DOWN, CRAWLEY, WEST SUSSEX, RH10 4LR.

Caroline Grist, Planning Officer, introduced the report which sought planning permission to replace existing metal gates with electronic opening gates mounted on brick piers at the entrance to Jasper Wood, Cuttinglye Road. She added that the gates are of a similar design to other gates built on the road.

The Chairman noted that no Member wished to speak so moved to recommendation to approve the application which was agreed unanimously.

RESOLVED

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

11. DM/19/0165 - THE TRIANGLE LEISURE CENTRE, TRIANGLE WAY, BURGESS HILL, WEST SUSSEX, RH15 8WA.

Joseph Swift, Planning Officer introduced the report which sought planning permission for a proposed padel tennis court to replace paved area to rear of the centre at the Triangle Leisure Centre in Burgess Hill. The application is being reported to committee as the District Council is the landowner.

A Member sought clarification over whether there will still be an area to sit outside when the construction is completed.

The Planning Officer confirmed that there will be.

The Vice-Chairman enquired whether the court will be fully enclosed.

The Planning Officer explained that the court is not fully enclosed however environmental health officers are happy with the application.

The Chairman noted that no Member wished to speak so moved to recommendation to approve the application which was agreed unanimously.

RESOLVED

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

[Councillor Whittaker removed himself from the discussion at 8:07pm]

12. DM/19/0180 - 11 THE STENNINGS, EAST GRINSTEAD, WEST SUSSEX, RH19 1PF.

The Chairman noted that Members did not require a presentation from officers and therefore moved to the recommendation to approve the application which was agreed unanimously.

RESOLVED

That recommended that permission be granted subject to the condition set out in Appendix A.

13. TP/18/0007 - BUTCHERS SHAW, STREET LANE, ARDINGLY

The Chairman confirmed that the application was withdrawn from the committee due to a lack of information.

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

None.

The Chairman noted that this was the last Committee B meeting of the current year and said he would like to thank all Members for the way in which they had considered all applications with a very professional and positive approach. The Chairman further added that he had been approached on two occasions by an applicant and a member of the public who commented on the way Members had shown a very professional and fair approach holding the planning officers to account.

The meeting finished at 8.09 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

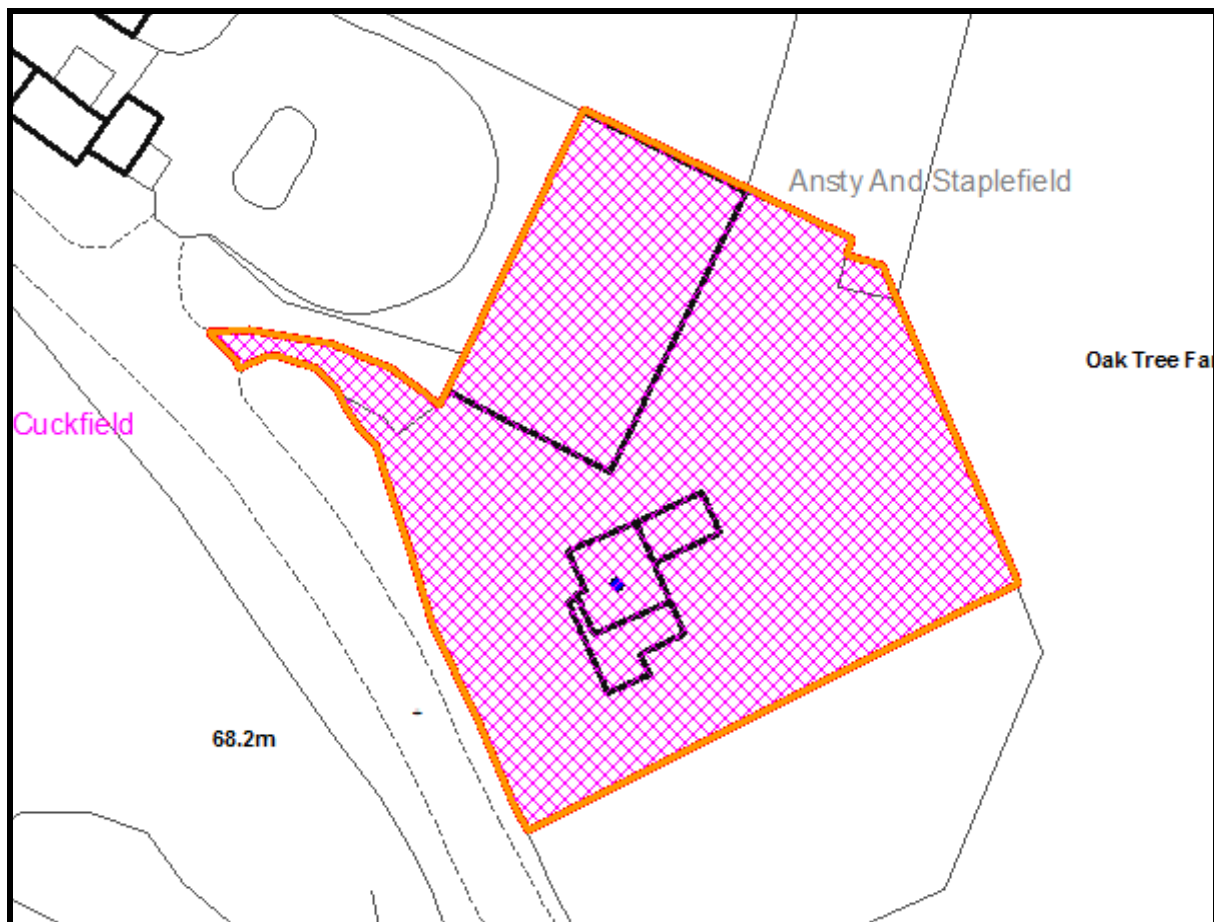
Planning Committee

29 MAY 2019

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/18/5130



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**OAKTREE FARM BURGESS HILL ROAD ANSTY HAYWARDS HEATH
OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING
DWELLING AND BARN AND REPLACEMENT WITH THREE NEW
DWELLINGS. ALL MATTERS RESERVED EXCEPT FOR ACCESS,
APPEARANCE, LAYOUT AND SCALE.
MR AND MRS MORELY**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 5th June 2019

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Anna Tidey

Purpose of Report

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

Executive Summary

This application follows an application under DM/16/1515 for a prior approval for the change of use of the existing agricultural buildings on the site to form two new residential dwellings. Dwelling 1 was approved as a 154 square metre 2 storey 4 bed house. Dwelling 2 was approved as a 150 square metre 2 storey 4 bed house. Prior approval was given for that application on 8th June 2016.

Outline approval is now sought for the demolition of the existing dwelling and barns and replacement with three new dwellings. Details of the proposed Access, Appearance, Layout and Scale are submitted, with Landscaping remaining as a reserved matter. The proposal is for the complete redevelopment of the site, with all the agricultural buildings and an existing bungalow being removed to allow for the construction of three new barn style dwellings with a reconfigured site access road and parking/turning provision. The proposed dwellings would be sited in part over the footprint of the disused barns on the site, over the footprint of the existing bungalow and within the garden curtilage at Oaktree Farm, off Burgess Hill Road to the south of Ansty, in Ansty and Staplefield Parish. The application has been submitted by the owners of the site.

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 National Planning Policy Framework.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists. A material consideration on the site is the extant Part Q approval for two 4 bed houses. The proposed replacement

dwelling meets the necessary tests in District Plan Policy DP15. Whilst the proposal fails to accord with all of the requirements of Paragraph 79 of the NPPF the new development layout and form would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring property. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

The public benefits of the proposal have been considered in accordance with the appropriate planning guidance for development in the vicinity of Listed buildings, in this case West Riddens farmhouse. It has been assessed that in accordance with guidance in NPPF paragraph 196 the application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and against the issues of the potential sustainability of the reuse of the existing buildings. For reasons, including the location of the site and the proposed energy efficiency details of the scheme, the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The relationship and detailed construction for the improved access into the site to the oak trees on the roadside has been carefully considered by the Highways Authority and the Council's Tree Officer. Subject to the works being carried out as detailed in additional plans and a supplementary tree report the proposal will accord with District Plan Policies DP21 and DP37.

The Habitats Regulations Assessment screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC and a full HRA of the proposed development is not required.

There are not considered to be any ecological reasons to resist the development. The Council's Ecological Consultant has raised no objection to the proposal. As such the proposal complies with Policy DP38 in the District Plan.

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In light of the above it is recommended that the application is approved.

Recommendation

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

Summary of Consultations

(Full responses from Consultees are included at the end of this report as Appendix B)

MSDC Tree Officer

Further details required. No objections to the additional tree report information. Request adherence to the Supplementary Tree Report.

MSDC Contaminated Land Officer

Planning conditions are recommended.

WSCC Highways Authority

A detailed plan outlining the access widths should be provided, to demonstrate that an average sized vehicle would be able to pass another vehicle manoeuvring at the access point.

Further comments: The access arrangements as demonstrated are considered suitable. No objection subject to conditions regarding visibility splays, vehicle turning and parking and site construction details.

MSDC Drainage

No objection subject to a condition requiring details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development to be submitted to and approved by the Local Planning Authority.

Ecologist

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to a recommended planning condition.

MSDC Conservation Officer

I would consider that the proposal will be harmful to the setting of the listed building and associated curtilage listed farmstead. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the proposal to cause less than substantial harm to the significance of these assets, such that the criteria set out in paragraph 196 of that document would apply.

Further comments: I remain of the view that the proposal would cause harm to the setting of West Riddens Farm and in terms of the NPPF the harm caused would be less than substantial.

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Ansty and Staplefield Parish Council raise no objection to the application.

Introduction

This application seeks outline planning permission for the development of three new dwellings on the site to replace existing barns and a bungalow on the site at Oaktree Farm, Burgess Hill Road at Ansty.

The application is before committee as it represents a departure from adopted planning Policy.

Relevant Planning History

Planning reference: DM/16/1515. Prior notification application for the change of use of an existing agricultural building to form two dwellings. Approved June 2016.

Planning reference: 03/02553/FUL. Conservatory at the south east side of the property. Approved November 2003.

Planning reference: 03/01943/FUL. Extension to kitchen. Including removal of existing flat roof and replacing with hip roof. Approved September 2003.

Planning reference: CD/003/95. Proposed bedroom and ensuite bathroom extension to existing bungalow. Approved March 1995.

Planning reference: CD/038/79. Extension to bungalow namely hip roof extension to lounge/dining room and flat roof extension to kitchen, also new shower/WC complex. Approved August 1979.

Planning reference: CD/042/76. Single storey extension to existing bungalow. Approved 1976.

Planning reference: CD/016/75. Alteration of and extension to existing bungalow. Refused May 1975.

Planning reference: CD/051/74. Alteration of and extension to existing bungalow. Refused December 1974.

Site and Surroundings

The site of the application consists of the access from the B2036 (Burgess Hill Road), associated hardstanding and parking space, the area covered by a series of

disused agricultural barns and the footprint and curtilage of the bungalow currently known as Oaktree Farm.

The farm buildings consist of three linked barns, consisting of a solid sided Dutch style barn and wide concrete framed portal style buildings, with access doors at the front and rear of the site. The buildings are constructed of a variety of materials including concrete blocks, black metal sheeting and grey fibre cement cladding and extend up to the north western site boundary line.

The barns have a variety of profiles with minimum eaves height of 3m and a maximum eaves level of 5.3m. The heights of the existing barns are a minimum of 5m and a maximum of 7.2m. The bungalow on the site is constructed in part brick with render walls and a plain tiled roofline. The existing bungalow has eaves set at 2.6m and a maximum ridge height of 5.5m. The planning history for the bungalow confirms that it has been added to over time with a series of extensions.

The vehicular access into the site passes between two oak trees at the entrance. These trees fall outside of the site boundary and are not subject to a Tree Preservation Order. The site is otherwise well screened from public vantage points by established boundary vegetation along the roadside, which falls within the site area. To the south of the bungalow, and outside the red site line, an area of woodland labelled as a spruce plantation provides evergreen screening and to the north east of the barns there is a further area of established conifer trees.

Application Details

In detail the current application seeks planning permission for the construction of three new dwellings on the site, spaced out over the site to create three new curtilages.

The property at Plot 1 would be constructed within the area currently occupied by the agricultural barns. Plot 2 would take the rear garden area of the bungalow and Plot 3 is largely positioned over the footprint of the existing bungalow.

The proposed unit on Plot 1 has a T-shaped layout with three bedrooms in total and an attached single garage at the western side of the building. The unit would provide approx. 200 square metres of floor space on two levels. The building would be built in the style of a Sussex barn with horizontal sawn weather walls on a local stock brick base and plain clay tiled roof lines. The attached single garage would have a plain timber boarded garage door. The eaves would be set at 2.5m minimum and 5.2m maximum and the maximum ridge level at a height of 8m. The unit would accommodate three bedrooms in total at first floor level, two of which would have an associated ensuite shower room. A separate family bathroom is also shown to be provided.

The second unit (Plot 2) would have an L-shaped footprint and would be built with an integral double garage. The internal layout plans show four upper floor rooms (three marked as bedrooms) and a ground floor home office, sitting room, utility and kitchen/breakfast room. The unit would provide approx. 200 square metres of floor space on two levels, excluding the garage space. The building would be built in the

style of a Sussex barn with single and two storey elements. The building would be constructed with horizontal sawn weather walls on a local stock brick base, with timber and aluminium windows and plain clay tiled roofs. The garage would have two garage doors, the detailed materials of which are not specified. The eaves would be set at 2.3m minimum and 4.8m maximum and the maximum ridge level at a height of 7.9m.

The third unit (Plot 3) would replace the existing bungalow on the site. This has an L-shaped footprint and accommodates 2/3 bedrooms in a dwelling with a footprint area of approximately 160 square metres. The proposed replacement dwelling will be on two floors and will be an L-shaped property including a single storey wing to accommodate a double garage and utility room and WC. The internal layout plans show four bedrooms on the upper floor and a ground floor study, sitting room, hall and kitchen/breakfast room. The unit would provide approx. 200 square metres of floor space on the two levels, excluding the garage space. The building would be built in the style of a Sussex barn with horizontal sawn weather walls on a local stock brick base, with timber and aluminium windows and plain clay tiled roofs. The garage would have two garage doors with vertical timber boarded doors. The eaves would be set at 2.5m minimum and 4.9m maximum and the maximum ridge level at a height of 8.4m.

The layout of the site access has been adjusted at the request of the Highways Authority during the course of determining the application in order to create sufficient space at the access point to allow for two vehicles to pass in opposing directions. As a consequence there have been changes to the width of the vehicular route within the RPA of the adjacent oak trees. This has required the submission of a Supplementary Tree Report and consequently reconsideration of the scheme by the Council's Tree Officers, see comments reported above. The new dwellings are shown to be served by a shared access driveway with turning head provision off the line of the existing parking area serving the existing bungalow. Access to the field to the east of the site is shown to be provided through the new dwellings.

Additional information has been requested by the Conservation Officer to illustrate the relationship of the built form of the new buildings on the site to the existing buildings at West Riddens Farm. In addition North west and Roadside elevation drawings have been submitted to indicate the height and screening capacity of existing and new planting around the site boundaries to illustrate the impact of the development upon public vantage points. Landscaping of the proposal has been left as a reserved matter in this case.

Each of the new dwellings would have separate curtilages, with the boundaries delineated with planting/fencing as shown on the submitted Block Plan. The garden areas would be provided with depths of between 6.5m and 14.5m. Parking forecourts are shown to be provided to the front of each of the associated garage/s.

List of Policies

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

- DP4 Housing
- DP6 Settlement hierarchy
- DP12 Protection and enhancement of the countryside
- DP15 New Homes in the Countryside
- DP21 Transport
- DP26 Character and design
- DP27 Dwelling Space Standards
- DP30 Housing Mix
- DP34 Listed buildings and other heritage assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable design and construction
- DP41 Flood risk and drainage

Ansty, Staplefield and Brook Street Neighbourhood Plan

The Neighbourhood Plan was Made (Adopted) in February 2017.

- Policy AS1 New Housing Development
- Policy AS2 Preventing Coalescence
- Policy AS4 Housing mix

National Policy

National Planning Policy Framework (NPPF - 2019)

The National Planning Policy Framework 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 which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

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:

"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."

Para 47 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.

ASSESSMENT

The main issues for consideration in determining the application are:

- Principle of development
- Design and impact upon the countryside
- Impact upon residential amenity
- Impact upon the Listed Building
- National Space Standards
- Sustainability
- Trees/Landscaping
- Habitats Regulations Assessment for Ashdown Forest
- Highway and Access issues
- Ecology
- 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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Ansty, Staplefield and Brook Street Neighbourhood Plan (2017).

The proposal is for two new houses on this site, as an alternative proposal to that approved under Part Q application DM/16/1515 (the "permitted scheme"), which was for the conversion and adaptation of the existing buildings on the site. In addition the current proposal includes a replacement dwelling for the existing bungalow. The application submitted under DM/16/1515 was not considered under the same procedure as a planning application. It was 'permitted development' and was considered under the 'prior approval' process. As such that proposal was considered without reference to the District Plan and the Ansty, Staplefield & Brook Street Neighbourhood Plan.

As this application does need to be determined with reference to these documents the relevant policies need to be identified and consideration given to their content.

As a starting point the site is located outside of the built up area of Ansty, which extends to the junction of the B2036 (Burgess Hill Road) and Cuckfield Road, approximately 380 metres to the north of Oaktree Farm. In the Countryside area the following District Plan policy is relevant to new housing development proposals, such as this.

DP12: Protection and Enhancement of Countryside

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.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to

assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.

The determining factor in whether development may be permitted outside the defined built up areas is whether it maintains or enhances the rural and landscape character of the District. There is an obvious conflict with this policy in that the proposed development is sited in the open countryside where there are well spaced residential properties and no specific residential grouping. The proposal would extend the built form of development on the site. The new development would extend beyond the footprint and form of the two residential units approved under DM/16/1515. Further consideration of the value of the proposal on this site and the visual and landscape effect of the proposed will follow. It is accepted in this case that there is a visual benefit to the proposal as there would be an improvement to the character of the site as a whole. As such the assessment needs to take into account the content of District Plan Policy DP15 and other relevant development plan policies, which will be considered further below.

District Plan Policy DP15 refers specifically to the development of new homes in the countryside. The policy also refers to replacement dwellings and is therefore highly relevant in the determination of this application. Policy DP15 is reproduced below:

DP15: New Homes in the Countryside

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.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*

- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation. Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.

Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- *the re-use would secure the future of a heritage asset; or*
- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.*

Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*
- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.*

It is a requirement that for the approval of new homes in the countryside there must be a "special justification". In this case there is a relevant extant Part Q approval on the site which allows the conversion of the barns on the site into 2 new four bed houses. The nature of that approval is for the reuse and conversion of the existing barns, thereby retaining the bulk and form of the existing buildings on the site. This Part Q approval is of relevance in the determination of this application and is a material consideration.

The proposed scheme necessitates the demolition of the existing prominent and utilitarian barns and this is a factor in favour of this application. The end result of the

proposal would be the creation of two new isolated homes in the countryside (the same as the approved DM/16/1515 scheme result). However, in accordance with the requirements of Policy DP12 the design of the new Plot 1 and 2 houses would, it is considered, enhance the immediate rural setting of the site.

Policy DP12 identifies specific requirements regarding the replacement of houses in the countryside. In this case the proposal meets the requirements in that the existing bungalow is inhabited, parking and access requirements can be met and as a result of the rebuild the rural character of the site will be improved, albeit that the new house has two stories rather than one.

The tests in Policy DP12 are reflected in Paragraph 79 of the NPPF. This also refers to the need to avoid the development of isolated homes in the countryside, unless various criteria can be met. The wording of paragraph 79 is reproduced below:

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling;*
or
- e) the design is of exceptional quality, in that it: is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The Applicant's Agent has drawn attention to the Inspectors opinion in an appeal case at Great Wapses Farm. In that case an earlier Part Q application had been granted prior approval (DM/16/0063) for the conversion of a concrete framed open sided barn to a single dwelling. Following on from that planning permission was refused under planning application DM/16/1940 for an alternative proposal to build a new house on the site. In his consideration of the case the Inspector recognised the overall size of the proposal and the permitted scheme was similar. The replacement house was granted on Appeal. This Appeal decision does not set a precedent for the replacement of Part Q approval dwellings with new dwellings. It is merely one decision which was made based upon the individual merits of that case.

In this case the proposal would result in three new dwellings in this countryside location. Relevant in the consideration of this application are policies contained in the Ansty, Staplefield and Brook Street Neighbourhood Plan. Policy AS1 for New Housing Development refers to the development of small scale housing development of up to 10 dwellings. The policy is reproduced in full below:

POLICY AS1: NEW HOUSING DEVELOPMENT

The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or*
- They relate to necessary utilities infrastructure where no reasonable alternative location is available.*

The Ansty, Staplefield and Brook Street Neighbourhood Plan was made in February 2017 and therefore forms part of the development plan. The District Plan was adopted in March 2018. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 it is confirmed 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.

There is a conflict between Policy AS1 in the Ansty, Staplefield and Brook Street Neighbourhood Plan and Policy DP6 in the District Plan. This is because Policy AS1 allows developments of up to 10 dwellings anywhere within the Neighbourhood Plan area whereas Policy DP6 only supports residential development of up to 10 dwellings which is contiguous with the built-up area boundaries. As such this conflict must be resolved in favour of Policy DP6 in the District Plan and little weight can be afforded to Policy AS1 in the Ansty, Staplefield and Brook Street Neighbourhood Plan.

The application site is located in designated countryside and within the gap between Ansty and Burgess Hill, as identified by Policy AS2 in the Ansty, Staplefield & Brook Street Neighbourhood Plan. Policy AS2 states:

POLICY AS2: PREVENTING COALESCENCE

Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded between the following areas:

- *Ansty and Burgess Hill*
- *Brook Street and Cuckfield*
- *Ansty and Cuckfield*

*Planning permission will not normally be granted for development which:
Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.*

Whilst the development will result in three new dwellings in total on the site, one being a replacement, so a net gain of two, it is not considered that there would be a harmful erosion in this case upon the perceived gap that exists between the built up areas of Ansty and the current northern boundary of Burgess Hill. Burgess Hill Road is characterised by well spaced dwellings, and on this site by a grouping of buildings including the bungalow and the adjacent farmhouse at West Riddens Farm. As such the proposal would add to the existing grouping, but it is considered, would not impact negatively upon the openness of the rural setting.

Design and impact upon the countryside

In their supporting statement the applicant's agent has highlighted that the proposal represents three replacement dwellings on the site rather than any new units of residential accommodation. It states: 'The dwellings have been designed and orientated to provide good natural daylight. There is a garden area to the rear and side of each property providing private amenity space. The design of the dwellings and the proposed materials would be characteristic of the locality. The removal of the utilitarian barn building would improve the appearance of the site. The barn is located adjacent to the northern property boundary and is very visible from the road. The re-siting of the built form on the site would allow for additional planting, particularly along this northern boundary, enhancing the appearance of the site as well as providing additional screening of the new dwellings. Therefore, it is considered that the proposal would enhance the quality of the landscape in line with the requirements for replacement dwellings of an increased scale as detailed in point 3 of Policy DP15'.

To date no barn conversion works have proceeded on this site. As such the site currently has only one dwelling to 'replace'. Notwithstanding this the extant consent is a material consideration. The approved Part Q scheme utilises the built form of the higher barn and hence the placement of the approved dwellings would form a dominant presence on the entry to the site.

The complete removal of the out of use barns is a significant element of the proposed redevelopment scheme. It is considered that their removal will serve to enhance the appearance of the site and the reorientation of the buildings on the site,

and in particular the reduced bulk and footprint of Plot 1 relative to this viewpoint will result in a development which would be more attractive to complement the immediate rural setting and this would visually enhance the whole site. This will ensure that the overall rural character of this part of Burgess Hill Road will not be compromised by the proposed development, which will continue to utilise the existing shared vehicular access point.

The proposed development does represent a more cohesive and a farm yard style grouping of development than that approved under DM/16/1515, which had a more severe urban character, dominated by the reuse of one of the existing dominant utilitarian buildings, and utilising render and concrete cladding finishes to give an industrial style finish to the two dwellings contained in the retained barn.

Under the current planning application the imposition of appropriately worded planning conditions will ensure a better living environment, increased opportunities for tree preservation, controlled hard and soft landscaping and careful selection for the construction material choice can be achieved. New tree and landscaping on the north western site boundary will enhance the new development.

Paragraph 127 of the NPPF requires that Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Consequently the proposed development is considered to be appropriate to the rural setting of the site and would accord with Policies DP26 (District Plan).

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."

The north western plot boundary is located a minimum of 43 metres from the farm house at West Riddens Farm, the nearest residential property to the site. This falls outside of the site boundary and is served by an existing separate vehicular access, and is located with a series of other related farm buildings which back up to Burgess Hill Road.

Given the distance from the site, the lower position of West Riddens farmhouse and the orientation of the new dwellings it is considered that the occupation of the properties will not adversely impinge upon the occupiers of that property, particularly as the nearest plot (1) boundary is shown to be supplemented with new intervening hedge and tree screening. It is considered that the proposed development would not negatively impinge upon the quiet enjoyment of the rural area. The proposal is therefore considered to accord with District Plan Policy DP26.

Impact upon the Listed Building

West Riddens Farmhouse is Grade II listed and the associated outbuildings can be regarded as curtilage listed. As such the Council's Conservation Officer has been asked to comment on the application, and her comments are reported above.

The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. Listed Buildings and their settings are afforded special protection under the planning regime by virtue of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA); paragraphs 189-197 of the NPPF and Policy DP34 of the District Plan.

Section 16(2) of the PLBCAA 1990 states:

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the PLBCAA 1990 states:

66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DP34 of the District Plan states:

Listed Buildings

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*

- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

Paragraphs 193 to 196 of the NPPF state:

'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.'

Paragraph 193 refers to the degree of harm that development may cause to a heritage asset and clarifies that there may be *substantial harm, total loss or less than substantial harm*. The Conservation Officer is of the opinion that the proposal would cause harm to the setting of West Riddens Farm, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF the harm caused would be less than substantial, such that the balancing exercise set out in paragraph 196 of that document would apply. A careful judgement is required in assessing the degree of harm. It is contended that within the bracket of "less than substantial harm", there is range of impacts. It is felt that the "less than substantial harm" in this case is at the lower end of the scale of harm. The reasons for this assessment are explained below.

In this case the development will take the built form of buildings on the site further from the existing position, the house on Plot 1 being angled away from the boundary, and of a significantly reduced bulk than the existing barns. The new property will be located some 56m from West Riddens Farmhouse.

District Plan Policy DP34 states that special regard needs to be given to protecting the setting of a Listed building. In this case the setting of the Listed building is spacious with the immediate area to the north western side of the barns laid out as an extensive hard surfaced area used for parking cars. This provides open views of the site from the house from a distance. It is considered that the proposed layout and form of the house at Plot 1 will serve to soften the outlook from the Listed Building and alleviate the built form adjacent to the boundary line. This view is also open to highway users and to those approaching the site from Burgess Hill Road.

It is your Officers view that the proposal will cause less than substantial harm to the Listed building. The harm that will result from the proposed development is a change in the character of the setting of the historic farmstead which is viewed in association with West Riddens farmhouse. In accordance with Section 66(1) PLBCAA Act 1990 - the local planning authority needs to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

However, this does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 196 of the NPPF, the

considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal. Indeed the public benefits of the new boundary treatment, the greater spacing achieved by the position of Plot 1 and the overall building layout on the site will serve to widen the area around the Listed Building and weigh in favour of a public benefit sufficient to weigh in favour of an approval. In accordance with the guidance in NPPF paragraph 196 the application can therefore be supported in this case as the public benefits will outweigh any potential harm to the heritage asset.

National Space Standards

In March 2015 the Government issued a document containing dwelling space standards, entitled "Technical housing standards- nationally described space standard". The standards are applicable to the proposed development and referred to in District Plan Policy DP27.

In the standards a space standard table indicates that a 2 storey 3 bed dwelling could accommodate between 4 and 6 people, requiring between 84 - 102 square metres of internal floor space. A 2 storey 4 bed dwelling could accommodate between 5 and 8 people, requiring between 97 - 124 square metres of internal floor space.

The proposed house at Plot 1 would provide a 3 bed unit of accommodation, with 200 square metres of internal living space, ie 98 square metres larger than the minimum space standard would require. The other houses at Plots 2 and 3 would have similar floor space areas, also exceeding the minimum sizing standards by approximately 80 square metres. The associated garden space is also reasonable in this rural context. The proposed properties would therefore accord with District Plan Policy DP27 and the National Space Standards.

The removal of permitted development rights for the future extension of the houses and within each new residential curtilage may be restricted by the imposition of a suitably worded planning condition.

Sustainability

District Plan Policy DP39 is relevant in the determination of this application. This states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*

- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The proposal does involve the demolition of all the existing buildings on the site. No structural report has been provided to support a need for the barns or the bungalow to be removed for any structural or safety issues. Indeed the main barn has been deemed to be capable of conversion into two new dwellings, and as such the existing building resources on the site would be adapted without the need for significant structural change. This approach accords with the Government's established Part Q approach to adapt existing redundant agricultural buildings to create new rural dwellings.

Against this there needs to be consideration of the degree of work that would be required to adapt the barn and the potential quality of the proposed new buildings in this rural setting. In terms of new dwellings on the site the Agent's stance that the end result of the proposal will be no net increase in the number of residential units on the site is also relevant.

In terms of the requirements of DP39 the proposal has been demonstrated to include a series of energy efficiency and sustainability measures including the use of grey water, water saving fittings, low energy lighting, locally sourced materials, sustainable timber, high levels of insulation, etc.

In terms of the location, the site is within walking distance of bus stops in Ansty to nearby towns and Burgess Hill railway station and is therefore considered to be a sustainable location for the three proposed dwellings.

It is considered that the proposal has been demonstrated to represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39.

Trees/Landscaping

Due to the siting of the access between two mature trees, which are to be retained, and fall outside of the ownership of the applicants, the application has been supported by a Tree Report and followed by the submission of a Supplementary Tree Report regarding the proposed revised access to suit the requirements of the Highway Authority.

The Tree Officer has been asked to comment on these documents and the comments are reported above. The works are considered acceptable subject to them being implemented to accord with the detailed tree protection measures explained in the supplementary report. A suitably worded planning condition will ensure that the development is carried out to accord with District Plan Policy DP37.

Habitats Regulations Assessment for Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (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 (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

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.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Highway and Access issues

The Highway Authority have reviewed the site access arrangements and have requested additional plans to indicate that two vehicles can pass in opposing directions. Further to the receipt of additional supporting layout plans it has been assessed that there are no highway reasons to refuse the proposal subject to conditions regarding visibility splays, vehicle turning and parking and site construction details and an Informative regarding the need for a separate vehicle crossover licence. Subject to the receipt of these details the proposal accords with Policy DP21 of the District Plan and the requirements of the NPPF.

Ecology

Whilst the proposal involves the demolition of existing buildings on the site the Ecologist has raised no biodiversity issues and recommends a planning condition to require the recommended wildlife habitat enhancement are implemented in the development. Subject to the imposition of this condition the proposed development is considered to accord with District Plan Policy DP38.

Drainage

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. This site is not located in a Flood Risk zone, falling within Flood Zone 1. The application has been assessed by the Council's drainage engineers. Details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development are required to be submitted to and approved by the Local Planning Authority. With the submission and approval of these details the proposal will accord with Policy DP41 of the District Plan.

Planning Balance and Conclusions

To conclude this application follows an extant application for conversion of one of the barns on this site to create two 4 bed houses. The proposal also seeks permission to replace an existing bungalow which is in use at the site with a new house to

complement the design of the other new dwellings. The proposal is for outline approval for a detailed scheme, omitting the landscape details as reserved matters.

The proposed dwellings would be sited in part over the footprint of the disused barns on the site, over the footprint of the existing bungalow and within the garden curtilage at Oaktree Farm, off Burgess Hill Road to the south of Ansty, in Ansty and Staplefield Parish. The layout of the new houses forms a spacious development with each house set in a modest, private garden plot.

The application must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The development plan in this part of Mid Sussex comprises the Ansty, Staplefield and Brook Street Neighbourhood Plan and the District Plan.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists. A material consideration on the site is the extant Part Q approval for two 4 bed houses. The proposed replacement dwelling meets the necessary tests in District Plan Policy DP15. Whilst the proposal fails to accord with all of the requirements of Paragraph 79 of the NPPF the new development layout and form would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring property. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

As the application site lies close to the Grade II Listed Building at West Riddens farm the PLBCAA 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The requirements of this Act are reflected in Policy DP34 of the District Plan. The NPPF states that 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. Whilst it is the professional view of the Conservation Officer that there would be less than substantial harm to the Listed building, it is considered by your officer that the harm is at the lower end of less than substantial. It is considered to be relevant to assess the extent of the harm and then to weigh this in the planning balance. Case law has determined that if a proposal does result in less than substantial harm as defined by the NPPF, this must be given significant weight in the planning balance to reflect the statutory presumption that preservation is desirable. The proposal has been assessed in accordance with guidance in NPPF paragraph 196 and the application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and against the issues of the potential sustainability of the reuse of the

existing buildings. For reasons including the location of the site and the proposed energy efficiency details of the scheme the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The relationship and detailed construction for the improved access into the site to the oak trees on the roadside has been carefully considered by the Highways Authority and the Council's Tree Officer. Subject to the works being carried out as detailed in additional plans and a supplementary tree report the proposal will accord with District Plan Policy DP21 and DP37.

The Habitats Regulations Assessment screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC and a full HRA of the proposed development is not required.

There are not considered to be any ecological reasons to resist the development. The Council's Ecological Consultant has raised no objection to the proposal. As such the proposal complies with Policy DP38 in the District Plan.

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In summary, this is a case where it is considered that the proposal complies with some policies within the development plan but conflicts with others. It is considered the proposal complies with Policies DP4, DP6, DP21, DP26, DP27, DP38 and DP41 of the District Plan whereas there is a conflict with Policies DP12, DP15, DP34 and DP39 of the District Plan. Given the Conservation Officers view that there would be less than substantial harm to the adjacent Listed Building consideration has been given by in this report to the policy guidance and a careful assessment has been made. It is considered that the harm is at the lower end of the scale and that given the statutory presumption in favour of preservation, this harm must be given appropriate importance and weight.

Overall given the degree of compliance with the policies in the development plan that have been identified it is your officer's view that the proposed development is acceptable on the site, with the extant approval a material consideration in this assessment. The public benefits of providing a well designed layout and dwellings which respect their rural setting on this site are felt to outweigh the less than substantial harm to the Listed Building (which has been afforded significant importance and weight) that has been identified in this report.

To conclude it is your Officer's view that whilst there is conflict with some policies in the development plan as set out above, overall the planning application complies with the development plan when read as a whole. The scheme is for three new dwellings in a relatively sustainable location that accords with Policy DP6 of the District Plan, which is the policy that sets out the settlement hierarchy for the District.

There are not considered to be any other material considerations that would indicate that the application should be refused.

In light of the above it is recommended that the application is approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy AS1 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

5. Within six months of the implementation of the development, maximum visibility splays shall be provided at the site access onto Burgess Hill Road in accordance with a plan to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

6. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

7. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

8. 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 District Plan (2014 - 2031).

9. 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 Local Planning Authority), 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 Local Planning Authority. 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 Local Planning Authority. 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 Local Planning Authority.

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.

10. The recommendations set out in the Preliminary Ecological Assessment and Buildings Assessment report by The Ecology Partnership (March 2018) shall be

implemented in full unless otherwise agreed in writing by the local planning authority. If there is a delay of greater than 24 months between the surveys that this report was based on (March 2018) and demolition of existing buildings and / or site clearance, an updated report and recommendations shall be submitted to, and approved in writing by, the local planning authority prior to commencement. All works shall then proceed full accordance with the updated report.

Reason: To ensure that the proposals contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling houses hereby approved, whether or not consisting of an addition or alteration to their roofs, nor any other alteration to their roofs, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling houses) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

12. The development hereby permitted shall not be occupied until trees/shrubs/a hedge of species to be approved in writing by the Local Planning Authority have been planted along the north western and south western site boundaries. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

13. The existing Oak trees at the site entrance shall be retained and protected in accordance with the details in the submitted Tree Report by Sutlieff Tree Services Limited and the Supplementary Tree Report received on 09.04.2019 by the same before the development commences, for the duration of the development and the oak trees shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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. Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

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	15/178/Loc	A	08.03.2019
Block Plan	15/178/SK10		27.12.2018
Existing Floor Plans	15/178/SK01		27.12.2018
Existing Elevations	15/178/SK02		27.12.2018
Existing Elevations	15/178/SK03		27.12.2018
Existing Sections	15/178/SK04		27.12.2018
Proposed Floor Plans	15/178/SK11	Plot 1	27.12.2018
Proposed Elevations	15/178/SK12	Plot 1	27.12.2018
Proposed Floor Plans	15/178/SK13	Plot 2	27.12.2018
Proposed Elevations	15/178/SK14	Plot 2	09.01.2019
Proposed Floor Plans	15/178/SK15	Plot 3	27.12.2018
Proposed Elevations	15/178/SK16	Plot 3	27.12.2018
Survey		Site Survey	27.12.2018
Planning Statement	Heritage Sustain		27.12.2018
Other	Ecology		27.12.2018
Drainage Details	Foul Sewage		27.12.2018
Tree Survey			15.01.2019
Illustration	15/178/SK20	Context Plan	17.04.2019
Illustration	15/178/SK21	Elevations	17.04.2019
Access Plan	15/178/01		08.03.2019
Tree Survey		Supplementary	09.04.2019
Existing Floor Plans			27.12.2018
Existing Elevations			27.12.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection.

MSDC Tree Officer

We need an updated tree survey. It's difficult to ascertain the extent of the drive on the RPAs. Also details of excavation for use of cellular web material and proposed granite setts. Further details required.

Further comments: I have checked the additional tree report information submitted to accompany the amended access layout plans. I have no objections, however we should request adherence to this Supplementary Tree Report. Additional landscaping may be required in the future. This can be considered at the reserved matters stage and you may wish to apply conditions to this respect.

MSDC Contaminated Land Officer

Part of the site has had historical use as agricultural land, and may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination. Given the above it is appropriate to attach a discovery strategy, so that in the event any potential contamination is discovered during ground works, that all works stop until the matter has been dealt with in a manner approved by the local authority. Planning conditions are recommended.

WSCC Highways Authority

It should be demonstrated that there is sufficient space at the access point to allow for two vehicles to pass in opposing directions should conflict occur. The access from Harvest Hill is a narrow arrangement, although the applicant states that access widening is to occur throughout the access track, it is not considered that sufficient passing space is available at the access to the highway.

Due to the B class nature of this road and the 60mph speed restrictions in place along this portion of the highway, it is not considered acceptable to encourage a vehicle to wait within the highway and obstruct the free flow of traffic. At its' widest point the access measures 4.9m however narrows to 3m and would not accommodate an entire vehicle off of the highway.

A detailed plan outlining the access widths should be provided, and should demonstrate that an average sized vehicle would be able to pass another vehicles manoeuvring at the access point.

The applicant should supply maximum achievable visibility splays from the site access, these should be drawn from 2.4m back from the edge of the highway into the access and span to the same side of the carriageway edge as far as possible in both directions. For guidance, accesses adjoining 60mph roads are required to meet 215m in both directions however the applicant in the first instance must demonstrate what is achievable from this point.

Once this information has been provided, please re-consult.

Further comments: The Local Highways Authority (LHA) note that there is an extant permission at the site for Prior Notification to change the use of the barn into two dwellings. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at the access with the public highway, onto Burgess Hill Road. There is no evidence to suggest that the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant has provided details of the achievable visibility from the site access. This measures approx. 2.4 x 120m in both directions. Maximum achievable visibility should be conditioned alongside any permission of the proposal to ensure the splays are maintained and available in perpetuity.

The access road will be altered to facilitate two passing vehicles and to assist the manoeuvre from the highway. From observation of the submitted plan this is considered wide enough for two vehicles to pass at the access point without the need for an oncoming vehicle to wait within the highway. The driveway is to be constructed from tarmac which removes the potential for debris being distributed within the highway at this point. The formalising of the access into the site within the Publicly Maintained Highway should be created to WSCC standards and will require a license from the WSCC Area Office, an informative on how to obtain this license has been included below.

The access arrangements as demonstrated are considered suitable as this will be a low speed, low traffic environment. The parking allocation is in accordance with the demand from the WSCC PDC (Parking Demand Calculator). From checking this and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

A turning head has been provided within the site to allow for deliveries and larger vehicles space to turn to exit onto Burgess Hill Road in a forward gear. It has not been demonstrated by means of a swept path diagram that this is workable, however it is accepted that a multiple manoeuvre would be acceptable if required to exit the site. The applicant should discuss the refuse collection proposals with the waste collection authorities to ensure that this is a workable solution. There are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal.

Should the LPA be minded to approve this proposal, conditions regarding visibility splays, vehicle turning and parking and site construction details are recommended and an Informative regarding the need for a separate vehicle crossover licence.

MSDC Drainage

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 application form states surface water drainage shall be managed through the use of soakaways. However, the 'Foul Sewage, Utilities and Surface Water Assessment' report submitted as part of the application states surface water shall be managed through the use of permeable paving, soft landscaping and water butts.

It is proposed that the development will manage foul water drainage through the use of a package treatment plant. We would advise the applicant that the use of water butts on their own would not be a suitable means of managing surface water drainage due to their limited storage capacity.

Recommend a condition requiring details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development to be submitted to and approved by the Local Planning Authority.

SUGGESTED CONDITIONS

C18F - Multiple Dwellings

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

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

FURTHER DRAINAGE ADVICE

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.

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](#). Additional information may be required under specific site conditions or development proposals

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√				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

Specific Information Required

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified 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.</p>
<p>Multiple plot development.</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage 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,</p>

	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.
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.
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 or drainage@midsussex.gov.uk .
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.

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Soakaways</p>	<p>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 24 hours or less.</p>
<p>SuDS and attenuation</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>
<p>Outfall to watercourse</p>	<p>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.</p> <p>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</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.</p>
<p>Outfall to public sewer</p>	<p>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</p>

	<p>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.</p> <p>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.</p>
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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/>

Ecologist

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to a recommended planning condition.

MSDC Conservation Officer – Emily Wade

The application site is a farmstead with dwelling and barns located to the south east of West Riddens Farm. West Riddens Farm itself is Grade II listed and has a number of associated outbuildings which would be regarded as curtilage listed. The existing buildings on the site itself appear to date from the 20th century and may originally have formed part of the same farm as West Riddens, later separated as Oaktree Farm. The site and West Riddens Farm are located within a rural setting to the south of the hamlet of Ansty.

The current proposal is for the demolition of the existing buildings on the site and the construction of three dwellings. Notwithstanding that the existing buildings on the site are of no architectural merit and that prior approval has been granted for the conversion of one of the barns to two dwellings, I have concerns regarding this proposal.

At present, the existing barns to the north west boundary of the site (adjacent to West Riddens Farm), are a prominent feature of the setting of the historic farmstead. Although not of any architectural merit they are of an agricultural character which compliments the rural nature of the setting of the listed and curtilage listed buildings. As such, they have a neutral

impact on that setting, and also serve to shield the existing bungalow dwelling on the site from view from the direction of the farm.

It is my opinion that the proposed new development of three houses on the site is likely to have a detrimental impact on the character of the setting of the historic farmstead. New, relatively high density, residential development on this site will serve to domesticate this part of the listed and curtilage listed buildings' setting. This will be at odds with the current rurality of that setting, which makes a strong positive contribution to the manner in which the special interest of the buildings is appreciated. This is notwithstanding the prior approval for conversion of the barns, which could be expected to preserve more of their existing agricultural character.

The applicant has suggested that the proposal will enhance the setting of the listed farmhouse through the provision of better screening along the site boundary. However no detail of this screening or contextual elevation has been provided, which would demonstrate the degree of intervisibility between the site and the listed farmstead. Also missing from the application is a contextual street scene to demonstrate the impact of the proposal on views from Burgess Hill Road which is the main public approach to West Riddens Farm. The existing development on the site is partially screened from view (in respect of the bungalow at least) by dense vegetation on the road frontage. It would be useful to have both of these elevations to allow for a fully informed assessment of the impact of the proposal.

As it stands, however I would consider that the proposal will be harmful to the setting of the listed building and associated curtilage listed farmstead. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the proposal to cause less than substantial harm to the significance of these assets, such that the criteria set out in paragraph 196 of that document would apply.

Further comments: Comments on the further information provided in respect of the above application. Having reviewed the submitted contextual elevations and the covering email from Mr Rainier (the Agent) I remain of the opinion that the proposal would have an adverse impact on the currently substantially rural character of the setting of the listed and curtilage listed buildings at West Riddens Farm, which would be to the detriment of the manner in which their special interest is appreciated. Although the submitted elevations suggest that views of the site from Burgess Hill Road would be limited, there would be views from the entrance driveway and from the immediate setting of the historic farmstead. The nature of the development is such that this part of the setting would become domesticated and suburbanised to an extent that is not the case at present with the existing bungalow hidden behind the large agricultural buildings on the boundary.

I therefore remain of the view that the proposal would cause harm to the setting of West Riddens Farm, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF the harm caused would be less than substantial, such that the balancing exercise set out in paragraph 196 of that document would apply.

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MID SUSSEX DISTRICT COUNCIL

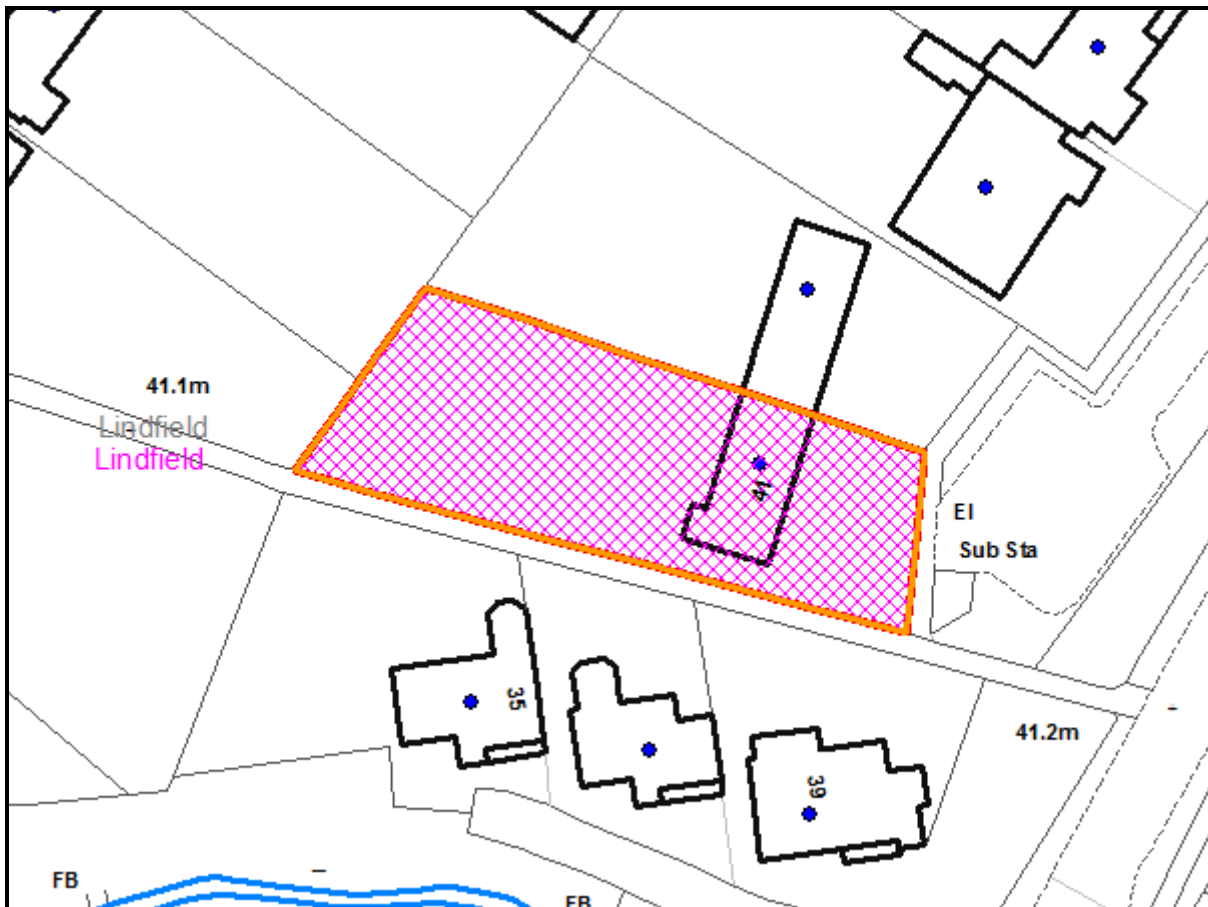
Planning Committee

29 MAY 2019

RECOMMENDED FOR PERMISSION

Lindfield

DM/19/0404



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**HIGH TREES 41 HICKMANS LANE LINDFIELD HAYWARDS HEATH
(AMENDED PLANS RECEIVED 05/03/2019) PARTIAL DEMOLITION OF
EXISTING DETACHED HOUSE. PROPOSED SINGLE AND TWO STOREY
EXTENSIONS TO THE FRONT, SIDE AND REAR ELEVATIONS AND
ASSOCIATED ALTERATIONS.**

MR J BURROWS

POLICY: Areas of Townscape Character / Built Up Areas / Aerodrome
Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 30th May 2019

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Katherine Williams

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

Planning permission is sought for the part demolition of the existing detached house and the proposed erection of single and two storey extensions to the front, side and rear elevations at 41 Hickmans Lane, Lindfield. The site falls within the built up area of Lindfield and an Area of Townscape Character.

This application has been submitted following the refusal of application DM/18/3656 at committee on the 17th January. The application was 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.

The current application seeks to overcome the above concerns.

The changes from previous application include moving the proposed two storey rear extensions to the southern side of the rear elevation, and the extensions and alterations to the front would be rotated with the proposed two storey front extension located along the northern side of the elevation. The proposal also includes an extension to the driveway to allow access to the repositioned garage in the proposed front extension.

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 proposed extensions are deemed acceptable in terms of design, form and scale and should not detract from the appearance of the surrounding dwellings or character of the area. Nor is the proposal considered to cause significant harm to

neighbouring residential amenities or have a detrimental impact on the parking provision for the property.

Therefore the proposal is considered to comply with Mid Sussex District Plan policies DP21 and DP26, Lindfield and Lindfield Rural Neighbourhood Plan policy 7, and the relevant provisions of the NPPF.

Planning permission should therefore be granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

Seven letters of representation were received on the original proposal from six neighbouring properties, who have raised the following concerns:

- Impact on the appearance of the area
- The proposed works would result in movements of heavy vehicles, along with noise and disturbance
- Scaffolding may be erected within the public footpath and result in its closure
- Loss of outlook
- Light pollution to No. 39 Hickmans Lane
- Urbanising and overbearing impact on this area of the Twitten and the public footpath which would result in loss of light
- Contrary to policy DP26 of the Mid Sussex District Plan and the CABI Good Practice Guidance
- The existing hedge between the application property and No. 43 Hickmans Lane can be removed within planning permission, and cannot be a screen.
- Insufficient parking provision for a property of this size, increase congestion on the road
- Environmental impact of partly demolishing the property and rebuilding it.
- The size and style is out of keeping with the character of the area and the existing dwelling
- Overlooking and overbearing impact on No. 43 Hickmans Lane
- Impact on outlook and loss of light to No.s 39 and 37 Hickmans Lane
- Overbearing impact on No. 39 Hickmans Lane
- Condition regarding the removal of asbestos

A letter of objection has been received from the Lindfield Preservation Society who raises the following concerns:

- No significant changes to the size and scale of the proposal from the previous application
- Overbearing impact and loss of outlook to No.s 41, 39, 37 and 35 Hickmans Lane
- Loss of light to No. 43 Hickmans Lane

Following these letters of representation, the proposal was amended by the applicant and the application was re-advertised. 4 further letters were received from 3 neighbouring properties raising the following concerns:

- Overshadowing of the Twitten public footpath
- Urbanising and overbearing impact
- Impact on outlook and view from No.s 35, 37 and 39 Hickmans Lane
- Loss of light to No.s 35, 37 and 39 Hickmans Lane
- Greater length of building adjacent to No. 43 Hickmans Lane, impact on the enjoyment and value of the property
- Disturbance during building works
- The drop kerb no long aligns with the planned garage and the area of hardstanding is too small for a car to manoeuvre from the road to the garage
- Loss of parking spaces and impact on the highway
- The property has been empty since purchase, concerns regarding the applicants intension for the application
- Change appearance of the front of the dwellinghouse would have an impact on the character of the area and the streetscene
- The construction works would result in the closure of the footpath
- Concerns regarding the depth of the foundations and impact on No. 43 Hickmans Lane

A further letter of objection has been received from the Lindfield Preservation Society who raises the following concerns:

- Overbearing impact on the neighbouring properties and the public footpath
- The mass of the two storey extensions would impact on the outlook of No.s 35, 37 and 39 Hickmans Lane
- Design is unneighbourly, unsympathetic an out of character of the dwellings within the locality
- Impact on outlook and loss of light to No. 43 Hickmans Lane

SUMMARY OF CONSULTATIONS

WSCC PUBLIC RIGHT OF WAY OFFICER

No objection.

WSCC HIGHWAYS AUTHORITY

No objection; recommend condition.

LINDFIELD PARISH COUNCIL OBSERVATIONS (02.04.2019)

Lindfield Parish Council continues to object to the proposed overdevelopment of this site, particularly recognising its location in an Area of Townscape Character. Notwithstanding the latest amendments to the proposal, it considers the size of the proposed development to be overbearing, unneighbourly and detrimental to the

existing street scene, contrary to Policy DP 26 (Character and Design) of the Mid Sussex District Plan 2014-31.

LINDFIELD PARISH COUNCIL OBSERVATIONS (22.02.2019)

Lindfield Parish Council strongly objects to this application in view of its bulk, particularly recognising its location in an Area of Townscape Character. It considers the proposed development to be overbearing, unneighbourly and detrimental to the existing street scene, contrary to Policy DP26 (Character and Design) of the Mid Sussex District Plan 2014-31.

Introduction

Planning permission is sought for the part demolition of the existing detached house and the proposed erection of single and two storey extensions to the front, side and rear elevations at 41 Hickmans Lane, Lindfield.

Relevant Planning History

DM/18/3656 - Partial demolition of existing detached house. Proposed single and two storey extensions to the front, side and rear elevations and associated alterations (Amended plans received 16/11/2018, 19/11/2018 and 03/12/2018).
Refused

Site and Surroundings

The application property is a two storey detached dwelling located on western side of Hickmans Lane, within the built up area of Lindfield and an Area of Townscape Character. The application property is located at the end of a line of properties which are set back from Hickmans Lane and are accessed via Finches Park Road. These properties are obscured from view of the main highway by a line mature hedging and trees. The application property is located at the end the cul-de-sac and itself and No. 43 Hickmans Lane is set back from line of properties, reducing its visibility along the streetscene. To the south of the property is a public footpath that runs from Finches Park Road to Hickmans Lane, on the northern side of the footpath is a 2 metre boundary wall on the and a 2 metre boundary fencing to the south. Beyond this footpath are No.s 39, 37 and 35 Hickmans Lane, which back onto the footpath and the application property.

The locality is characterised by detached dwellings of similar scale but varying forms, designs and external materials. The dwellings are set back from the highway with grassed and paved areas with mature hedging to their frontages. The application property has a pitched hipped roof, with a mansard roof on the front and southern side roof slopes which incorporates in to a modest single storey rear projection. To the front of the dwelling are 2 first floor dormer windows and front gable projection located in the centre of the front elevation. The dwelling is constructed in white render on a brick plinth, timber frame to the front garble projection, with plain roof tiles and black metal fenestration.

Application Details

The proposal includes the erection of a two storey side and rear extension which would have a width of up to 6.7 metres and a depth of 9.6 metres, including extending beyond the rear elevation by 3.9 metres. This extension would have a pitched crown roof with an overall height of 7.1 metres and an eaves height to match the existing dwelling. This proposed extension would replace the existing attached garage.

The proposed single storey rear extension would extend up to 3.9 metres from the rear elevation of the dwelling and would have a width of 7.3 metres. This extension would have a flat roof and an overall height of 2.8 metres. Beyond the north west corner of this extension would be a 2.5 metre wall which would extend 3 metres.

The proposed two storey front extension would have a width and depth of 5.6 metres and 3 metres. This extension would have a pitched hipped roof with an overall height of 7.3 metres and an eaves height of 4.2 metres. This extension would include a double garage on the ground floor and a first floor front Juliette balcony. To the northern side of this extension the existing side elevation of the dwelling would be brought in by 0.5 metres.

To the front of the property the existing gable projection and a dormer window which would be replaced by 2 No. dormer windows and a two storey front extension. This extension would have a depth and width of 1.1 metres and 2.6 metres, with a pitched roof and an overall height and eaves height of 6.1 metres and 4.5 metres. A bay window would be included below one of the dormer windows and would have a flat roof and an overall height of 2.5 metres.

The proposed extensions would be constructed in white render on a brick plinth, plain roof tiles and powder coated aluminium fenestration.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP21 - Transport

DP26 - Character and Design

LINDFIELD AND LINDIFLED RURAL NEIGHBOURHOOD PLAN (made March 2016)

Policy 7 - Areas of Townscape Character

National Policy and Other Documents

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 124 and 127 are considered to be relevant to this application.

Assessment

The main issues are considered to be the design and impact on the character of the area, impact on the amenities of the neighbouring properties and impact on parking provision.

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan states:

'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement. In particular, proposals should:

- i. *retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- ii. *retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- iii. *avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The proposed two storey and single storey extensions to the rear would not be visible from the street and would only be visible in the public realm from the footpath to the south of the property. This view would be over a 2 metre boundary wall and are not considered that the extensions would be of a design or form that would be have an impact on the character or scale of the surrounding properties.

The proposed extensions and alterations to the front of the property and would be visible from the cul-de-sac and the footpath, but screened from view of the main highway of Hickmans Lane by the mature hedging and trees to the front of the properties. The application dwelling and No. 43 Hickmans Lane are set further back from the building line of the other dwellings along the road, which reduces the wider views of the property until in close proximity to the property.

It is considered that although the proposed extensions and alterations to the front would alter the appearance and form of the dwelling, given the relationship with its neighbouring dwellings and its visibility from the street, it would not have a negative impact on the character of the surrounding properties or the streetscene and Area of Townscape Character.

Impact on the amenities of neighbouring properties

The test of development on residential amenity contained within policy DP26 is one of significant harm.

To the northern side of the property is No. 43 Hickmans Lane. The boundary line between the two properties consists of a 3 metre high hedge. Given this boundary treatment and the design and form of the proposed single storey rear extension, it would not be visible from this neighbour. The proposed two storey rear extension would be visible. Given, however, that it is set away from the boundary and a separation distance of 8.6 metres, it is considered that it would not cause significant harm to the amenities of this neighbour.

The proposed two storey front extension would be 1.1 metres from side elevation of this neighbour and would extend 3 metres beyond its front elevation. The closest part of No. 43 to this extension is the attached garage, with habitable room located away from the application dwelling. It is therefore considered that the proposed extension would not cause significant harm to the amenities of this neighbouring dwelling.

In terms of light impact, guidance is taken from the BRE "Site Layout Planning for Daylight and Sunlight: A guide to good practise". For domestic extensions the "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the extension. If

the centre of the door or window of the neighbouring property lies within both lines that the extension may cause a significant reduction in light to the window or door in question. This guidance is taken as a rule of thumb and each application is considered on its own merits.

Having assessed the light impact to the closest ground and first floor windows to habitable room on the rear and front elevations of No. 43, omitting the fenestration of the attached garage, the centre point of the windows do not lie within both lines from the rear or front extensions. It is therefore considered that the two storey rear extension would not have a significant detrimental impact on light to this neighbour.

To the southern side of the property are No.s 35, 37 and 39 Hickmans Lane, which back onto the side of the application property, with the public footpath in between. No. 35 would be 11.5 metres from the closest part of the proposed rear extension. This dwelling faces onto the end of the garden of the application property orientated away from the dwellinghouse. It is considered that due to this relationship and the separation distance to the proposed extensions, the proposal would not cause significant harm to the amenities of this neighbour.

No. 37, as with No. 35, is positioned at an angle away from the application dwellinghouse, and would be 9.8 metres from the closest part of the proposed extensions. It is considered that although the proposed extensions would be visible from this neighbour, given the separation distance to the extensions it would not cause significant harm to the amenities of this neighbour.

No. 39 would be 12.5 metres from the closest part of the proposed two storey side extension which would be 1.9 metres closer to this neighbour than the existing dwelling, with a hipped roof instead of the existing mansard roof slope. The application property is located to the north of this neighbour and would not have an impact on the daylight or sunlight. It is considered that although this extension would be closer to this property, and greater in depth, given the existing relationship between the dwellings it is not considered that the proposed extensions would have an overbearing impact that would cause significant harm to the amenities of this neighbour.

Impact on parking provision

The proposal would result in the removal of the existing single garage, but would include a new double garage within the two storey front extension. It is therefore considered that the proposal would retain at least 3 No. off street parking spaces, which is considered to be sufficient for the size of the dwelling. The Highways Authority has been consulted on this application and do not consider that the proposal would result in severe impact on the highway network and raise no objection to the proposal.

Other matters

Concerns have been raised by residents that the proposed works would cause noise and disturbance as well as an impact on the safety and use of the public footpath. Noise and disturbance created during works is not a material planning consideration

as it is covered by the Environmental Protection Act 1990, which requires a duty of care during the proposed works not to cause nuisance to neighbours.

The West Sussex County Council Public Right of Way Officer has been consulted on the application and has raised no objection and does not consider that the proposal would impact the foot path. The officer has also stated that the full width of the right of way must not be obstructed during works unless agreed by the County Council.

Conclusions

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 proposed extensions are deemed acceptable in terms of design, form and scale and should not detract from the appearance of the surrounding dwellings or character of the area. Nor is the proposal considered to cause significant harm to neighbouring residential amenities or have a detrimental impact on the parking provision for the property.

Therefore the proposal complies with Mid Sussex District Plan policies DP21 and DP26, Lindfield and Lindfield Rural Neighbourhood Plan policy 7, and the relevant provisions of the NPPF.

Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
4. 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 and to accord with Policy DP21 of the Mid Sussex 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. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	0918.SP.01		31.01.2019
Block Plan	0918.SP.02	E	31.01.2019
Existing Floor and Elevations Plan	0918.MS01	A	31.01.2019
Proposed Floor and Elevations Plan	0918.PO2	D	31.01.2019
Planning Layout	0918.SK08		31.01.2019
Proposed Site Plan	0918.SK09		05.03.2019
Block Plan	0918.SP02	F	05.03.2019
Proposed Roof Plan	0918.P05		14.05.2019
Proposed Floor and Elevations Plan	0918.P04	B	15.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Lindfield Parish Council continues to object to the proposed overdevelopment of this site, particularly recognising its location in an Area of Townscape Character. Notwithstanding the latest amendments to the proposal, it considers the size of the proposed development to be overbearing, unneighbourly and detrimental to the existing street scene, contrary to Policy DP 26 (Character and Design) of the Mid Sussex District Plan 2014-31.

Parish Consultation

Lindfield Parish Council strongly objects to this application in view of its bulk, particularly recognising its location in an Area of Townscape Character. It considers the proposed development to be overbearing, unneighbourly and detrimental to the existing street scene, contrary to Policy DP 26 (Character and Design) of the Mid Sussex District Plan 2014-31.

WSSC Public Right of Way Officer (14. 05.2019)

This development still remains within the properties boundaries so my initial comments still remain unchanged. My comments submitted on the 12th Feb 2019 are still relevant.

WSSC Public Right of Way Officer (12.02.2019)

I see no change to any impact on the public right of way from the original application DM/18/3656 so my comments below still stand:-

'With regards to the above application public rights of way have no objection as the development does not seem to impact public access along public footpath 45CU. The applicant must note however that the full width of the public right of way must be unobstructed by building materials, scaffolding and any vehicles at all times during and following construction unless a legal temporary closure is applied for and consented to by West Sussex County Council (WSSC) . Any alterations to the fence line must be agreed in advance with WSSC as Highways authority.'

WSSC HIGHWAYS AUTHORITY (14.05.2019)

After inspection of the revised plans our comments still stand.

WSSC HIGHWAYS AUTHORITY (22.02.2019)

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

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

Summary

This proposal is for the part demolition of the existing dwelling and extension, including a larger garage. The site is located on Hickmans Lane which is a D-classified residential road subject to a 30 mph speed limit. The Local Highways Authority (LHA) notes that prior to this proposal an application was submitted to the Local Planning Authority (LPA) under DM/18/3656 in which WSSC Highways was not consulted. This application was however

refused by the LPA. I do note that WSCC PROW team has provided comments for both the previous and current applications.

Access and Visibility

As shown within the submitted plans, there will be no change to the access from the publicly maintained highway and although the applicant has not provided Vehicular Visibility splays local mapping shows that there is sufficient vehicular visibility for a 30 mph zone, it is also noted due to this being a no-through road that this speed would be unlikely reached outside the property.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely.

Parking and Turning

As the submitted plans do not show parking layout for the site, the LHA has relied on local mapping data to assess the existing arrangement. This has shown that the current site appears to have space for two vehicles, parked in tandem. From the current plans, in order for the garage to be counted towards the parking provision, the garage must meet minimum internal dimensions of 6 x 6m as set out in Manual for Streets (MfS). Due to the position of the building close to the property boundary and the WC to the right hand side this is unlikely to be achievable, therefore the proposed garage cannot count for any more than 1 parking space at this site. This however does not affect the required parking demand of 2 spaces for this dwelling, as there seems to be sufficient space on the side frontage.

It is considered that cycle storage can be accommodated for within the proposed garage to offer a sustainable alternative to the use of a car.

Conclusion

The Local Highway Authority (LHA) does not consider that this proposal 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 applied:

Condition

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

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MID SUSSEX DISTRICT COUNCIL

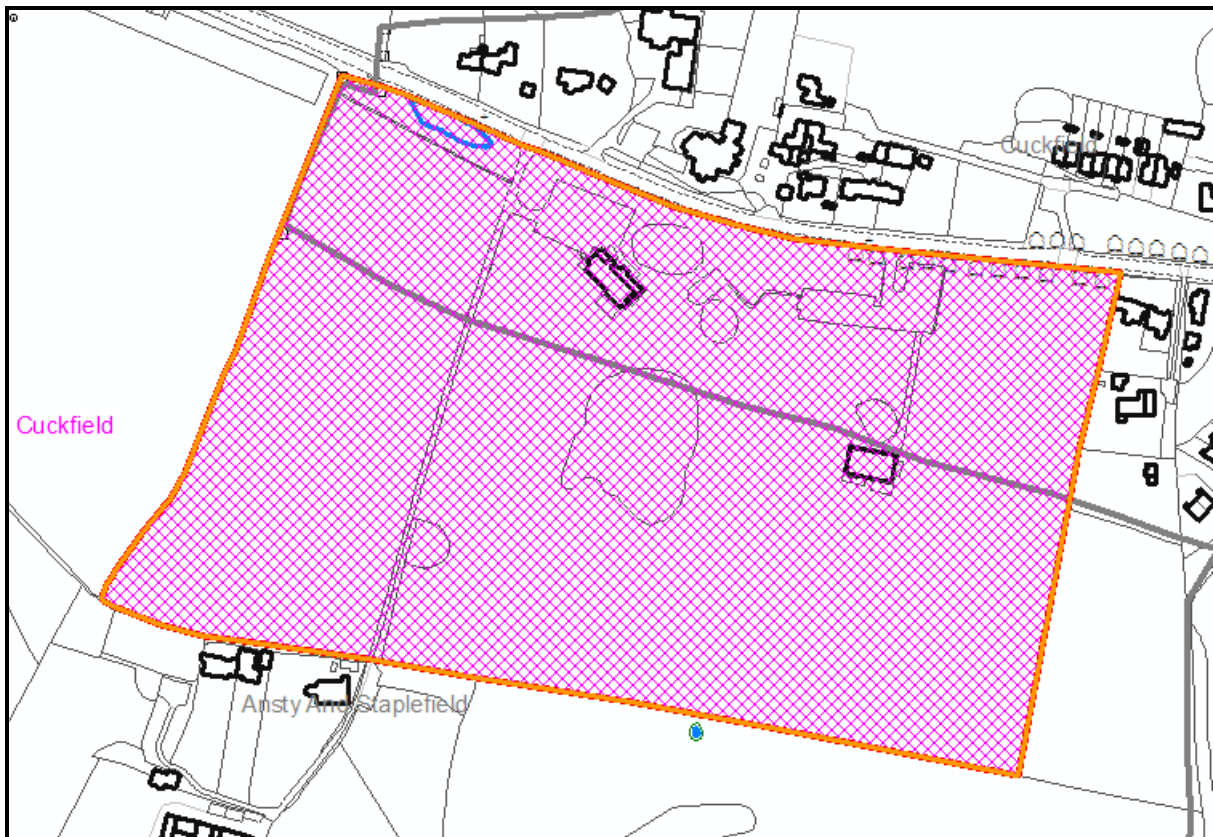
Planning Committee

29 MAY 2019

RECOMMENDED FOR PERMISSION

Cuckfield

DM/19/0670



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**HAYWARDS HEATH RUGBY FOOTBALL CLUB SPORTS PAVILION
WHITEMANS GREEN CUCKFIELD
REPLACEMENT CLUBHOUSE AND NEW STORAGE FACILITY
FOLLOWING THE DEMOLITION OF THE EXISTING PREMISES. THE
PROPOSAL ALSO INCLUDES AMENDMENTS TO THE VEHICULAR
ACCESS VIA WHITEMANS GREEN AND ADDITIONAL CAR PARKING
AND SERVICING ARRANGEMENTS.
MR W ADAMS**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for
Adverts / Built Up Areas / Conservation Area / Countryside Area of

Dev. Restraint / Post 1974 Conservation Area Boundary / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 3rd June 2019

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application seeks full planning consent for a replacement clubhouse and new storage facility following the demolition of the existing premises. The proposal also includes amendments to the vehicular access via Whitemans Green and additional car parking and servicing arrangements.

This application is before the planning committee because it is on land that is owned by Mid Sussex District Council.

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.

Regarding the principle of the development, the site is part of an established recreation ground with an existing sports clubhouse. Improvements to such facilities are supported at District Plan level and through the NPPF.

The proposal will deliver positive social and economic benefits through the delivery of an enhanced leisure and community facility which reflects one of the key objectives of the NPPF. The development will also provide some economic benefit through construction jobs and through the enhanced clubhouse that will include some commercial operations.

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 neighbouring residential amenity, drainage and biodiversity.

The proposal is therefore deemed to comply with the requirements of Policies DP12, DP13, DP16, DP21, DP24, DP25, DP26, DP35, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies CNP1, CNP4, CNP5 and CNP16 of the Neighbourhood Plan as well as the broader requirements of the NPPF, The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 and the Listed Building and Conservation Area (LBCA) Act 1990

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.

RECOMMENDATION

It is recommended that planning permission be granted subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

Total of 11 letters of objection highlighting the following:

- increased level of traffic;
- highways safety issues caused by additional parking in road;
- will this block access to houses at rear both during construction and post development?;
- Construction disruption;
- will this lead to more development?;
- noise and disturbance from future events particularly in evenings and from terrace;
- can clubhouse not remain in current location?;
- results in loss of trees along access road;

Total of 379 letters of support highlighting the following:

- Important sports facility for Mid Sussex and local clubs;
- will allow club to expand for girls and women's teams;
- community and social benefits;
- additional parking spaces will take pressure off main road;
- improvements long overdue;
- will benefit future generations;
- meets local need;
- design is sensitive and in keeping;
- important for health of children and will improve participation;

SUMMARY OF CONSULTATIONS

MSDC Leisure:

No objections, support proposals.

MSDC Trees:

No objections subject to conditions.

MSDC Environmental Protection:

No objections subject to conditions.

MSDC Drainage:

No objection subject to conditions.

MSDC Conservation:

Will preserve setting of conservation area - No objection subject to conditions.

MSDC Landscape Consultant:

No objection subject to conditions.

WSCC Highways:

No objection subject to conditions.

High Weald AONB Unit:

No objection subject to conditions.

SUMMARY OF CUCKFIELD PARISH COUNCIL COMMENTS

No objection.

Introduction

Application DM/19/0670 seeks full planning consent for the demolition of the existing premises and a replacement clubhouse and new storage. The proposal also includes amendments to the vehicular access via Whitemans Green and additional car parking and servicing arrangements.

Relevant Planning History

13/02458/FUL - Second storey extension and internal changes to pavilion - September 2013 (Not implemented)

Site and Surroundings

The application site is located on the south side of Whitemans Green (B2114), to the north west of the village of Cuckfield. The site forms part of the Whitemans Green Recreation Ground that is owned by Mid Sussex District Council and consists of sports pitches and ancillary facilities. In terms of total site area, the applicant states this measures 11.4 hectares.

There is an existing car park and clubhouse on site which is a single storey, pre-fab structure.

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).

To the east, some 235 metres from the nearest part of the existing clubhouse to be demolished, lies both the boundary of the built up area and the Whitemans Green Conservation Area. Across the road to the north lies more sporadic ribbon development along Whitemans Green that leads to the golf course. To the west of the site lies an overflow car park and further playing fields. To the south, and accessed via a track leading through the site, lie four residential properties and fields.

Application Details

The application proposes the demolition of the existing Haywards Heath Rugby Football Clubhouse and its relocation to the south west adjacent to the access road that runs through the site.

The new clubhouse is orientated to front east and is two storeys high. The dimensions are stated as being 30.65 m in width, 17 m in depth and the height being 7.75 to the apex of the sloping roof. The clubhouse will include the main entrance, six dressing rooms, a gym and a shop at ground floor level. At first floor level will be a bar and function room (205m²), a kitchen, toilets and office space as well as a full length balcony overlooking the pitches to the west. Proposed materials include red brick at ground floor level with vertical timber cladding at first floor.

To the east of the clubhouse, and partly on the site of the existing (to be demolished) clubhouse there will be expanded car park facilities incorporating coach parking, disabled spaces. The applicant has stated that the total number of spaces being provided is 102 with an additional 5 disabled and 2 coach spaces. This compares with the existing 40 car spaces.

Cycle parking and bin storage are also being provide next to the new clubhouse.

The new single storey storage facility building measures 10.5 m by 11 m and is located a little to the east of the new car parking facilities.

The changes to the access arrangements include the widening of the access road, from the Whitemans Green access to the car park, from 3.5 m in width to 5.5 m in

width. The applicant states this is to ensure that two cars can pass each other which is not the case at the moment. A new pedestrian access is also proposed.

List of Policies

District Plan

DP12 - Protection of Countryside
DP13 - Preventing coalescence
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP24 - Leisure and Cultural Facilities and Activities
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP35 - Conservation Areas
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Neighbourhood Plan

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

CNP 1 - Design of New Development and Conservation
CNP 4 - Protect and Enhance Biodiversity
CNP 5 - Protect and Enhance the Countryside
CNP 16 - Transport Impact of Development

National Policy and Other Legislation and Documents

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

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

Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document - adopted July 2018

Listed Building and Conservation Area (LBCA) Act 1990

Assessment

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

- The principle of development
- Impact on visual amenity including AONB, coalescence and effects on trees
- Heritage Asset impact
- Residential amenity
- Highways, access and car parking
- Other Planning Issues (e.g. drainage, ecology, Ashdown Forest)
- 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 Cuckfield Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

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."*

Given the leisure use aspect of the proposal, Policy DP24 provides a *'specific policy reference'*. This states, in part, that:

"Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported."

Policy DP25, which list sports pavilions as falling under the definition of *'community facilities and local services'* also provides a *specific policy reference'*. This states in part that:

"The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported."

There is a similar policy to DP12 in the Cuckfield Neighbourhood Plan, in that development in the countryside is allowed for certain exceptions. Policy CNP5 states that:

"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."*

At national level, the NPPF offers support at para 83:

"Planning policies and decisions should enable: ...

- c) *sustainable rural tourism and leisure developments which respect the character of the countryside;*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."*

The Council's Leisure department has commented in support of the principle of the proposals as follows:

"In the emerging Mid Sussex Playing Pitch Strategy (draft), improvements to facilities at Whitemans Green are identified as a priority as this is the largest multi-sport site in the District. The action plan identifies the redevelopment of the rugby changing facilities as a priority project and Outdoor Services are supportive of the rugby clubs ambitious plans to rebuild the pavilion which will meet this need and provide improved facilities for players. The new clubhouse will enable wider participation in the clubs activities through improved disabled access and facilities for women and girls which is a growth area for the sport. We understand the new facilities are in line with Sport England guidelines."

Given this policy background and the identified need, the principle of the development on this site is therefore acceptable.

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.

In respect of visual amenity paragraph 127 of the NPPF states 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.

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."*

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."*

To help inform the assessment of the application from a landscape perspective, the Council's landscape consultant has been consulted. The High Weald AONB Unit has also commented on the proposals.

It should be highlighted that the applicant has submitted a full Landscape and Visual Impact Assessment which is available to view on the planning file. This document states that as a recreation ground the landscape is already in a high managed state which reduces landscape quality. The report concludes that the development would:

- *"be acceptable as a small scale development without damaging local character and distinctiveness*
- *have a positive impact on vegetation, conservation and biodiversity in the creation of additional native planting and new habitats*
- *retain and protect the majority of tree and hedgerow planting*
- *have minimal impacts on short and medium distance views with some beneficial change with landscape improvements around the clubhouse."*

The Council's landscape consultant has made the following comments:

"The redevelopment of the club house would provide an opportunity to replace the existing facilities with a building which reflects the local vernacular in a high quality landscape setting. To be acceptable the proposed development would need to provide a landscape masterplan which would represent an overall enhancement to local landscape character and views."

"The proposed building design and materials finish would be an enhancement to the existing building. The new clubhouse would need to be set in a strong and well treed landscape frame work in order not to detract from the local landscape setting. In this context it is recommended that the proposed scattered tree planting to the south of the coach park incorporates tree species which will ultimately form large parkland trees. English oak and lime trees are suggested in addition to the proposed maples and hornbeams. It is also recommended that the existing tree belts along the road side are reinforced with native evergreen understorey planting such as holly and yew to provide an enhanced screen to the site."

"The additional parking and coach turning area would double the area of hard standing and car park spaces. The coach turning area would be a large expanse of black tarmac. It is noted that some areas of buff macadam and 'grasscrete' are proposed. Coloured tarmac can be urban and intrusive in appearance and a better solution would be to use a bonded or rolled gravel finish. It is recommended that the applicant is required to use bonded gravel or small unit pavers in the parking bays to reduce the number of different materials used as this can add to clutter. It is also recommended that the buff tarmac proposed for pedestrian areas around the building could be replaced with buff concrete slabs as this would provide a higher quality finish."

On a similar theme concerning materials and landscaping the High Weald AONB Unit has commented that:

"In the event that Mid Sussex District Council considers the development of this site to be acceptable in principle, it is recommended that the following detailed requirements are met:

- *Local materials such as wood and locally sourced bricks should be utilised to conserve and enhance the AONB and support the sustainable management of woodland in the AONB (Management Plan objectives S1, S3 and W4);*
- *The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the High Weald AONB landscape;*
- *Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and*
- *Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4)."*

Planning officers agree with the landscape impacts noted by the landscape consultant and the High Weald AONB. It is further accepted that detailed conditions can address the matters raised and an appropriate condition is set out accordingly in Appendix A.

Regarding the design of the building, officers are content that the replacement buildings are appropriate to their context in respect of the siting, design, size and scale.

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

The new clubhouse is replacing an existing, albeit smaller building and together with the new storage building and extended parking area are relatively minor developments when compared to the size of Cuckfield. It is also worth noting that the development does not extend further west along Whitemans Green than the existing built development does on the northern side of the road.

In light of these points and given the need for the development, the proposal is deemed acceptable in this regard. This is because it will not have a significant effect on the coalescence of Cuckfield with any other settlements as the proposal will not lead to a lessening of the distinctiveness of the village.

The tree impact is also an important consideration. The proposal has an impact on the row of trees that line the access road leading south through the site.

The Council's Landscape consultant has stated:

"The existing avenue of hornbeams which line the access to Beech Farm Cottages are a distinctive landscape feature. Individually these trees vary in quality and condition and this could affect their long term viability. To compensate for the loss of

some of these trees the development would need to be supported by enhanced tree planting proposals."

These views are further supported by the Council's Tree officer who has stated that:

"No objections. However, Policy DP37 requires tree replacement on a one to one basis and I note that there are 12 fastigate hornbeams to be removed. These currently form part of an avenue and whilst they don't have great longevity, supplemental planting of the same species could be provided within the remaining avenue which would allow gradual replacement of the trees and some longevity for the future. This should be required (or alternative replacement planting elsewhere) by condition within a future landscaping scheme. Please also condition adherence with AIA and Method Statement dated 5th February 2019."

The applicant is willing to accept detailed landscaping condition that will ensure that these matters are adequately addressed with suitable replacement planting and protection measures being secured. An informative will draw the applicant's attention to the consultee requirements

In summary there are no objections to the application at this stage in respect of visual amenity, coalescence, tree impact or the AONB as natural beauty is preserved.

Heritage Asset impact

As noted in the preceding section, the Whitemans Green conservation area is located to the east of the recreation ground, around 230 metres from the nearest part of the new development.

The LPA is also under a duty by virtue of s.72 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects conservation areas in exercise of planning functions): *"In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

Case law has stated that: *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than*

*substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

The need to preserve the Conservation Area is reflected in Policy DP35 of the District Plan which states that development will protect the setting of the conservation area and in particular views into and out of the area.

The NPPF (para 193) states that 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.

To inform the assessment on the heritage asset impact, the Council's Conservation Officer has been consulted.

"At present, the club's pitches are a positive feature of the setting of the Conservation Area as they are complementary to the generally open and green nature of the rural setting of Whiteman's Green. The existing club house, in contrast, is a poor quality building and detracts from the character of the setting of the Conservation Area.

The proposal to demolish and replace the existing club house is therefore not considered contentious in principle. The proposed replacement building is of a significantly increased bulk, but is set further away from the road frontage and is of a higher architectural quality. Subject to detail, including a revised landscaping scheme showing denser tree planting between the clubhouse and the road, this aspect of the proposal is considered on balance to preserve the setting of the Conservation Area.

The loss of green space to provide further parking is of potential concern, and I would agree with the County Landscape Architect's comments in respect of the need for careful choice of materials to preserve the 'rural' character of the site and avoid an overly busy appearance.

Subject to detail I consider that the proposal will preserve the setting of the Whitemans Green Conservation Area. This would meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I would suggest the following conditions (in addition to those proposed by the Landscape Architect in respect of amended soft landscaping scheme and hard landscaping materials):

- *Details including samples of facing and roofing materials to the new clubhouse and storage building.*
- *Detailed drawings at an appropriate large scale including sections and annotated to show materials and finishes of typical examples of windows and external doors. Your drawings should show as appropriate depth of reveal*
- *Detailed drawings (large scale elevations, annotated to show materials and finishes) of the new bin stores*
- *Details of any external lighting."*

The materials condition set out in Appendix A in part covers these comments. A condition requiring large scale sections of the building is reasonable. A further condition relating to the bin stores is not however necessary as the elevational details have already been received and the materials will be covered by the condition in Appendix A.

A condition will also be used making clear details of a lighting scheme needs to be submitted to and approved in writing by the local planning authority and this also reflects the advice of the High Weald AONB Unit and Environmental Protection officers.

With such conditions in place, and in line with the advice of the Conservation Officer, planning officers conclude that the setting of the Conservation Area will be preserved.

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 therefore whether or not it causes 'significant harm' to neighbouring amenity as per DP26.

In this case there are existing neighbouring residential properties that have the potential to be affected across the road to the north and to the immediate south where the residents use the access road through the site.

In this case the new buildings are far away enough from the nearest residential properties to ensure that there is no significant harm in respect of overlooking or loss of flight. For example, the nearest properties to the north are located some 100 metres from the nearest part of the new clubhouse. Those to the south are located approximately 195 metres from the nearest part of the new clubhouse.

It is however the potential for noise and disturbance through activities at the improved clubhouse, which includes an outdoor terrace on the western side serving a 200m² function room, that is of most concern in respect of the residential amenity impact.

Environmental protection officers have therefore commented on the proposals but no objections are raised:

"Given the location of the proposed clubhouse within the High Weald Area of Outstanding Natural Beauty, should permission be granted, Environmental Protection recommends a condition to control lighting provided on site.

In addition, EP recommends conditions to ensure that local residents are not disturbed during the demolition, construction and operation of this facility."

Conditions are suggested in respect of construction and delivery hours restrictions, lighting, plant and machinery noise, odour control and a noise management plan.

Lighting details are to be secured through a condition that has already been referenced in this report and is set out in Appendix A including the specific requirements of environmental protection.

Conditions are reasonable and necessary in respect of restrictions on construction hours as well as delivery hours both during works and post construction. The neighbour concern about noise from construction is noted but construction noise itself is inevitable so this would not constitute a sustainable reason for refusing the application.

Similarly a condition ensuring that plant and machinery does not exceed a specific noise level is also necessary to protect neighbouring residential amenity.

The condition suggested regarding odour control is not at this stage necessary because this application is not seeking consent for any extraction equipment for the kitchen of the clubhouse (it is likely that this is because such details are not yet known until such time as planning permission is secured for the building). The applicant is aware of the need to submit a planning application for an odour extraction system which incorporates an external flue prior to the building coming into use.

The Noise Management Plan condition will be particularly important for ensuring that the clubhouse is managed in a way that minimises the impact on neighbouring residential amenity. Such a document should set out what measures the applicant will be putting in place to minimise noise and this will be subject of scrutiny by both planning and environmental protection officers.

These robust conditions, coupled with the distances between the development and the neighbouring residents, should mean that significant harm to neighbouring residential amenity will not occur. It should also be noted that if at any stage noise generated from the development becomes a major issue then there is other environmental protection legislation that can address it.

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 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 CNP16 also applies and this states that:

"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)."*

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 Statement can be found on the planning file.

West Sussex has commented on the new access and footpath as follows:

"The access geometry will be improved to allow two cars to pass each other. The improvements will create a footpath to continue from Whiteman's Green into the site. This will require a S278 agreement which can be progressed through the Implementation Team, see informative below. A new footpath link into the site from the main car park will provide good permeability of the site. Consideration could be given to this 'link footpath'. Ideally this should continue into the site providing a safe pedestrian/cycle route away from, or around, the car park. If this is to be useable by all it is recommended it is at least 1.5m in width, ideally 2m would allow all users to comfortably use this."

West Sussex has confirmed that the existing visibility stays the same at the site entrance and no objections are raised to this. Regarding parking, West Sussex has confirmed that:

"WSCC car parking guidance for leisure uses suggests 12 spaces per hectare of pitch, as the site forms 11.4 hectares this equates to 132 spaces. The clubhouse will provide a social space for occasional functions, and the parking demand for this is based on the A3 use class of 1 space per 5sqm of public area. As the clubhouse is 642sqm this equates to 128 spaces."

It is expected the parking demands from these two uses will complement each other with the rugby club using the car park in the daytime and the function space requiring parking during the evenings or when rugby matches are not on. Parking spaces should be created with minimum dimensions of 2.4m x 4.8m and disabled spaces must be larger to accommodate a wheelchair user. Cycle parking should be covered and secure and under current guidance xx spaces provided.

In summary; WSCC are satisfied with the car parking proposal, as 100 spaces are provided which fall within the maximum standard for each use class."

West Sussex recommend conditions relating to the access, the submission of a detailed construction management plan and the provision of cycle parking spaces.

Concerns have been raised by the neighbours to south about the possible blocking of the access road both during construction or post construction. Ultimately the blocking of a private access is a private matter between the affected parties. However, the CMP will ensure that there are suitable locations within the site and away from the access road for storing of materials, constructor vehicle parking and welfare facilities. The applicant has also sought to alleviate the concerns of neighbours on this issue and has provided further submissions confirming:

"The redevelopment proposals have been carefully designed to minimise impact on the existing access that provides the residential properties to the south with

pedestrian and vehicular access, as well as access to the rugby club. The existing access route onto Staplefield Road is retained in its current location, but enhanced to provide a pedestrian route. The existing junction visibility splays are retained to ensure appropriate intervisibility is maintained at this access point onto the public highway.

With regard to parking the club has developed a parking and servicing strategy that will significantly improve the existing arrangements for the club, and also address the uncontrolled car parking that can occur on Staplefield Road on matchdays and Sunday junior rugby days. The existing 60 space car park is to be upgraded and an additional 42 standard car parking spaces provided. Two coach spaces, five disabled parking spaces will be provided adjacent to the clubhouse, along with parking for 16 bicycles. The 100 space overflow parking that the club has access to use will be retained, along with the pedestrian route immediately to the north of the 1st team pitch.

Based on this material increase in hardstanding parking there will be no need for any vehicular traffic associated with the club to park on the existing track in front of the building. By increasing the level of hardstanding parking any existing parking on Staplefield Road should be relocated to this new parking area, ensuring that access for pedestrians along the footway on the southern side of this route, as well as the junction visibility splays are kept clear.

The new clubhouse will be served from the eastern side of the building, and it will be in the club's interest to keep the space between the clubhouse and the 1st team pitch clear of any parking or other obstructions to maximise pedestrian access between the building and pitch. Other than emergency and maintenance vehicle access to the pitches no rugby club access will be required to the front of the building.

With regard to pedestrians spilling out onto the track, thereby making it harder for residents to use the expected volume of pedestrians on event and matchdays is not expected to be of a level that would cause congestion or delay to vehicular traffic using this route, but the club will provide appropriate signage to remind members and visitors that the access track must be kept clear at all times, to allow access to the residential properties to the south and emergency access.

Turning to the construction works and impact on the existing track all development works will take place to ensure that the track remains open for pedestrian and vehicular traffic, and all materials, compound areas and construction parking take place either on the existing hardstanding or to the east of the proposed new clubhouse. There is no expectation that the track to the front and south of the proposed new clubhouse will need to be used as a haul road or construction access route. The club are willing to accept a Planning Condition requiring them to prepare a detailed Construction Management Plan that confirms how the build will take place to ensure there is a minimal impact on the existing track and access onto Staplefield Road."

No objections are raised to the scheme by West Sussex subject to the conditions they have suggested. It can be concluded therefore that the Local Highways

Authority does not consider that the proposal 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. The relevant conditions, as suggested by West Sussex, 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 Policy CNP16 of the Neighbourhood Plan.

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, as is evident from their response (in Appendix B) the Council's drainage engineer has confirmed that drainage matters can be adequately addressed via an appropriate condition (as set out in Appendix A).

Given the recreation ground use, the flat roof design of the existing building and the removed trees being modest and located along the access road, the biodiversity impacts of the proposal will be minimal. Nevertheless, the applicant will be reminded of their legal responsibilities by way of informative.

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.

However, the proposed development is replacing an existing facility and as such there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Some neighbours have questioned why the building cannot remain where it currently is but this does not form part of the application. An assessment needs to be made on what has been submitted as part of the planning application.

In addition some of the neighbour representations question whether this proposal will set a precedent and lead to further development. This proposal will not however set a precedent as each planning application needs to be assessed on its own merits.

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.

Regarding the principle of the development, the site is part of an established recreation ground with an existing sports clubhouse. Improvements to such facilities are supported at District Plan level and through the NPPF.

The proposal will deliver positive social and economic benefits through the delivery of an enhanced leisure and community facility which reflects one of the key objectives of the NPPF. The development will also provide some economic benefit through construction jobs and through the enhanced clubhouse that will include some commercial operations.

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 neighbouring residential amenity, drainage and biodiversity.

The proposal is therefore deemed to comply with the requirements of Policies DP12, DP13, DP16, DP21, DP24, DP25, DP26, DP35, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies CNP1, CNP4, CNP5 and CNP16 of the Neighbourhood Plan as well as the broader requirements of the NPPF, The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 and the Listed Building and Conservation Area (LBCA) Act 1990

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

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

Pre-commencement

2. The development hereby permitted shall not commence unless and until samples of materials and finishes to be used for all facing materials, including the external walls / roof / fenestration of the proposed buildings and structures, has 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 CNP1 of the Neighbourhood Plan.

3. Prior to the commencement of construction of any 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 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 to accord with Policies DP16 and DP26 of the District Plan and Policy CNP1 of the Neighbourhood Plan.

4. No development shall be carried out unless and until details of the following matters have been submitted to and approved in writing by the local planning authority:
- Detailed drawings at an appropriate large scale including sections and annotated to show materials and finishes of typical examples of windows and external doors. Drawings to show as appropriate depth of reveal.
 - Details of any external lighting. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E1. Thereafter the approved installation shall be maintained and operated in accordance with zone E1 requirements unless the Local Planning Authority gives its written consent to a variation

Works shall only proceed in accordance with the approved details.

Reason: To protect the character of the area of outstanding natural beauty, the setting of the conservation area and to protect neighbouring residential amenity and to accord with Policies DP16, DP26 and DP35 of the District Plan, Policy CNP 1 of the Neighbourhood Plan and the NPPF.

5. 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.

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

6. 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 and Policy CNP16 of the Cuckfield Neighbourhood Plan.

Construction

7. 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.

8. The development shall only proceed in accordance with the sustainability details contained within Section 5 of the Design and Access Statement Rev C submitted with the application.

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

Pre-occupation

9. 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 details shown on the drawing titled SK21799-20.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan and Policy CNP16 of the Cuckfield Neighbourhood Plan.

10. Prior to the development hereby permitted being occupied and used, a Noise management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

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 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 and Policy CNP16 of the Cuckfield Neighbourhood Plan.

12. The development hereby permitted shall not be occupied until provision for bin and recycling storage has been made within the site in accordance with the approved plans (notwithstanding the materials shown), and thereafter retained permanently.

Reason: In the interests of sustainability and visual amenity and to accord with Policy DP26 of the District Plan and Policy CNP 1 of the Neighbourhood Plan.

Post-occupation and management conditions

13. Within three months of the substantial completion of the new clubhouse building hereby permitted, the existing clubhouse (denoted as being demolished by dashed lines on drawing 1825/PL.03.D) shall be demolished and the debris removed from the site.

Reason: In the interests of visual amenity and to accord with Policies DP16 and DP26 of the District Plan and Policy CNP1 of the Neighbourhood Plan.

14. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

15. The noise rating level of any operational ventilation, refrigeration, kitchen extract, air conditioning plant or machinery hereby permitted shall be at least 5dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

16. 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. Works within the Highway - Implementation Team
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.
2. In respect of the materials and landscaping conditions, your attention is specifically drawn to the requirements set out in the consultee responses from the landscape consultant, the tree officer, the conservation officer and the High Weald AONB Unit.
3. Prior to the commencement of the works hereby permitted, checks shall be made for the presence of nesting birds and other wildlife protected under the Wildlife and Countryside Act 1981.

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	1825/PL.01		15.02.2019
Block Plan	1825/PL.02		15.02.2019
Site Plan	1825/PL.03	D	15.02.2019
Proposed Floor Plans	1825/PL.04	A	15.02.2019
Proposed Floor Plans	1825/PL.05	B	15.02.2019
Proposed Roof Plan	1825/PL.06		15.02.2019
Proposed Elevations	1825/PL.07	A	15.02.2019
Proposed Elevations	1825/PL.08	B	15.02.2019
Proposed Floor and Elevations Plan	1825/PL.10	A	15.02.2019
Proposed Floor and Elevations Plan	1825/PL.11		15.02.2019
Existing Floor Plans	1825/PL.12		15.02.2019
Existing Roof Plan	1825/PL.13		15.02.2019
Existing Elevations	1825/PL.14		15.02.2019
Existing Elevations	1825/PL.15		15.02.2019
Access Plan	SK21799-20		15.02.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Whilst noted that the proposal falls inside the AONB and outside the Built-Up Boundary, the Council gave greater weight to the much-needed sports facilities
No objection.

MSDC Leisure

Thank you for the opportunity to comment on plans for a replacement clubhouse, storage facility and car parking at Haywards Heath Rugby Football Club Sports Pavilion, Whitemans Green, Cuckfield, Haywards Heath RH17 5HX.

In the emerging Mid Sussex Playing Pitch Strategy (draft), improvements to facilities at Whitemans Green are identified as a priority as this is the largest multi-sport site in the

District. The action plan identifies the redevelopment of the rugby changing facilities as a priority project and Outdoor Services are supportive of the rugby clubs ambitious plans to rebuild the pavilion which will meet this need and provide improved facilities for players. The new clubhouse will enable wider participation in the clubs activities through improved disabled access and facilities for women and girls which is a growth area for the sport. We understand the new facilities are in line with Sport England guidelines.

MSDC Trees

No objections.

However, Policy DP37 requires tree replacement on a one to one basis and I note that there are 12 fastigate hornbeams to be removed. These currently form part of an avenue and whilst they don't have great longevity, supplemental planting of the same species could be provided within the remaining avenue which would allow gradual replacement of the trees and some longevity for the future. This should be required (or alternative replacement planting elsewhere) by condition within a future landscaping scheme.

Please also condition adherence with AIA and Method Statement dated 5th February 2019.

MSDC Environmental Protection

Given the location of the proposed clubhouse within the High Weald Area of Outstanding Natural Beauty, should permission be granted, Environmental Protection recommends a condition to control lighting provided on site.

In addition, EP recommends conditions to ensure that local residents are not disturbed during the demolition, construction and operation of this facility.

Conditions:

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents.

Lighting: The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E1. Thereafter the approved installation shall be maintained and operated in accordance with zone E1 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents.

Plant & Machinery: The noise rating level of any operational ventilation, refrigeration, kitchen extract, air conditioning plant or machinery hereby permitted shall be at least 5dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.

Odour: Equipment to control the emission of fumes and odour from the development hereby permitted shall be designed in accordance with best practice for example in accordance with the principles outlined in the EMAQ+ guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' or similar. Odour abatement equipment installed shall be maintained in accordance with the manufacturer's instructions to ensure the adequate control of odour.

Reason: To protect the amenity of neighbouring residents.

Noise Management Plan: Prior to the development hereby permitted being occupied and used, a Noise management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

Reason: To safeguard the amenity of adjacent occupiers.

MSDC Drainage

Recommendation: No objection subject to conditions

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

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

The proposed development drainage will need to:

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

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

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

Surface Water Drainage Proposals

It is proposed that the development will utilise soakaway

Foul Water Drainage Proposals

It is proposed that the development will utilise existing

Suggested Conditions

C18D -

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.

MSDC Conservation – Emily Wade

The application site is the Haywards Heath RFC, which includes pitches, club house and associated parking. It is situated in a prominent position to the south of Whitemans Green, within the setting of the Whitemans Green Conservation Area, alongside the principal approach to the conservation area from the west. The current proposal is for the demolition of the existing club house and its replacement with a new two storey clubhouse on an enlarged footprint. The proposal also includes amendments to the parking arrangements associated with the club, providing an increased area of car parking.

At present, the club's pitches are a positive feature of the setting of the Conservation Area as they are complementary to the generally open and green nature of the rural setting of Whiteman's Green. The existing club house, in contrast, is a poor quality building and detracts from the character of the setting of the Conservation Area.

The proposal to demolish and replace the existing club house is therefore not considered contentious in principle. The proposed replacement building is of a significantly increased bulk, but is set further away from the road frontage and is of a higher architectural quality. Subject to detail, including a revised landscaping scheme showing denser tree planting between the clubhouse and the road, this aspect of the proposal is considered on balance to preserve the setting of the Conservation Area.

The loss of green space to provide further parking is of potential concern, and I would agree with the County Landscape Architect's comments in respect of the need for careful choice of materials to preserve the 'rural' character of the site and avoid an overly busy appearance.

Subject to detail I consider that the proposal will preserve the setting of the Whitemans Green Conservation Area. This would meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I would suggest the following conditions (in addition to those proposed by the Landscape Architect in respect of amended soft landscaping scheme and hard landscaping materials):

- Details including samples of facing and roofing materials to the new clubhouse and storage building.
- Detailed drawings at an appropriate large scale including sections and annotated to show materials and finishes of typical examples of windows and external doors. Your drawings should show as appropriate depth of reveal
- Detailed drawings (large scale elevations, annotated to show materials and finishes) of the new bin stores
- Details of any external lighting.

MSDC Landscape Consultant

1. Summary Recommendation

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

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The proposals could comply with paragraph 172:

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.

2. Reason for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that :

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2. Further to the above paragraph 172 requires 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3. The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

4. The Landscape and Visual Impact Assessment (HED December 2018) provides an accurate assessment of the baseline landscape and visual context for the site and surrounding area.
5. The LVIA suggests that the site is of medium to low value even though it is located within the boundary of the High Weald AONB. It is recognised that the condition and sensitivity of areas within a designated landscape can vary due to urban and other influences. However, by virtue of designation all areas within designated landscapes would be considered to be of high value. Where there are detracting features or degraded landscapes this may provide opportunities for high quality development to protect and enhance the landscape in accordance with planning policy.
6. The existing club house does not make a positive contribution to local landscape character and views. The associated facilities such bin stores and car parking are poorly laid out and not well screened.
7. The redevelopment of the club house would provide an opportunity to replace the existing facilities with a building which reflects the local vernacular in a high quality landscape setting. To be acceptable the proposed development would need to provide a landscape masterplan which would represent an overall enhancement to local landscape character and views.
8. The existing avenue of hornbeams which line the access to Beech Farm Cottages are a distinctive landscape feature. Individually these trees vary in quality and condition and this could affect their long term viability. To compensate for the loss of some of these trees the development would need to be supported by enhanced tree planting proposals.
9. The proposed building design and materials finish would be an enhancement to the existing building. The new clubhouse would need to be set in a strong and well treed landscape frame work in order not to detract from the local landscape setting. In this context it is recommended that the proposed scattered tree planting to the south of the coach park incorporates tree species which will ultimately form large parkland trees. English oak and lime trees are suggested in addition to the proposed maples and hornbeams. It is also recommended that the existing tree belts along the road side are reinforced with native evergreen understorey planting such as holly and yew to provide an enhanced screen to the site.
10. The additional parking and coach turning area would double the area of hard standing and car park spaces. The coach turning area would be a large expanse of black tarmac. It is noted that some areas of buff macadam and 'grasscrete' are proposed. Coloured tarmac can be urban and intrusive in appearance and a better solution would be to use a bonded or rolled gravel finish. It is recommended that the applicant is required to use bonded gravel or small unit pavers in the parking bays to reduce the number of different materials used as this can add to clutter. It is also recommended that the buff tarmac proposed for pedestrian areas around the building could be replaced with buff concrete slabs as this would provide a higher quality finish.
11. It is recommended that the application can be supported subject to the implementation of the submitted landscape masterplan and mitigation measures outlined in the LVIA. Approval should be subject to satisfactory detailed design and layout for hard and soft external works.

WSCC Highways

The proposal to create an improved access onto Whiteman's Green, as part of the re-development of Haywards Heath Ruby Club has been considered by WSCC as the County Highway Authority. No objection is raised subject to the conditions and informative attached.

The proposal will create a new 642sqm rugby clubhouse and car park. This will increase in size by 67 car parking spaces, creating a total of 100 spaces. WSCC car parking standards have been consulted to ensure the new use provides ample car parking. In addition to an increase in car parking the site will also provide 2 coach parking spaces, cycle parking for the use, turning area for servicing vehicles, and an area for disabled car parking close to the clubhouse; as per manual for street guidance.

Access/Footpath Improvements

The access geometry will be improved to allow two cars to pass each other. The improvements will create a footpath to continue from Whiteman's Green into the site. This will require a S278 agreement which can be progressed through the Implementation Team, see informative below. A new footpath link into the site from the main car park will provide good permeability of the site. Consideration could be given to this 'link footpath'. Ideally this should continue into the site providing a safe pedestrian/cycle route away from, or around, the car park. If this is to be useable by all it is recommended it is at least 1.5m in width, ideally 2m would allow all users to comfortably use this.

Visibility

Visibility from the access will continue to stay the same.

Parking

WSCC car parking guidance for leisure uses suggests 12 spaces per hectare of pitch, as the site forms 11.4 hectares this equates to 132 spaces. The clubhouse will provide a social space for occasional functions, and the parking demand for this is based on the A3 use class of 1 space per 5sqm of public area. As the clubhouse is 642sqm this equates to 128 spaces.

It is expected the parking demands from these two uses will complement each other with the rugby club using the car park in the daytime and the function space requiring parking during the evenings or when rugby matches are not on.

Parking spaces should be created with minimum dimensions of 2.4m x 4.8m and disabled spaces must be larger to accommodate a wheelchair user. Cycle parking should be covered and secure and under current guidance xx spaces provided.

In summary; WSCC are satisfied with the car parking proposal, as 100 spaces are provided which fall within the maximum standard for each use class.

Construction

Prior to the construction phase of the development a construction management plan must be submitted to the LPA for approval. This should include but not be limited to the following details in the construction management plan condition below.

Conditions

Access (Access to be provided prior to first occupation)

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 details shown on the drawing titled SK21799-20.

Reason: In the interests of road safety.

Construction Management Plan

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

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

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

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.

Works within the Highway - Implementation Team

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.

High Weald AONB Unit

Thank you for your consultation on the above planning application.

The High Weald AONB covers 564 square miles stretching from Horsham in the west, Tonbridge in the north, Rye in the east and down to Hastings in the south. The High Weald AONB Unit is a very small team with many other responsibilities than planning. As a result

detailed comments will only be made on planning applications by the High Weald AONB Unit if they are major development (such as 10 or more dwellings) or they directly impact on one of the landscape character components identified in the High Weald AONB Management Plan's Statement of Significance.

However, this does not mean that other development does not have an impact on the AONB. It is the responsibility of Mid Sussex District Council to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Mid Sussex District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in its Statement of Significance and identifies the key landscape components of the High Weald. The Management Plan then sets objectives for these components and identifies actions that could conserve and enhance the AONB.

Applicants should demonstrate whether their proposal conserves and enhances the AONB by contributing to meeting the objectives of the Management Plan. A template to assist in this assessment is appended to the Legislation and Planning Policy Advice Note on our website.

In the event that Mid Sussex District Council considers the development of this site to be acceptable in principle, it is recommended that the following detailed requirements are met:

- Local materials such as wood and locally sourced bricks should be utilised to conserve and enhance the AONB and support the sustainable management of woodland in the AONB (Management Plan objectives S1, S3 and W4);
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the High Weald AONB landscape;
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4).

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

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MID SUSSEX DISTRICT COUNCIL

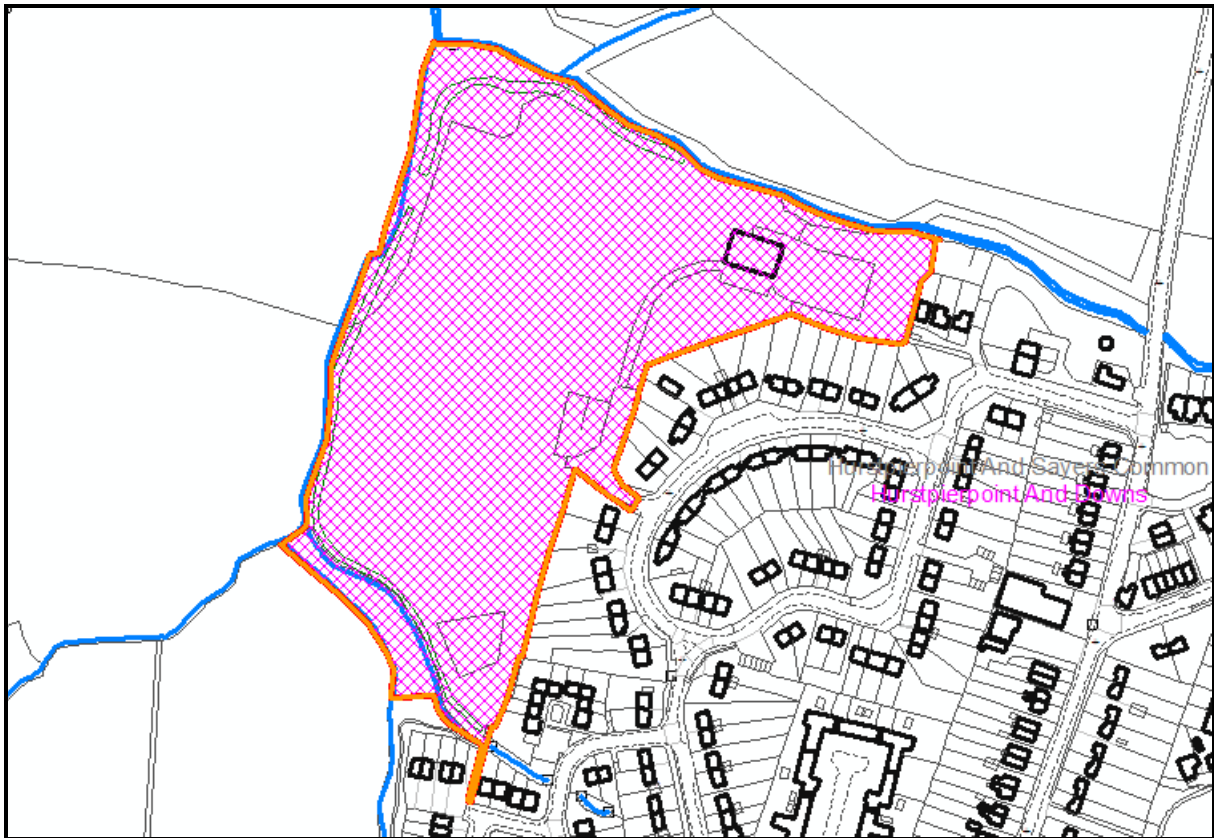
Planning Committee

29 MAY 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/19/0777



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**HURSTPIERPOINT EX SERVICEMENS AND SOCIAL CLUB WILLOW WAY
HURSTPIERPOINT HASSOCKS
VARIATION OF CONDITION 8 OF PLANNING APPLICATION DM/18/2623
TO SOLELY RELATE TO THE OPENING HOURS OF THE NURSERY.
(AMENDED DESCRIPTION 08/03/2019)
MR PAUL WILLIAMS**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 30th May 2019

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Katherine Williams

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

Planning permission was granted by notice dated 28th September 2018 for the change of use of this ex-serviceman and social club building to a community hall and nursery (D1) (DM/18/2623). This application seeks consent to vary condition No. 8 of that planning permission.

This application is before committee as the application site is located on land owned by Mid Sussex District Council.

Condition No. 8 of planning consent DM/18/2623 requires the opening times of the building to be restricted to 07:30 to 18:30 hours Monday to Friday excluding Public Holidays, which was required by the Environmental Protection Team in relation to the use of the nursery. The wording of the condition, however, restricted the use of the entire building and not just the specific use, therefore the application seeks the amendment of the condition to solely relate to the nursery.

The Environmental Protection have been consulted on the proposal and have no objection as their comment for the original application related to the nursery use, which the opening times would still be restricted.

The proposed variation to the condition is considered acceptable and would not cause significant harm to the amenities of the surrounding properties.

The proposed development complies with the requirements of Mid Sussex District Plan policies DP26 and DP29, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

MSDC Environmental Protection

No objection.

HURSTPIERPOINT PARISH COUNCIL OBSERVATIONS

Recommend permission is granted.

Introduction

The application seeks permission to vary condition No. 8 of planning permission DM/18/2623. The planning permission concerns the former Ex Servicemen's and Social Club within the Court Bushes Sports Ground, which is accessed from the western side of Willow Way, outside the built up area of Hurstpierpoint.

The application has been referred to Committee because the building is owned by the Council.

Relevant Planning History

DM/18/2623 - (Amended description 30.07.2018) Change of use of part of the Ex Serviceman and Social Club (sui generis) to a community hall and nursery (D1). Remodel of the internal layout and alterations to the fenestration. granted

Site and Surroundings

The application property is a large single storey building located on the northern side of the Court Bushes Sports Ground, with open countryside to the north and the rear boundary fences of the dwellings on Willow Way to the east. There is a large parking area on the east of the building which is accessed via a driveway leading from car park and playground to the south, which then accesses the western side of Willow Way.

The works for the previous approval for the change of use of the building have already been completed. The building has a pitched gabled roof and is constructed in brick with interlocking roof tiles.

Application Details

The application is made under S.73 of the Town and Country Planning Act and seeks to vary the wording of Condition 8 of the planning permission.

When planning permission was granted for the change of use under planning permission DM/18/2623, the Environmental Protection Team requested an opening times restriction in relation to the proposed nursery use, which was to ensure that the proposed use did not cause significant harm to the amenities of the neighbouring properties. The following planning condition (No. 8) was imposed:

Opening times shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of neighbouring residents.

Due to the wording of this approved condition the restricted opening times apply to the entire building, not just the nursery use. Permission is therefore sought to vary the condition to allow the other uses within the building to operate outside the opening restrictions required by the Environmental Protection for the nursery use. Therefore the Condition 8 would be amended to solely relate to the nursery use.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP26 - Character and Design
DP29 - Noise, Air and Light Pollution

HURSTPIERPOINT AND SAYERS COMMON NEIGHBOURHOOD PLAN (made March 2015)

Policy Countryside HurstC1 - Conserving and enhancing character

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 80, 84, 103, 124, 127 and 180 are considered to be relevant to this application.

Assessment

Impact on the amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan states:

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

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

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

The proposed variation to the wording of Condition No. 8 would restrict the opening hours of the nursery use and allow the other uses within the building to operate outside these hours.

The Councils Environmental Protection Service has been consulted on the current application and considers that the variation to the condition would accord with the hours recommended in the original application and have no objection. It was considered in the original application that the creation of a nursery has the potential to harm the amenities of neighbouring properties on Willow Way, by way of noise and disturbance. To ensure the impact on the neighbouring properties is minimised conditions were required, including the time restriction. As this is still the case it is considered that opening time restrictions are still necessary for the nursery use.

The opening times of the original Ex Serviceman's and Social Club did not have any planning conditions restricting the opening times of the building. Because of this it is considered appropriate to just restrict the opening hours of the new element, the nursery.

It is therefore considered that the variation of condition No. 8 would not cause significant harm the amenities of the neighbours.

Planning Balance and Conclusions

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 proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area, would not have a harmful impact on the amenities of neighbouring properties, and would not have a severe impact on the highway.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP21, DP5, DP26 and DP29, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the 12.09.2018, the date of the original permission.

Reason: To comply with Section 91 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 external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
4. Noise Management: The nursery hereby approved shall not come into use until measures to protect neighbouring premises from noise caused by nursery activities have been implemented in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.
5. Soundproofing: The nursery hereby approved shall not come into use until evidence is provided that the perimeter of the outdoor play area is fenced/enclosed in such a manner as to minimise transmission to neighbouring premises of noise caused by the use of the nursery. Such evidence shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents.
6. No more than 42 children shall be permitted to attend the nursery at any one time.

Reason: To preserve the amenity of neighbouring residents.

7. Use of Play Area: Children shall use the garden area only between 09:00 and 17:00 hours Mon to Fri excluding Public Holidays. Use shall be limited to two hours before midday and two hours after midday on any given day.

Reason: To safeguard the amenity of residents.

8. Opening times of the nursery shall be restricted to 07:30 to 18:30 hours Mon to Fri excluding Public Holidays.

Reason: To safeguard the amenity of neighbouring residents.

9. No commercial deliveries or collections in connection with the nursery outside of the following hours: Mon to Fri 07:30 to 18:30 hours.

Reason: To safeguard the amenity of neighbouring residents.

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.

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. 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.

APPENDIX B – CONSULTATIONS

Parish Consultation

Permission is granted

MSDC Environmental Health:

With regard to the above, I can confirm that this application is in accordance with the hours recommendations made by me previously under ref DM/18/2623.

Accordingly Environmental Protection has no objection to this application.

MID SUSSEX DISTRICT COUNCIL

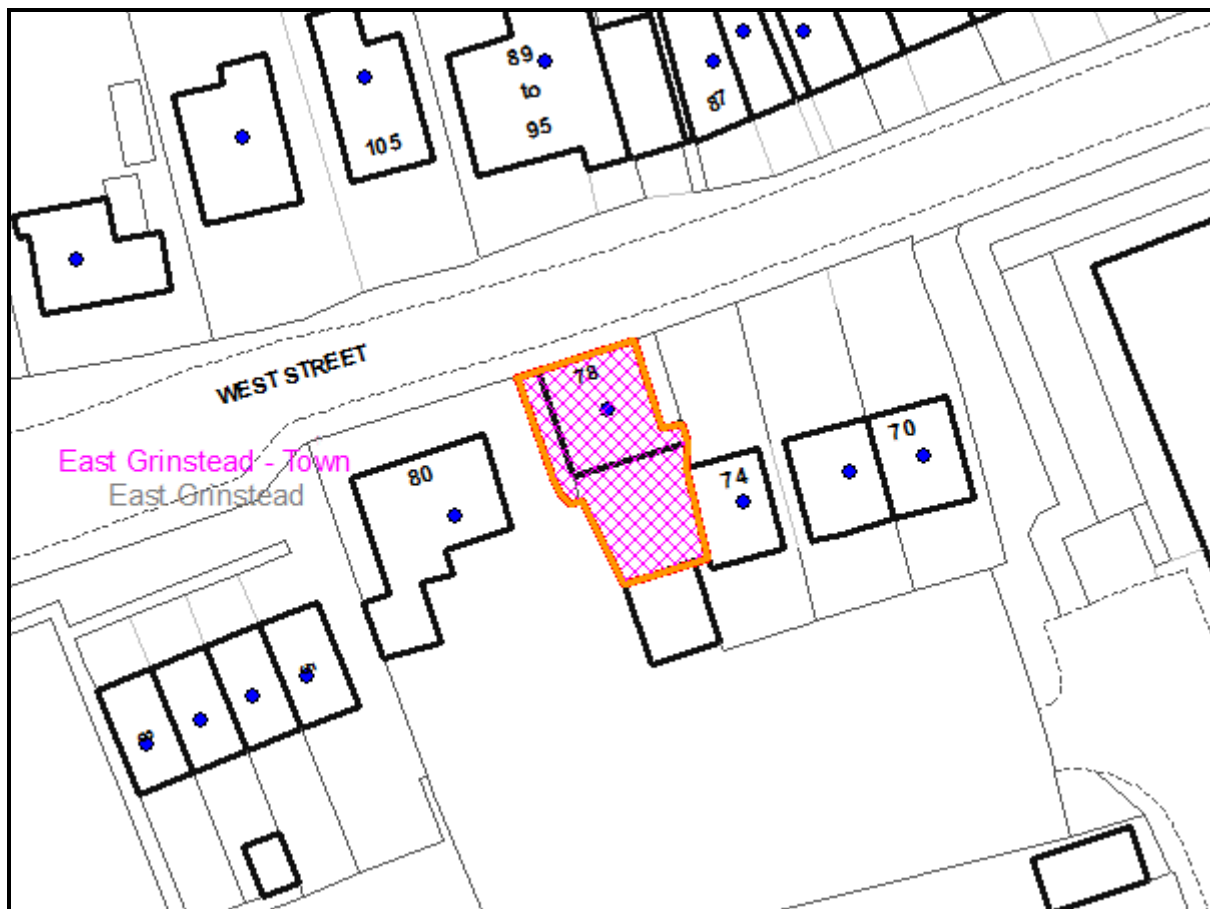
Planning Committee

29 MAY 2019

RECOMMENDED FOR REFUSAL

East Grinstead

DM/18/4711



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**78B WEST STREET EAST GRINSTEAD WEST SUSSEX RH19 4EJ
CONVERSION OF 2NO FLATS TO FORM 1 DWELLING AND RETURN
THE PROPERTY TO ITS ORIGINAL STATE.
MR JAMES COX**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m
buffer / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 30th May 2019

WARD MEMBERS: Cllr John Dabell / Cllr Neville Walker /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning 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 proposal is considered to have a neutral impact upon the character of the area, neighbouring amenity and highways and parking.

It is noted that the proposed two bedroom single dwelling would comply with the current national dwelling space standards; however they should only be used for new dwellings. While it is not considered sufficient evidence has been put forward as to why the existing flats cannot be adapted to improve access, thermal and acoustic insulation.

The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply and therefore is recommended for refusal.

RECOMMENDATIONS

Recommend permission be refused for the reason outlined in Appendix A.

SUMMARY OF REPRESENTATIONS

East Grinstead Society:

No objection.

No third party letters of representation have been received in regards to this application.

SUMMARY OF CONSULTEES

Street Naming and Numbering:

info 29

INTRODUCTION

This application seeks planning permission for the conversion of 2no flats to form 1 dwelling and return the property to its original state.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The application site is formed of a detached two storey period dwelling, set within a modest sized plot on the southern side of West Street. The immediate vicinity of the site is residential in character, but becomes more retail in nature the closer to the town centre you get. The application site is bounded by 74 West Street to the eastern (side) elevation and 80 West Street to the western (side) elevation.

The surrounded residential dwellings comprise of a mixture of detached, semi-detached and terraced dwellings included flatted development, most notably 89 to 95 West Street opposite the application site.

The site is located within the Built up Area boundary of East Grinstead.

APPLICATION DETAILS

The proposed plans show internal alterations in order to revert the building's layout back to a single dwellinghouse. The existing staircase is to be removed and relocated, with the reinstatement of the front door and the removal of the two rear doors and a window and replacement with bi fold doors, also at first floor the central window is to be reinstated.

The proposal would form two bedrooms, ensuite and bathroom at first floor and an open plan kitchen, dining room and snug as well as a WC and utility room at ground floor.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

The District Plan was adopted on 28th March 2018.

Relevant policies include:

DP4: Housing
DP26: Character and Design
DP27: Dwelling Space Standards

East Grinstead Neighbourhood Plan 2016

EG3 - Promoting Good Design

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.'*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

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

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

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

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

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- The impact upon the character of the area;
- The impact upon residential amenity;
- Quality of accommodation;
- Highways and parking
- 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.

Using this as the starting point, the development plan for the application site in this part of the District consists of the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan.

A High Court judgment in the case of *Richmond upon Thames LB v SoS & another* 28/03/2000 established that the amalgamation of two or more residential units into one unit may constitute a material change of use such to require planning permission.

The Council has over a long period of time sought to maintain and increase housing supply. District Plan Policy DP4 sets a minimum housing provision figure for the plan period. Paragraph 59 of the NPPF sets out the expectation that local planning authorities should boost significantly housing supply. Therefore whilst there is no specific development plan policy on the issue of loss of residential units, in general terms the proposal can be seen as contrary to the overall strategy of the development plan, while adversely affecting the Council's 5 year housing land supply.

In accordance with the law it is however 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 respect the applicant has put forward supporting information which can be summarised as follows:

- The existing flats are poorly subdivided- lack of thermal and acoustic insulation;
- Flats undersized for current local and national space standards;
- Majority of surrounding properties single dwelling units;
- Town centre has oversupply of flats;
- Stairs don't meet current building regulations accessibility standards or Part K

Impact on character of area

Policy DP26 states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

A similar ethos is found within Policy EG3 of the East Grinstead Neighbourhood Plan.

It is stated that the existing dwelling was constructed around 1870 when it formed a row of cottages, with this being the only remaining one left. The property was then converted into 2no 1 bedroom flats in the 1960's. Minor external changes are being proposed, as such, it is not considered that there will be any adverse impact upon the character of the area arising from the use of the site as a single dwelling house. Although the majority of surrounding properties are single residential dwellings, there is also a mixture of flatted developments within the street scene; as such it is not considered the conversion back to a single residential dwelling would enhance the character of the street scene.

Impact upon residential amenity

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The use of the building for its originally built purpose as a single dwelling is not considered to give rise to any adverse impacts upon neighbouring residential amenity.

Quality of accommodation

The proposed accommodation for a single dwelling is considered to be of a good standard and would meet the nationally described space standard in accordance with policy DP27.

The ground floor flat is 5.5 square metres below the nationally described space standards, with the bedrooms in both flats not meeting the minimum size requirements. However, within the Technical housing standards- nationally described space standards it states:

'The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.'

As such these standards should not be used to justify the loss of an existing residential unit as the bedrooms are not in full compliance with the current standards and the ground floor flat being 5.5 square metres below current regulations. Taking this approach could lead to further loss of residential dwellings as the space standards have changed over time.

Issues were also raised regarding the access for the first floor flat and the acoustic and thermal insulation. It is not considered that sufficient evidence has been provided as to why these issues cannot be addressed.

Highways and parking

The proposal is not considered to give rise to any increase in traffic movements or additional parking demand. The application can therefore be deemed as compliant with policy DP21.

Oversupply of flats

The applicant has claimed that there is currently an oversupply of flats within the centre of East Grinstead. Nonetheless, the preamble to Policy EG7 of the East Grinstead Neighbourhood Plan states:

'The HEDNA notes at Table 28 that Mid Sussex has the lowest stock of 1-2 bedroom dwellings and 2-3 bed dwellings are also below the West Sussex, South East and England average. Family homes that are larger executive homes of 4 + bedrooms are well above the West Sussex, South East and England average. Consequently, it is considered appropriate to encourage smaller homes through Policy EG7.'

As such this is seeking to boost the supply of 1-2 and 2-3 bedroom dwellings within East Grinstead, whereas the proposal would result in the loss of a 1 bedroom unit.

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 proposal is considered to have a neutral impact upon the character of the area, neighbouring amenity and highways and parking.

It is noted that the proposed two bedroom single dwelling would comply with the current national dwelling space standards; however they should only be used for new dwellings. While it is not considered sufficient evidence has been put forward as to why the existing flats cannot be adapted to improve access, thermal and acoustic insulation.

The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply and therefore is recommended for refusal.

APPENDIX A – RECOMMENDED CONDITIONS

1. The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local

Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	200		20.11.2018
Location and Block Plan	100		20.11.2018
Proposed Floor and Elevations Plan	201		20.11.2018
Existing Elevations	300		20.11.2018
Proposed Floor and Elevations Plan	301		20.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 4th March 2019:-
Would support approval. The Committee were pleased to see an application return a home to its original feature.

East Grinstead Society:

No objection

Street Naming and Numbering Officer:

Date 19th February 2019

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

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.

Planning applications requiring SNN informative

DM/19/0207

DM/18/4711