
28 August 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 5TH SEPTEMBER, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | To 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 meeting of the Committee held on 15 August 2019. | 3 - 4 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|------------------|
| 5. | DM/18/4419 - East Lodge Farm, Malthouse Lane, Hurstpierpoint, BN6 9LA. | 5 - 34 |
| 6. | DM/18/4541 - Land East of Haywards Heath Road, Balcombe, RH17 6NL. | 35 - 100 |
| 7. | DM/19/1235 - Land South of Bolney Road, Ansty, RH17 5AN. | 101 - 122 |
| 8. | DM/19/1341 - Clockfields Development Site, North Street, Turners Hill, RH10 4AR / RH10 4NS. | 123 - 138 |

Working together for a better Mid Sussex

9. DM/19/1613 - Ashplats House, Holtye Road, East Grinstead, RH19 3EZ. **139 - 182**
10. DM/19/2639 - Armstrong Bodyshop Ltd, Armstrong Auto Services, Copthorne Common Road, Copthorne, RH10 3LF. **183 - 190**

Items Recommended for Refusal.

11. DM/19/0060 - Slaugham Manor, Slaugham Place, Slaugham, West Sussex, RH17 6FT. **191 - 232**

Other Matters.

12. TP/19/0009 - Woodland North of Bolney, London Road, Bolney, RH17 5PY. **233 - 236**
13. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Thursday, 15th August, 2019
from 7.00 - 7.06 pm**

Present: P Coote (Vice-Chair)

G Allen	R Eggleston	D Sweatman
R Cartwright	A MacNaughton	N Walker
E Coe-Gunnell White	C Phillips	
J Dabell	M Pulfer	

Absent: Councillors G Marsh

In the absence of Councillor Marsh as Chairman, the acting Chairman proposed that Councillor Sweatman be appointed Vice Chairman for the duration of this meeting. This was agreed by the Members.

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Marsh.

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

None.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 25 JULY 2019.

The Minutes of the meetings of the Planning Committee held on 25 July 2019 were agreed as a correct record and signed by the Chairman.

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

The Chairman confirmed that he had no urgent business.

5 DM/19/1288 - 1ST HASSOCKS SCOUT GROUP, SCOUT HEADQUARTERS, PARKLANDS ROAD, HASSOCKS, BN6 8LF.

The Chairman introduced the report and confirmed with Members that they did not require a presentation from officers. He took Members to the recommendation to approve, which was moved by Councillor Walker and seconded by Councillor Sweatman. This was agreed unanimously.

RESOLVED

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

6 DM/19/1922 - COURT BUSHES SPORTS GROUND, WILLOW WAY, HURSTPIERPOINT, BN6 9TH.

The Chairman introduced the report and confirmed with Members that they did not require a presentation from officers.

A Member requested that a condition be put in place to ensure that the paint on the container remained a suitable colour.

Steven King, Planning Applications Team Leader, confirmed that the condition can be included.

The Chairman took Members to the recommendation to approve with the additional condition, which was moved by Councillor MacNaughton and seconded by Councillor Sweatman. This was agreed unanimously.

RESOLVED

That permission be approved subject to the conditions outlined at Appendix A and the following additional condition

The shipping container hereby approved shall be retained in the colour green as it was painted at the time of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character of the area and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

7 DM/19/2297 - 15 FOLDERS CLOSE, BURGESS HILL, RH15 0TA.

The Chairman introduced the report and confirmed with Members that they did not require a presentation from officers. He took Members to the recommendation to approve, which was moved by Councillor MacNaughton and seconded by Councillor Coe-Gunnell White. This was agreed unanimously.

RESOLVED

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

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

None.

The meeting finished at 7.06 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

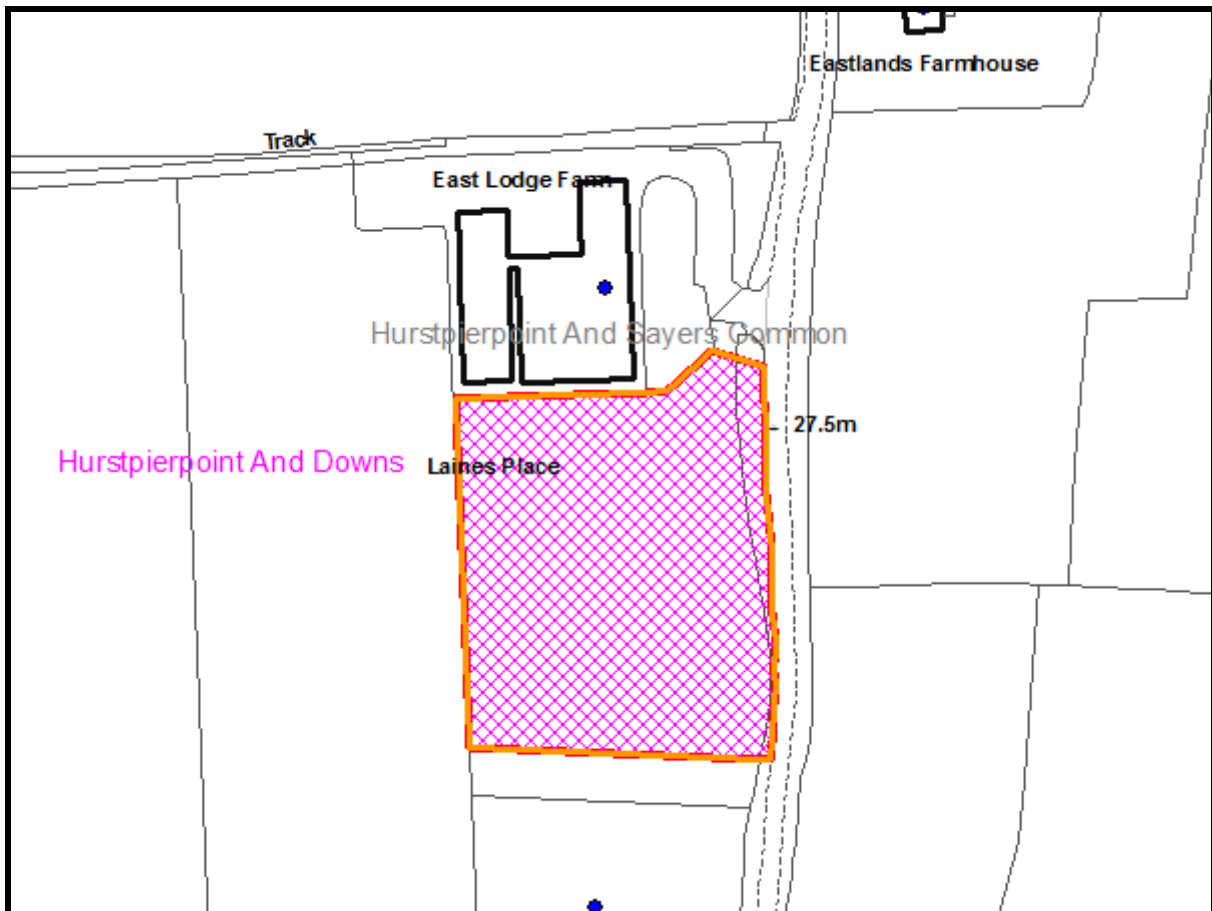
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/18/4419



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**EAST LODGE FARM MALTHOUSE LANE HURSTPIERPOINT HASSECKS
PROPOSED CONSTRUCTION OF CLASS B1 (BUSINESS) BUILDING
WITH CARPARK, NEW VEHICLE ACCESS AND ASSOCIATED
LANDSCAPING. AMENDED PLANS RECEIVED 30TH JULY SHOWING
REVISED DESIGN FOR THE BUILDING
MR W CHANNON**

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

ODPM CODE: Smallscale Major Offices

13 WEEK DATE: 30th January 2019

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

The site lies in the countryside as defined in the District Plan (DP) and so that starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District and they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there is an extant planning permission on this site for a redevelopment to provide a building containing B1 business floor space. The fact that this consent could be implemented is a fall-back position for the applicants.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. As such there is support for the principle of the development in policies

DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building, but this would be less than substantial as defined in the National Planning Policy Framework (NPPF). As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 PLBCAA Act 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. However, that 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.

It is considered that there would be significant public benefits from the proposal. The scheme would provide high quality business floor space for hi-tech firms that will benefit the local economy. The scheme will result in a well designed and landscaped building on a site that has the benefit of an extant planning permission. It is therefore considered that in this case the less than substantial harm that has been identified above is outweighed by the public benefits of the proposal.

It is considered that the building is of a suitable design to now comply with policy DP26 of the DP. Whilst the proposal will result in the loss of some hedgerow and a tree to create the new access, it is proposed to have a comprehensive landscaping scheme containing new planting. Overall it is felt that policy DP37 of the DP is met.

The access to the site is satisfactory and the proposal will not result in a severe impact on the highway network. Whilst most trips to the site are likely to be made by car, this would also be the case with the extant permission on the site. Overall it is not felt that there is conflict with policy DP21.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

Recommendation

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

SUMMARY OF REPRESENTATIONS

1 letter of support:

- shows remarkable alignment to the "pro-business" strategy adopted by MSDC.
- The intelligent attention to the sympathetic building design along with careful consideration to the landscaping is very suited to the environment.
- It is a very good use of a parcel of land which has laid waste for many years, is adjacent to another business location and the proposed battery storage facility.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

To be reported.

Conservation Officer

The proposal has been amended in terms of the detailed design and elevational treatment of the proposed new building. This however does not address the concerns previously raised in relation to the principle of development of this nature on this site, and the impact that this will have on the character of the wider setting of an approach to the listed building at Kent's Farm and the associated historic farmstead.

For the reasons previously given, I consider that the proposal will be harmful to the setting of Kent's Farm and the manner in which its special interest is appreciated. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 would apply.

Urban Designer

I raise no objections. To secure the quality of the design, I would recommend conditions requiring the submission of the following drawings / material to be subject to further approval.

Tree Officer

The method statement, AIA and landscape plans all appear satisfactory, apart from the area of wildflower meadow which is unlikely to succeed in this area on a very heavy clay soil. Future problems often occur with establishment, maintenance and complaints arise for the area looking overgrown and neglected.

If permission is granted, please condition adherence with all the attached documents, but you may wish to attach a condition requiring additional details/alternatives for this area.

While the loss of a mature oak is regretted, it appears that sufficient mitigation planting will take place, in some cases using heavy standards.

Drainage Engineer

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL

Recommendation: Permission is granted - subject to no further development of the site and no illuminated signs on the road. Oak trees subject to TPO's.

INTRODUCTION

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

RELEVANT PLANNING HISTORY

Planning permission was granted in December 2007 under reference 07/03319/FUL for the demolition of existing disused chicken coop, removal of existing portacabin construction of new building to create new B1 floorspace, new carpark and associated landscaping. The buildings that used to occupy the site were subsequently demolished and the site was cleared.

A subsequent application for a lawful development certificate (LDC), reference DM/17/4445 was approved in January 2018. This LDC established that the 2007 planning consent was still extant and could be implemented as works had commenced to implement it within the time limit of that permission. As such the fact that the 2007 consent could still be implemented is a fall-back position and is a material planning consideration.

SITE AND SURROUNDINGS

The site of the application lies to the west of Malthouse Lane. The site has been cleared of all buildings.

To the north of the site is Contego Workwear, a former poultry shed building that has been converted to a storage use. To the south of the building there is a rise in levels and then open fields. To the east there is a hedge around 1.6m in height along the roadside. To the west behind the main building there is a rise in levels and then fields. The site is within the countryside as defined in the District Plan.

APPLICATION DETAILS

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

The plans show that a new access would be formed at the southern end of the site onto Malthouse Lane. The site layout would provide for car parking to the front (east) and to the rear (west) of the proposed building. There would be 82 car parking spaces provided.

The proposed building would be two storeys in height with a footprint measuring 18m by 64m and a flat roof 9m in height. Internally the building would provide offices, research areas, laboratories, storage areas.

The applicants have provided a supporting statement with their application that explains the reasoning for the proposal. In summary they state:

- The proposed building is to be the new group headquarters for Cells4Life Group LLP, Stabilitech Biopharma Ltd, both based within the Burgess Hill area, and CyteTech, currently based in Uckfield. All three companies require new premises to meet their expansion objectives.
- The Applicant, Cells4Life Group LLP ("Cells4Life") provides a private umbilical cord blood stem cell collection and storage service. Cord blood storage involves collecting blood from a newborn's umbilical cord and placenta following birth and storing it for future medical use.
- Stabilitech Biopharma Ltd and CyteTech are sister companies to Cells4Life. Stabilitech is a biotechnology company which aims to change the way vaccines are made and taken.
- All three are experiencing significant growth and as a result, their existing premises cannot now accommodate the need for additional floor space and administrative support facilities. The application site at East Lodge Farm provides an ideal opportunity for the construction of a building of the right size and location (close to Burgess Hill) that will allow both businesses to grow.
- Cells4Life and Stabilitech Ltd are both already located within Burgess Hill and employ local people. The proposed building will allow the expansion of both companies and will enable them to remain in the local area. This in turn will benefit the local economy whilst at the same time ensuring that the character of the countryside is protected with an appropriately designed building. The proposal will therefore support the sustainable growth and vitality of the local economy and local area. CyteTech Ltd is based in Uckfield and would benefit from being located alongside Cells4Life as the companies share management and resources.

LIST OF POLICIES

Mid Sussex District Plan

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

DP1 Sustainable economic development
DP12 Protection and enhancement of countryside
DP14 Sustainable rural development and the rural economy
DP21 Transport
DP26 Character and design
DP29 Noise, air and light pollution
DP34 Listed buildings and other heritage assets
DP37 Trees, woodlands and hedgerows
DP39 Sustainable design and construction
DP41 Flood risk and drainage

Neighbourhood Plan

Hurstpierpoint and Sayers Common Neighbourhood Plan

The HSCNP was made in 2016 and forms part of the development plan for this part of Mid Sussex.

Policy Countryside Hurst C1 Conserving and Enhancing Character
Policy Countryside Hurst C3 - Local Gaps and Preventing Coalescence

ASSESSMENT

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

- The principle of development;
- Impact on heritage assets
- Design/layout
- Access and Transport
- Drainage
- Neighbour amenity
- Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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.

In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

As the site lies within the countryside, the starting point for an assessment of the application is policy DP12 of the DP. This states:

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

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

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 aim of the policy is to protect the character of the countryside. The policy allows for development in the countryside where it maintains or where possible enhances the quality of the rural landscape and is supported by a specific policy reference in the DP or Neighbourhood Plan.

In this case the proposed new building would clearly change the appearance of the site by introducing a new modern business building where there is currently no development. However the proposal would retain the majority of screening along the road frontage and the proposal includes a landscaping scheme for the whole site. It is also the case that there is an existing commercial business to the north of the site so the proposed building would not be seen in isolation. It is therefore felt that the overall character of the wider area in which this site lies would still be retained. It is also a material consideration that the 2007 consent is extant and that development could be completed. As such the principle of a redevelopment of the site has been accepted in the past and therefore the principle of a change to the character of the immediate site has been accepted.

Policy DP1 in the DP allows for new small scale economic development in the countryside. Policy DP14 in the DP allows for new small scale economic development in the countryside, provided that it is not in conflict with policy DP12. Policy DP14 states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
 - *it supports sustainable growth and the vitality of the rural economy; and*
 - *where possible, utilises previously developed sites.*
 - *diversification of activities on existing farm units will be permitted provided:*
 - *they are of a scale which is consistent to the location of the farm holding; and*
 - *they would not prejudice the agricultural use of a unit.*
 - *the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
 - *the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
 - *the appearance and setting is not materially altered; and*
 - *it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

Overall it is considered that there is support in the DP for the principle of the development.

Policy Countryside HurstC1 in the Neighbourhood Plan states *'Development, including formal sports and recreation areas, will be permitted in the countryside, where:*

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.'*

This policy has similar aims to policy DP12 in the DP and for the same reasons as outlined above, it is not considered that the proposal would conflict with this Neighbourhood Plan policy.

Policy Hurst C3 states *'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:*

*Hurstpierpoint and Hassocks;
Sayers Common and Albourne;
Hurstpierpoint and Albourne;
Hurstpierpoint and Burgess Hill.'*

It is not considered that the proposal will result in coalescence and therefore there is no conflict with this policy.

Impact on heritage assets

To the south of the site along Malthouse Lane and also to the west of the road is Kent's Farm House, which is a Grade II listed building. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm.

Section 66 of the Planning (Listed Buildings and Conservation Areas) (PLBCAA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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 DP states that development will be required to protect listed buildings and their settings and special regard will be given to protecting the setting of a listed building.

The Council's Conservation Officer considers that the application site lies within the setting of this building. In her comments on the revised proposal she states *'The proposal has been amended in terms of the detailed design and elevational treatment of the proposed new building. This however does not address the concerns previously raised in relation to the principle of development of this nature on this site, and the impact that this will have on the character of the wider setting of an approach to the listed building at Kent's Farm and the associated historic farmstead.'*

For the reasons previously given, I consider that the proposal will be harmful to the setting of Kent's Farm and the manner in which its special interest is appreciated. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 would apply.'

The applicants have provided a Heritage Report that is available on file for inspection. This report concludes that the proposal will not be harmful to the setting of Kents Farm House. The applicants report states *'The heritage report has carefully considered the importance of the listed building of Kent's Farm within setting. Although the proposed development would be situated within the setting of this listed building, as examined in this report, the proposed design is proportionate and will work with the existing topography of the area. The design will remain subservient to the listed building and not be harmful to its significance. The significance of the Grade 2 listed building will arguably be enhanced through the improvement of the existing site which is currently of poor quality in the rural landscape.'*

The applicant's heritage report notes that the topography of the site means that it is not highly visible from Malthouse Lane and that Kents Farm enjoys limited views of the site as a result of the vegetation between the site and the listed building.

It is considered that the proposed development does lie within the setting of the listed Kents Farm. Whilst the comments of the applicant's heritage report in relation to the existing vegetation screen are noted, it is not felt that undue reliance should be placed on this point since this vegetation screen could change over time.

It is considered that the proposal would impact on the setting of the heritage asset and that this would result in some harm as a result of the change from a currently undeveloped site to a site with a modern two storey commercial building. It is considered that this harm would be 'less than substantial' as defined in the NPPF. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 PLBCAA Act 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. However, that 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. An assessment of both the benefits of the proposal and other material planning considerations will be set out later in this report.

Design/layout

Policy DP26 seeks a high standard of design in new development and this is also reflected in the NPPF's support for good design. The design has evolved through negotiation with officers during the course of the application. The Councils Urban Designer has stated *'The revised drawings are nevertheless an improvement upon the originally submitted drawings which had unfortunately monotonous facades. In particular the main elevations are better modelled with the addition of unusual scissor-profiled columns that vertically articulate and give the façade some depth*

and individuality. They have also been improved with the adoption of a glass curtain-wall type system that avoids the overt horizontal banding and should give the building a lighter feel. The flat-roofed canopy in place of the previous curved roof also coordinates more successfully with the proposal's rectilinear geometry.

More comprehensive landscape proposals have also been submitted that show the impact of the development from the road has been minimised with much of the existing hedgerow retained to maintain the rural character of Malthouse Lane.

The landscape plans and section drawings also show a modest mound and tree planting on the western boundary which will help screen the scheme and car parking from the wider countryside.'

It is undoubtedly the case that the proposed building will make a significant change to this site compared to its current state. However whilst the site is currently cleared, there is an extant planning permission that could come forward on the site. In your officers view it is considered that the proposed building is now of a suitable design quality. It is therefore felt that policy DP26 of the DP is met.

Policy DP39 in the DP relates to sustainable design and construction. It seeks to improve the sustainability of development through, amongst other things, minimising energy use and using renewable sources of energy.

The applicants have submitted a sustainability statement with their application. They state that they will be seeking to reduce energy use from the building by exceeding the minimum requirements of the building regulations in relation to floors, roofs, walls and glazing. The sustainability statement also refers to how the applicants are considering minimising energy use in the heating and water system within the building through heat pump technology and smart control systems.

Overall it is considered that the applicants have sought to improve the sustainability of the building as required by policy DP39.

Impact on Trees and Ecology

Policy DP38 in the DP seeks to protect and enhance biodiversity.

The application is accompanied by a Preliminary Ecological Assessment (PEA). The habitat present as recorded in the site plan are improved grassland and scattered scrub with a hedgerow and mature oak along the eastern boundary and mature trees along the southern boundary. There are previously cleared areas and piles of rubble. The development site has areas that could offer refuge for GCN and other amphibians and reptiles, but no significant water features that could provide breeding habitat. No protected species were found at the site.

The proposal would require the removal of two category C trees and one category A tree. The category A tree is an Oak located on the eastern boundary within the hedgerow, which is required to be removed to accommodate the car park. Policy DP37 in the DP states in part '*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a*

group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.' The loss of the category A tree on the road frontage is regretted. However the scheme is accompanied by a proposed landscaping scheme that includes planting of 4 extra heavy standard nursery stock trees along the eastern boundary to the road frontage and further heavy standard tree planting on the western boundary. As such, in the longer term it is not considered there would be a conflict with policy DP37 since the additional tree planting that is proposed will enhance the character of the area.

The new access point on the eastern boundary would require the removal of a section of hedgerow some 28m in length. The plans also show the replanting of some 30m of hedgerow at the north eastern side of the site where the existing access point would be closed up and elsewhere around the boundary of the site.

Overall it is considered that there would be an improvement in relation to trees and landscaping around the boundaries of the site as a result of the proposal. As the such the proposal would comply with policy DP37 of the DP.

As the proposal would involve the removal of a section of hedgerow and a mature Oak it is considered to be necessary to impose a planning condition that will set out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction. With such a safeguarding condition in place it is considered that policies DP37 and DP38 of the DP are complied with.

Access and Transport

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.'

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposed new access is of sufficient width to allow 2 cars to pass clear of the public highway and to allow for a large articulated vehicle to enter the site and turn in order to leave the site in a forward gear.

Visibility from the access is 90m in both directions which is in accordance with the measured 85thile speeds along Malthouse Lane and therefore acceptable to the Highway Authority.

With regards to vehicular movements, the TRICS database has identified the development will result in 42 two-way vehicle trips in the morning peak hour and 38 two-way trips in the evening peak hour. The Highway Authority have estimated that of the traffic distribution onto Malthouse Lane 75% is from A273 and 25% from B2116 which would result in 29-32 additional movement using the junction onto A273. The applicants have carried out further modelling work in relation to the capacity of this junction and state *'sensitivity analysis shows that even with an additional 50% of traffic on Jane Murray way, the Malthouse Lane-Jane Murray Way junction will still operate satisfactorily.'* The Highway Authority have assessed this

further modelling and have advised that they do not raise any objections based on the capacity of the junction.

With regards to the accessibility of the site, whilst close to Burgess Hill, there is no footway alongside the road and the road is not street lit. Accordingly it is likely that the majority of trips to the site would be made by car. However it should be recognised that there is an extant scheme on the site for a commercial development to which this point would also have applied. In light of this it is not felt the fact that most trips to the site are likely to be made by car would warrant a refusal of the scheme.

At the time of writing this report further comments from the Highway Authority were awaited. However it is not anticipated that they will raise an objection to the scheme

Drainage

Policy DP41 in the DP seeks to ensure that sites can be satisfactorily drained without causing a risk to flooding off site.

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.

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. This approach would not normally be acceptable for habitable dwellings. In this case, the Councils Drainage Engineer has advised that there is no other way of draining this site, they consider this to be acceptable. There will be a requirement for the Council to approve 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. This can be secured by a planning condition.

Foul water will utilise a foul water treatment system. Again the details of this can be controlled by a planning condition.

The Councils Drainage Engineer has no objection to the proposal and the application therefore complies with policy DP41 of the DP.

Neighbour amenity

Policy DP26 seeks to avoid development that cause significant harm to neighbouring amenity. In this case the nearest neighbouring properties are Eastlands Farmhouse, some 105m to the northeast and 2 Kents Farm Cottages, some 140m to the south.

It is not considered that the proposed development would cause any loss of amenity to Eastlands Farmhouse due the distances between the properties. Likewise, it is

considered that the distance between the properties and the intervening screening will prevent any loss of amenity to the occupiers of 2 Kents Farm Cottages.

The Councils EHO has recommended conditions to control the hours of use of the building. It is considered that given the rural location of the site this would be reasonable.

Land contamination

The Councils Contaminate land Officer has recommended that a contaminated land condition be imposed to ensure that this is investigated and if any contamination is found, it is dealt with appropriately. With such a condition in place this issue will be properly addressed.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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.

Planning Balance and Conclusion

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

The site lies in the countryside as defined in the District Plan (DP) and so that starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District and they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there is an extant planning permission on this site for a redevelopment to provide a building containing B1 business floor space. The fact that this consent could be implemented is a fall-back position for the applicants.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this

development. As such there is support for the principle of the development in policies DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building, but this would be less than substantial as defined in the National Planning Policy Framework (NPPF). As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 PLBCAA Act 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. However, that 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.

It is considered that there would be significant public benefits from the proposal. The scheme would provide high quality business floor space for hi-tech firms that will benefit the local economy. The scheme will result in a well designed and landscaped building on a site that has the benefit of an extant planning permission. It is therefore considered that in this case the less than substantial harm that has been identified above is outweighed by the public benefits of the proposal.

It is considered that the building is of a suitable design to now comply with policy DP26 of the DP. Whilst the proposal will result in the loss of some hedgerow and a tree to create the new access, it is proposed to have a comprehensive landscaping scheme containing new planting. Overall it is felt that policy DP37 of the DP is met.

The access to the site is satisfactory and the proposal will not result in a severe impact on the highway network. Whilst most trips to the site are likely to be made by car, this would also be the case with the extant permission on the site. Overall it is not felt that there is conflict with policy DP21.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement

2. Prior to the construction of any development above slab level the following details shall be submitted to the Local Planning Authority for approval.
 - 1:20 scale elevational vignette and section drawing of the central bay that also shows the front entrance and canopy.
 - A revised site section drawing (no.233) particularly showing the relationship of the building and car parking and embankment along the western boundary of the site.
 - Facing materials including the fenestration.

The development shall be implemented in accordance with these approved details.

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

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

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

Pre occupation

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

Post occupation

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

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

6. Hours of use of the units shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Weekends and Public Holidays: 08:00 - 18:00 hrs

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

7. Deliveries or collection of goods, equipment or waste shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

8. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc.) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to comply with policy DP29 of the District Plan 2014-2031.

9. External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (designs for Lighting Ltd. Ref 0697-DFL-LS-001 and Lighting Plan rev B) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.

Reason: To protect the character of the area and to comply with policy DP29 of the District Plan 2014-2031.

Construction phase

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

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

Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

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

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	233-L	D	31.10.2018
Proposed Floor Plans	233-P1	I	31.10.2018
Proposed Elevations	233-PE	J	31.10.2018
Proposed Floor Plans	233-PG	I	31.10.2018
Block Plan	233-PL	E	31.10.2018
Proposed Sections	233-PSA	F	31.10.2018
Lighting Layout/Light Pollution	0697	B	31.10.2018
Proposed Elevations	233 PAE	A	30.07.2019
Proposed Elevations	233 PE	R	30.07.2019
Proposed Floor Plans	233 P1	J	30.07.2019
Proposed Floor Plans	233 PG	J	30.07.2019
Block Plan	233 PL	H	30.07.2019
Location Plan	233 L	E	30.07.2019
Landscaping Details	LLD1685-ARB-DWG-001	01	01.05.2019
Landscaping Details	LLD1685-LAN-DWG-200	01	01.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommendation: Permission is granted - subject to no further development of the site and no illuminated signs on the road. Oak trees subject to TPO's.

Highway Authority

To be reported

Conservation Officer - Emily Wade

The application site is an open field to the south of East Lodge Farm, to the west of Malthouse Lane. East Lodge Farm now appears to be in use as a light industrial site or similar, although the buildings retain an agricultural character. Further south along Malthouse Lane and also to the west of the road is Kent's Farm House, which is a Grade II listed building. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm. Although there appear to be a number of modern agricultural buildings on the site, Kent's Farm including the former farmhouse is recognised in the West Sussex Historic Farmstead and Landscape Character assessment as a Historic Farmstead dating to the 17th century. The farmstead including any surviving earlier farm buildings would be regarded as a non-designated heritage asset. The farm is visible from Malthouse Lane; the farmhouse itself is well screened by hedges and trees along the road frontage but may be visible in glimpsed views in winter.

The current proposal is for the erection of a two storey B1 building with associated car parking, access and landscaping. The building has a functional contemporary appearance and is shown with an insulated cladding system and central doorway with portico.

In my opinion, development on this site is likely to be contentious in principle. As a former farmhouse and historic farmstead, the rural setting of the group of heritage assets at Kent's Farm makes a strong positive contribution to their special interest and the manner in which this is appreciated. Development on the site in question would have a fundamental impact on its open and rural nature, and would detract from the currently largely rural character of the approach to the historic farmstead travelling south along Malthouse Lane. The impact of the currently proposed development would be exacerbated by its scale, bulk, design and materials, which are completely unsympathetic to the rural location.

In my opinion therefore the proposal fails to meet the requirements of District Plan Policy DP35. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Additional comments

Having read and considered the submitted Heritage Statement I have nothing to add to my previous comments on this scheme, other than that I consider that the Statement places undue emphasis on intervisibility between the site and the farmstead at Kent's Farm, and does not properly consider the impact on the broader setting of the farm and in particular the approach along Malthouse Lane. I also do not agree with the assessment at 5.1 of the limited visibility from Malthouse Lane of the proposed substantial two storey building, or of the contribution made by the site to the setting of the listed building and historic farmstead.

I remain of the opinion that the proposal is harmful to the setting of the listed building and historic farmstead, contrary to Policy DP34 of the District Plan.

Urban Designer – Will Dorman

The overall shape and size of the building is the same as the original submission, and its overtly commercial appearance has a less sympathetic and more imposing relationship with the countryside than the 2007 consented scheme (07/03319/FUL) which was limited to a single storey and reduced its impact upon the landscape by employing timber facing and traditional pitched roof and a lower eaves.

The revised drawings are nevertheless an improvement upon the originally submitted drawings which had unfortunately monotonous facades. In particular the main elevations are better modelled with the addition of unusual scissor-profiled columns that vertically articulate and give the façade some depth and individuality. They have also been improved with the adoption of a glass curtain-wall type system that avoids the overt horizontal banding and should give the building a lighter feel. The flat-roofed canopy in place of the previous curved roof also coordinates more successfully with the proposal's rectilinear geometry.

More comprehensive landscape proposals have also been submitted that show the impact of the development from the road has been minimised with much of the existing hedgerow retained to maintain the rural character of Malthouse Lane.

The landscape plans and section drawings also show a modest mound and tree planting on the western boundary which will help screen the scheme and car parking from the wider countryside.

In conclusion I raise no objections. However, to secure the quality of the design, I would recommend conditions requiring the submission of the following drawings / material to be subject to further approval:

- 1:20 scale elevational vignette and section drawing of the central bay that also shows the front entrance and canopy.
- A revised site section drawing (no.233) particularly showing the relationship of the building and car parking and embankment along the western boundary of the site.
- Facing materials including the fenestration.

Tree Officer

The method statement, AIA and landscape plans all appear satisfactory, apart from the area of wildflower meadow which is unlikely to succeed in this area on a very heavy clay soil. Future problems often occur with establishment, maintenance and complaints arise for the area looking overgrown and neglected.

If permission is granted, please condition adherence with all the attached documents, but you may wish to attach a condition requiring additional details/alternatives for this area.

While the loss of a mature oak is regretted, it appears that sufficient mitigation planting will take place, in some cases using heavy standards.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. Discharge limited to 3.3ls-1. We would not normally consider this approach. However, as the proposed development is not for habitable dwellings and the fact that there is clearly no other way of drainage this proposed development, we have allowed this approach.

The development is shown to be able to cater for the 1 in 100 year storm event plus 40% for climate change.

Moving forward, 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.

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

The proposed development drainage will need to:

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

Flood Risk

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

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

Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. Discharge limited to 3.3ls-1.

Foul Water Drainage Proposals

It is proposed that the development will utilise a foul water treatment system.

Suggested Conditions

C18F -

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide:

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

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

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

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

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

4.

Outfall to Watercourse:

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

5.

Outfall to Public Sewer:

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

8.

Watercourse On or Adjacent to Site:

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

Contaminated Land Officer

Main Comments:

The application looks to construct a commercial building with a car park.

A contaminated land risk assessment by Environmental Assessment Services Ltd (Ref: NJA/EastlodgeFrm/CRA), dated October 2018 has been submitted with the application. This report has been assessed and has been found to meet the necessary standards.

While the investigation found a number of contaminants, none of them were above the guidance value for commercial use, and the risk to end users is seen as minimal. However there is some risk to ground workers for the development, future maintenance workers, and supply services.

As identified by Environmental Assessment Services Ltd, the report should be submitted to the local water company to establish what protective piping is required for potable water.

With regards to site works, this is health and safety matter, and while the developer will need to follow the recommendations made, it is not something Environmental Protection would comment on.

While none of the contaminants found exceeded guide line values for commercial use, due to the findings a discovery strategy condition should be applied. This is to ensure that works stop if any further possible contamination is found during ground works, investigated, and remediated if required. The developer will need to confirm prior to occupation whether any further contamination was found, and if so, how it was dealt with.

Recommendation:

Approve with a condition:

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

Environmental Health Officer

The application is in a rural setting, approx. 110m from the nearest residential property.

On this basis, residential amenity is unlikely to be affected by office use, including use of the car park. To keep aligned with the rural setting it is suggested that hours of use be restricted to daytime only. A lighting scheme has been submitted which is sensitive to the rural setting. Accordingly, should planning permission be granted, recommended conditions are as follows:

Conditions:

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- **Hours of Use (operational):** Hours of use of the units shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Weekends and Public Holidays: 08:00 - 18:00 hrs

- **Deliveries (operational):** Deliveries or collection of goods, equipment or waste shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents

- **Plant & Machinery (operational):** Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc.) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents

- **Lighting:** External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (designs for Lighting Ltd. Ref 0697-DFL-LS-001 and Lighting Plan rev B) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.

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MID SUSSEX DISTRICT COUNCIL

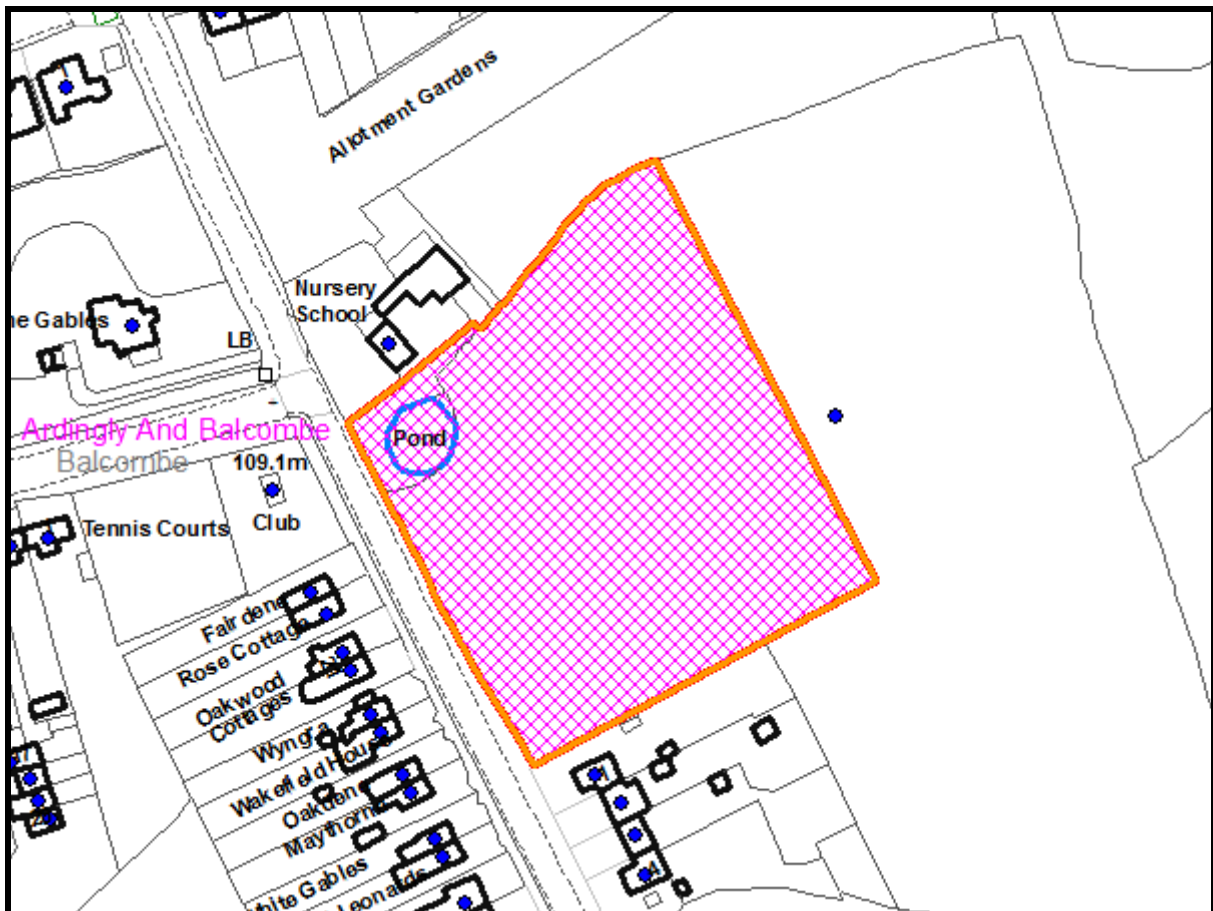
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Balcombe

DM/18/4541



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**LAND EAST OF HAYWARDS HEATH ROAD BALCOMBE WEST SUSSEX
ERECTION OF 16 NO. DWELLINGS AND ASSOCIATED DEVELOPMENT
(AMENDED PLANS AND DOCUMENTS RECEIVED 28TH MARCH 2019,
FURTHER AMENDED PLANS RECEIVED 29TH APRIL 2019).
RYDON HOMES LTD**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 4th June 2019

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Lesley Westphal

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road, Balcombe.

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

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

The application site is within the built confines of a Category 3 settlement and is a housing allocation in the Neighbourhood Plan, identified for approximately 14 dwellings. The site is also a housing allocation in the District Plan. The site lies within the High Weald Area of Outstanding Natural Beauty. The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of space standards and no likely significant effect on the Ashdown Forest SPA and SAC.

On the basis of the above, the application complies with policies DP4, DP6, DP16, DP17, DP20, DP21, DP22, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 the District Plan, policies 1, 2 and 3 of the Balcombe Neighbourhood Plan and paras 8, 108, 124, 127 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure affordable housing and 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 affordable housing and infrastructure contributions by 5th December 2019, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the provision of affordable housing and infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Letters of OBJECTION were received from 17 households, concerning the following issues:

- Provision should be made for renewable energy
- This scheme should make provision for traffic calming and a public crossing
- Increased traffic volume on local roads leading to highways safety issues
- Damage to highways verges particularly during construction
- The site requires larger visibility splays to ensure highways safety on this busy road
- The scheme should incorporate a public footpath to allow continued access through the site - as has been the case for many years
- The countryside should not be urbanised by creating cul de sacs
- Parking barns should be eliminated
- Insufficient local infrastructure to support more new homes
- Adverse impact upon the environment of the nursery adjacent to the site
- Loss of an existing view for local residents
- Harm to protected species and rare flora and fauna on site
- Noise, disturbance and light pollution to existing residents from increased traffic
- Adverse impact to neighbouring dwelling
- Loss of agricultural land

SUMMARY OF CONSULTEES

The full response from the consultees can be found in Appendix B of this report.

WSCC Highways

No Objection subject to conditions

WSCC Flood Risk Management

No objection subject to conditions

WSCC County Planning Officer

S106 Contributions:

- £64,225 towards Primary Education
- £69,120 towards secondary education
- £6,302 towards libraries
- £56,363 Total Access Demand

County Landscape Architect

No objections.

WSCC Heritage Conservation Team - Archaeology

No objection

MSDC Community Services

S106 Contributions:

- £31,524 for play equipment and kickabout provision
- £19,622 towards the Balcombe skateboard park
- £11,254 towards improvements to Victory hall

MSDC Urban Design

No objection

MSDC Drainage

No objection subject to conditions

MSDC Street numbering

No objection

MSDC Housing Enabling and Development

No objection subject to appropriate S106 Agreement

MSDC Conservation Officer

No objection

MSDC Tree Officer

No objection

MSDC Ecology Consultant

No objection

High Weald AONB Unit

Advisory comments only

Southern Water

Recommend an informative regarding connection to the public sewerage system and condition regarding provision of details relating to foul and surface water disposal.

Sussex Police

Advisory comments in respect of Designing out Crime perspective regarding the design and layout, parking barns, fencing and lighting .

Balcombe Parish Council

Express concerns regarding:

- Parking and highways;
 - Use, layout and maintenance of open space;
 - Maintenance of roads verges and footways;
 - Impact on setting of adjacent nursery building;
 - Design of some of the houses;
 - Renewable energy;
 - Accessibility;
 - Housing mix;
 - Infrastructure funding
-

INTRODUCTION

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road Balcombe.

RELEVANT PLANNING HISTORY

N/A

SITE AND SURROUNDINGS

The site comprises part of a wider pasture with boundary hedgerows and a pond in the north west corner. The site is bordered to the north by a nursery school and grassland fields with allotments and residential housing beyond. To the east of the site are arable fields with woodland beyond. To the west of the site is Haywards Heath Road with residential housing beyond, whilst to the south of the site are residential houses fronting Haywards Heath Road, fields to the rear and woodland beyond. The site lies within the identified built confines of the village.

The site and surrounding village lies within the High Weald Area of Outstanding Natural Beauty. Beyond the site boundaries, outside the confines of the village, lies an area of countryside restraint.

The site slopes downhill from the highway towards the eastern boundary, whilst the site boundaries are a mixture of hedging and trees. In the north west corner of the site lies a pond. Access is via a centrally placed gate along the front boundary. As a result of the slope of the land, views across the wider AONB to the east are available from the entrance and above the boundary hedging along the front of the site.

The surrounding area within the village, apart from the nursery to the north, is in residential use with a variety of property sizes and designs.

APPLICATION DETAILS

The application proposes the erection of 16 new homes set around a central vehicular access and set back from the front boundary, broadly level with the rear of the adjacent Barnfield Cottages, by green open space, with a green landscaped swathe of land, including a line of swales running parallel to the access road through the centre of the site to the rear. This would be separated from the rear site boundary by an open, planted swathe of land accommodating a circular path round the open space, an attenuation basin and pumping station. Views through the site to the countryside beyond the site would be available through the central access road and open green space.

The housing is set either side of the central access and comprises one terrace of 3 dwellings, one pair of semidetached houses and 11 detached houses. These would provide 4 x 2-bedroom houses, 7 x 3-bedroom houses and 5 x 4-bedroom houses. Parking would be provided in the form of integral and detached garaging and parking spaces for the larger units, detached shared car barns for all but two of the smaller

units and the pair of semi-detached houses would rely upon off street parking spaces.

The affordable housing units would comprise the terrace of 3 x 2 bed units and the pair of 3 bedroom semi-detached units.

The houses would all be two stories in height with pitched tiled roofs. The elevations have been amended to respond to the concerns of the Council and are now considered acceptable. They feature a mixture of brick, tile hung and weather boarded elevations, and details including porches, chimneys, projecting bays, hipped roof forms, brick and tile detailing, all designed to reflect design features found within the existing village. At the front of the site two detached houses, part of the terrace and one pair of semi-detached houses would face onto the highway, albeit all set back behind a landscaped swathe of land. The terrace of houses would face onto the access road with the unit nearest the front of the site being designed to address both the access road and the front of the site. The houses behind would face onto the access road through to the rear of the site, where the larger houses would be located and some of which would address the open space at the rear of the site.

The boundary treatments proposed varies across the site with 1.2m high post and rail fencing along the front boundary behind the hedgerow and also where adjacent to the proposed open space at the rear of the site and where adjacent to surrounding countryside. Private gardens would be separated by a mixture of 1.8m high fencing, brick walls and brick walls and hedging.

LIST OF POLICIES

District Plan

- DP4 - Housing
- DP6 - Settlement hierarchy
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP20 - Securing Infrastructure
- DP21 - Transport
- DP22 - Rights of Way and other Recreational Routes
- DP24 - Leisure and Cultural Facilities and Activities
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP30 - Housing mix
- DP31 - Affordable Housing
- DP37 - Trees woodlands and Hedgerows
- DP38 - Bio diversity
- DP39 - Sustainable Design & Construction
- DP41 - Flood risk and Drainage
- DP42 - Water Infrastructure and the Water Environment

Supplementary Planning Documents (SPDs)

Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

Affordable Housing SPD

Development Viability SPD

Neighbourhood Plan

The Balcombe Parish Neighbourhood Plan (NP) has been made so forms part of the development plan with full weight. The most relevant policies are:

Policy 1: Built up Area Boundary

Policy 2: Housing Site Allocations

This site is identified as Barn Field and the NP advises:

"The site has been assessed as having a medium landscape impact leading to the loss of some views of the countryside for the houses opposite the site. A small scheme of approximately 14 dwellings on 0.5 Ha of the site will mitigate this impact. Policy 2 requires any planning application to provide a satisfactory vehicular and pedestrian access into the site. Based on the outcomes of design investigations, consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road.

A successful scheme will likely comprise houses set back from the road and siding with the road toward the downward slope of the hill, to minimise the impact on the houses opposite. Small but distinct groups of dwellings with a form and height reflecting the immediate context of the group may be suitable. The streetscape should not be disrupted by multiple access points and the highway boundary can be defined by a hedgerow as exists. The building line of houses should be no closer to the road than the current building line of the southern elevation of Barnfield Cottages".

Policy 3: Design

Balcombe Parish Neighbourhood Plan Design Guide

The following paragraphs/elements are considered relevant:

3.2.1 Quality

3.2.2 Sustainability

3.2.3 The Car

A Toolkit - Location - Open Land

A Toolkit - Scale and Streetscene

A Toolkit - Materials

A Toolkit - Parking

A Toolkit - Boundary Treatments

A Toolkit - Access Roads, Footways and Cycle Provision

National Policy and Other Legislation

National Planning Policy Framework (NPPF) February 2019

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

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

"For decision-taking this means:

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

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

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

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.

National Planning Practice Guidance

Technical Housing Standards

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

Assessment

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

- The principle of development
- Design and Impact on Visual Amenity including the Area of Outstanding Natural Beauty
- Residential Amenity
- Highways, Access and Car Parking
- Ecology
- Affordable Housing
- Housing Mix
- Ashdown Forest
- Trees
- Infrastructure
- Drainage and Flooding
- Sustainability
- Other Planning Issues
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

The site lies inside the identified settlement boundary of the village of Balcombe and therefore District Plan Policy DP6 is relevant which accepts the principle of development within the built confines of towns and providing it is of an appropriate nature and scale and would not cause harm to the character and function of the settlement.

The Balcombe Parish Neighbourhood Plan identifies the site for residential development of approximately 14 dwellings comprising a mix of 2, 3 and 4 bedroom dwellings as long as it provides a satisfactory vehicular and pedestrian access into the site.

Subject to compliance with the other relevant policies within the development plan, the principle of development is therefore acceptable.

Design and Impact on Visual Amenity Including the AONB

District Plan Policy DP26 addresses issues of character and design and seeks to ensure that:

- all development is of high quality design and layout and includes appropriate landscaping and green space
- contributes positively to and clearly defines public and private realms, designed with active building frontages to streets and public open spaces
- creates a sense of place while addressing the character and scale of 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;
- creates a pedestrian friendly layout that is safe well connected legible and accessible
- incorporates well integrated parking
- positively addresses sustainability considerations
- optimises the potential of the sited to accommodate development

In terms of protection of the AONB, District Plan Policy DP16 advises that development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. Of particular relevance are:

- considerations of the identified landscape features or components of natural beauty and their setting

- the character and local distinctiveness, settlement pattern, sense of place and setting of the AONB
- conservation of wildlife and cultural heritage

The Neighbourhood Plan at paragraph 5.18 refers to the landscape impact considering that the development of the site would have a medium landscape impact leading to the loss of some countryside views for the houses opposite the site. A small scheme is considered the way in which to mitigate this impact. As detailed above the Neighbourhood Plan also sets out a potential design solution to the site.

The submitted Landscape and Visual Impact Assessment concludes that there would be potential impacts upon townscape/landscape character which would result from the loss of tranquillity during construction and visibility of construction activities. Permanent impacts are anticipated to result from some change to land levels as a result of building on a sloping site (a minor impact); some loss of hedgerows to create the entrance (minor effect), impacts resulting from the change from a field to a housing site resulting in a moderate impact. Impacts upon the existing settlement are considered to be negligible due to the layout and set back of the scheme from the highway and a negligible impact upon the Ardingly Reservoir Valley and surrounding hills.

The High Weald AONB Planning Unit makes recommendations in the event that the Council considers the development to be acceptable in principle. These relate to control of the materials proposed for use, the use of indigenous landscaping, control over lighting and drainage proposals that seek to restore the natural functioning of river catchments and avoid polluting watercourses.

The County Landscape Architect comments on the availability of views of the site from Mill Lane and the need for a good tree screen in order to screen and soften those views. Overall it is concluded that the scheme would ensure that a new well defined built up area boundary could be established. This extension into the countryside would have an acceptable impact on local landscape character and provide an opportunity for some enhancement. A landscaped area would be provided at both front and rear of the site in order to reduce the wider visual impact of the development scheme.

The Neighbourhood Plan envisaged a scheme with a potentially larger setback from the highway to protect the amenities of residents opposite. This scheme retains a smaller set back whilst still allowing the houses to front the highway at a level broadly level with the rear of the adjacent Barnfield cottages. It also allows a swathe of open land through the centre of the site running from the back edge of the highway through the site in an east-west direction and joining a substantial area of green open space at the rear of the site. This arrangement effectively focusses the development into two smaller areas surrounded by green open space resulting in views through the site and good visual connectivity between the highway and countryside beyond. The open space at the rear of the site provides a softer transition between the scheme and the undeveloped character of the adjacent countryside than if the development were to directly abut the rear boundary.

Gaps in the built form and the set back of houses from the highway to varying levels allows a green character along this part of Haywards Heath Road. This site would be set back further from the highway than the properties in Barn Meadow for instance, with a generous space available for planting. It is considered that sufficient green space and views around the site are proposed such as to not cause harm to the settlement pattern of the village.

In terms of the character of the scheme, changes have been made to respond to comments made by the Councils Urban Design Officer. He concludes that the revised elevations would evoke more of the rural character, that the units have better articulated frontages and more modelled roofs and that the site would offer a cohesive series of open spaces that join together to provide a potentially attractive swale which would allow a visual connection across the site.

The proposed housing offers a range of housing size, including affordable housing for the local community. It has been designed to offer a character that, whilst different to those dwellings close to the site, nevertheless reflects materials and building styles that are found in other housing in the village, are of a relatively modest scale and reflect the general character of the streetscene along Haywards Heath Road.

The surrounding AONB encompasses a range of development types that sit comfortably within the wider AONB and indeed the AONB washes over the village of Balcombe, encompassing a variety of building types and designs. The AONB Management Plan accepts the principle of more housing within the AONB, prioritising small scale schemes and a mix of housing sizes that responds to local needs. It emphasises the need to protect the settlement pattern and to ensure that development reflects the character of the High Weald in its scale, layout and design, suggesting the use of local materials to add to the area's distinctiveness.

Overall it is considered that the scheme would be compliant with the approach of those policies seeking to promote good design and protect the character of the village and wider AONB.

Residential Amenity

District Plan Policy DP26 advises that new 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, sunlight and noise, air and light pollution"*.

District Plan Policy DP27 requires compliance of all new dwellings with the nationally described space standards of internal floor space and storage space other than in exceptional standards.

In terms of neighbours amenities the proposed scheme only lies adjacent to one residential property - 1 Barnfield Cottages. Two houses would lie adjacent to the shared boundary with that property. That on plot 16 at the front of the site would face onto the highway, set back from the shared boundary and flank wall of the adjacent cottage by approximately 8m's. It and would be a little to the rear of 1 Barnfield

Cottages (some 4.5m's). The house on Plot 12 would lie approximately 26.5m's to the rear of 1 Barnfield Cottages, approximately 2.5m's from the shared boundary. There would be views between the two dwellings, but at such a distance that it is considered that no significant adverse impact would be caused.

The separation distances between the proposed houses and those on the opposite side of Haywards Heath Road are acceptable with a separation distance of over 36m's. The only other building within the close vicinity of the site is the adjacent Cranbrook Nursery, which would suffer no adverse impact from the scheme.

In terms of the amenities of future residents, the submitted floor plans indicate new dwellings that would comply with the Technical Housing Standards and within the scheme the layout, design and separation distances are considered to result in an acceptable residential environment. The scheme is therefore considered to comply with District Plan Policies DP26 and DP27.

The Parish Council express concern regarding the parking layout and use of car barns that are not directly attached to the individual houses and which would provide a difficult parking environment. Where parking barns/spaces are not directly attached to the individual houses, each house has direct pedestrian access to their parking space/barn, except the terrace of three houses where the parking spaces/barns lie at the end of the terrace and no direct access is available from each house.

Overall it is considered that the parking layout would be satisfactory and no objections to this layout have been received from the County Highways Authority. It is considered that this would provide a satisfactory level of amenity for future residents.

In summary it is considered that the scheme would provide acceptable levels of amenity and access in accordance with the relevant Development Plan Policies.

Highways, Access and Parking

Policy DP21 of the District Plan requires development to support the objectives of the West Sussex Transport Plan and take account of:

- whether the development is sustainably located to minimise the need for travel
- whether it includes 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
- is designed to adoptable standards including road widths and sizes of garages
- provides adequate car parking
- provides appropriate mitigation to support new development and its impacts on the local and strategic road network
- avoids severe additional traffic congestion
- protects the safety of road users and pedestrians
- does not harm the special qualities of the High Weald AONB

The Balcombe Neighbourhood Plan Policy 2: Housing Site Allocations predicates the delivery of this site upon the provision of a satisfactory vehicular and pedestrian access into the site. Paragraph 5.18 of the Plan states:

"Based on the outcomes of design investigations , consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road."

The Balcombe Neighbourhood Plan Design Guide identifies that pedestrian access is a primary feature of village life and pedestrian green chains are an important aspect of life in Balcombe, both for access and socialising. It advises that *"The Pedestrian routes should be provided through all new developments to encourage access on foot; to allow a through passage for people and avoid the isolation of new housing. Applicants should show on a location plan how children and adults will walk to school, the station, bus stops and the village centre during the daytime and at night."*

The proposed vehicular access would be a bellmouth design broadly centrally along the frontage, 6m's in width and with pavement access through the site. Vehicular access from the central access route would be available to individual properties and garages and parking courts - although these would not be formally adopted. A footpath is proposed on the north corner of the site continuing for several metres to the north to provide for a dropped crossing point to link to the pedestrian path on the west side of Haywards Heath Road. Dropped crossing points would be provided within the site.

Visibility splays are provided in accordance with the required County Highways standard which recognises recorded traffic speed along this road.

The Stage 1 Road Safety Audit raised a number of potential issues including the position of the 'Kill your Speed ' sign, potential obstruction of visibility of pedestrians when crossing Haywards Heath Road and insufficient driver/pedestrian inter visibility for those crossing the site access road. The applicant has addressed these accepting the principle of further investigation at the design stage of the scheme.

It is considered that the scheme lies in a sustainable location providing pedestrian access to a range of facilities and services.

The internal layout provides parking in accordance with the MSC and WSCC Parking Demand Calculator with 37 allocated spaces and 5 visitor spaces. Sixteen cycle spaces have been provided. The internal access road will be adopted by the local highways authority. It is noted that the lack of a 2m footway through the length of the site is not considered unacceptable by the County Highways Authority on the basis of the low levels of traffic.

Concern has been expressed by the Parish Council and a local resident about the usability of tandem parking spaces with potential safety issues as residents reverse onto the spine road. The use of detached parking barns/garages is a common way of designing parking provision and no objections are raised to this. No objections

are raised by the County Highways Authority regarding any safety issues associated with this approach.

The Parish Council and local residents have raised objections to the lack of a pedestrian access to the village on the eastern side of Haywards Heath Road, expressing concern about traffic speeds through the village and the impact on pedestrian safety. It has been suggested by many that traffic calming measures should be introduced and a crossing installed to allow proposed (and existing residents) on this side of the Haywards Heath Road, to cross in safety to the opposite pavement.

The Neighbourhood Plan advises at Policy 2 that the scheme has to provide a satisfactory vehicular and pedestrian access into the site. It is also commented that based upon the outcomes of detailed investigations that the site may need to contribute to identified traffic calming on Haywards Heath Road.

The County Highways Authority has discussed the scheme with the applicant and has received such additional information as necessary to raise no objection to the scheme. They have considered the speed off traffic, the volume of existing traffic and the impacts of additional traffic using this site. It has been concluded that sufficient visibility splays could be provided to ensure that traffic entering and leaving the site could do so in a safe manner.

They have not concluded that existing traffic conditions are such as to require provision of either a traffic calming scheme or a crossing as a result of this proposal. Their view being that it would be acceptable to cross the road to access the pavement on the opposite side of the highway to gain pedestrian access to the wider village. On that basis the current scheme would provide a satisfactory vehicular and pedestrian access into the site and permission could not be refused on the basis of non-compliance with the Neighbourhood Plan: essentially sufficient access being available to the existing footpath network to ensure that this site is not isolated within the village.

Subject to appropriate conditions relating to a construction management plan, the provision of the access, provision of car parking spaces and the construction of the access road prior to occupation the County Highways Authority is satisfied that the scheme could be approved. A legal agreement will be required with the County Highways Authority in relation to the works that are needed to the public highway and issues such as the position of the existing speed signage will be resolved at that time.

The Parish Council wish to secure a pedestrian link from the site to link up with the footpath on the eastern side of the Haywards Heath Road and into the village and draws attention to the Neighbourhood Plan Design Guide which refers to the desire to provide pedestrian routes through all new development and to encourage access on foot, avoiding the isolation of new housing.

At present an informal grassed footpath runs from land alongside 17 Barn Meadow to the allotments at the rear of Barn Meadow at which point it stops. In order to extend this footpath to the application site, a narrow strip of land would be required

which lies outside the application site, but within the ownership of the existing site land owners. The land owner, Balcombe Estates, has agreed to provide a permissive path that would run from the site, along the rear of the Cranbrook Nursery building to join the existing path within the allotments. It has been agreed that the landowner and Rydon would arrange to have the land levelled and to erect a fence to separate the route of the path from the rest of the field of which it currently forms a part. Within the application site the applicants have agreed to provide a footpath that would link the access to the position of the proposed footpath. This detail will be dealt with by condition.

The County Council would not take on management of this path because it would not join with any established public footpaths. It has been agreed that it would be appropriate for the Balcombe Estates to enter into an agreement with the Parish Council regarding the provision and maintenance of this path. This would be a permissive path and the S106 Agreement would not be an appropriate way to 'tie in' this provision.

Ultimately officers do not consider that the scheme would be unacceptable without the provision of this path and are not in a position to force the permanent delivery of this path to the Parish Council nor to take on responsibility for the provision and future maintenance of this path. Whilst the Balcombe Design Guide clearly seeks connectivity of new schemes to the existing village, it is a material consideration that the County Highways Authority do not raise objection to the use of the existing public highway to access the village. In their view the existing footpath on the opposite side of the highway to the site can be safely accessed and provides safe access into the rest of the village. On this basis the site would not be isolated from the village and therefore the objectives of the Design guide would be achieved without a new permanent footpath. It would not be possible to demonstrate harm arising from the lack of provision of a new permanent footpath linking this site directly to the footpath adjacent to Barn Meadow. However it is welcomed that the landowner and the applicant are prepared between them to provide and fence off the line of a new footpath to join the site to the village without having to cross the highway.

Ecology

District Plan Policy DP38 seeks to protect and enhance bio diversity taking opportunities to improve, enhance, manage and restore bio diversity where possible. Unavoidable damage must be offset through ecological enhancement and mitigation measures.

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

Paragraph 175 of the National Planning Policy Framework states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The site comprises a part of a wider improved grassland field with boundary hedgerows and a pond. The ecological interest of the site has been surveyed in accordance with guidance provided by Natural England. The survey identified the following:

- The grassland within the site is considered to be of low ecological value, comprising mainly common and widespread species. Areas of grassland are to be lost to the proposed development, although some areas will be retained as open space.
- No trees within the site were identified as providing suitable roosting features for bats.
- No evidence was found of badgers on or using the site.
- The hedgerows could provide habitat for dormice but since they are regularly managed this presents a suboptimal habitat. The majority of habitat for Dormice would be unaffected by this application.
- No evidence of Greater Crested newts within the pond and it is highly unlikely GCN's would be present on site.
- No suitable habitat for reptiles given its regular management.
- The site is considered likely to offer suitable habitat for small mammals such as hedgehogs.
- The hedgerows offer suitable habitat for birds

There are no statutory designated sites of nature conservation value within or immediately adjacent to the site. The nearest non statutory site lies some 0.2km to the east of the site and comprises the Balcombe Estates Rocks Local Wildlife site. The nearest Statutory Site is Ardingly Reservoir Local Nature Reserve (LNR), which

is located approximately 0.3km east of the site. There are not considered to be any significant adverse effects on any statutory and non-statutory sites of nature conservation interest from the development proposals.

The retention of the majority of the hedgerows with additional planting with species known to wildlife and the inclusion of bat and bird boxes would provide new nesting opportunities.

Overall the impacts upon bio diversity would be acceptable and the scheme would result in post construction enhancement to bio diversity in accordance with relevant policies, subject to the appropriate condition.

Affordable Housing

District Plan Policy DP31 requires a minimum of 30% on site affordable housing for all development providing 11 dwellings or more.

Policy 3 of the Neighbourhood Plan indicates that development proposals will be expected to provide approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, no larger than 3 bedroom dwellings and that the developments should also comply with affordable housing requirements of MSDC.

In this instance the scheme would provide a terrace of three 2 bedroom houses with parking and a pair of 3 bedroom houses with parking. The terrace would face onto the main spine road whilst the pair of semi-detached units would lie to the rear of the terrace. It is proposed that 4 units would be for affordable rent and 1 unit (a three bed unit) would be available for shared ownership. This is considered to meet a range of housing needs.

The provision of these units has been discussed and agreed with the Councils Housing Enabling and Development Officer who comments that the applicant has adopted a tenure blind approach to design and materials which would contribute to social integration of the affordable homes.

First lettings would be prioritised to households who have a local connection to the village or parish in line with the MSDC Allocation Scheme. In subsequent lettings, 50% of the re-lets would continue to be prioritised to households who have a local connection to the village or parish. This is to respond to the homes being brought forward through the Neighbourhood Planning process and to address local housing need.

This scheme would therefore be compliant with the relevant affordable housing standards and policies.

Housing Mix

District Plan Policy DP30 requires development to provide a mix of dwelling types and sizes (including affordable housing) that reflects current and future local housing needs. It should meet current and future needs of different groups within the

community including older people, vulnerable groups and those wishing to build their own homes.

The Neighbourhood Plan allocates three housing sites:

- Balcombe House Gardens which is identified for a mix of 1,2 and 3 bedroom units (approximately 14 units envisaged)
- This application site comprising a mix of 2,3 and 4 bedroom units
- Station House comprising a mix of 1, 2 and 3 bedroom houses and flats.

Neighbourhood Plan Policy 3 identifies the following mix of dwellings as the desirable mix in any scheme:

Approximately 75% no larger than 3 bedrooms
Approximately 25% of no more than 4 bedroom dwellings.

In this instance the Parish Council have expressed concern that the housing mix on the site would provide a very distinct mix between the larger (3 and 4 bedroom units) which would be open market housing and the affordable housing which would be 2 and 3 bedroom units.

The units that have been identified for affordable housing have been negotiated by the Councils Housing Enabling and Development Officer and are considered to represent a mix that would usefully contribute to a range of housing needs.

The Parish Council also identify that in order to be fully compliant with Policy 3 that one of the 4 bedroom units should be a smaller unit. The identified figures in the Neighbourhood Plan are only approximate levels, the scheme would provide a larger proportion of smaller units, is the only identified housing allocation within the village that accommodates 4 bed units and, on balance, it is not considered that the size of one unit in would be unacceptable such as to justify a refusal of permission.

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 **development allocated through the Balcombe Neighbourhood Plan**, 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.

Trees

District Plan Policy DP37 supports the protection and enhancement of trees, woodland and hedgerows and encourages new planting.

The scheme would result in two tree groups (G6-Hedge partial- G10 Hedge) being removed to facilitate the development and facilitative pruning is required for a

number of trees. The front hedgerow would need to be partially removed to facilitate highways sight lines whilst a line of blackthorn hedging around the edge of the pond would be wholly removed. The trees requiring pruning lie around the edges of the site and some pruning is required where they would lie in proximity to some of the proposed houses.

These works have been considered by the Councils Tree Officer and are considered acceptable. A number of conditions are recommended to ensure tree protection during construction and satisfactory landscaping of the scheme.

The proposed works would not harm the character of the site or wider area and the potential for additional planting would ensure compliance with the relevant policies.

Infrastructure

District Plan Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure and mitigation measures made necessary by their development proposals in the form of appropriate on site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision;

- £31,524 for play equipment and kickabout provision
- £19,622 towards the Balcombe skateboard park
- £11,254 towards improvements to Victory hall
- £64,225 towards Primary Education
- £69,120 towards secondary education
- £6,302 towards libraries
- £12,757 LCI (Local Community Infrastructure)
- £56,363 Total Access Demand

Full details of the projects to which the money would contribute are contained in Appendix B.

A S106 obligation is in preparation to secure these payments as well as the affordable housing and subject to its completion the scheme is considered to accord with relevant Development Plan policies in this respect.

Drainage and Flooding

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

The site is in Flood Zone 1 and at low risk of surface water flooding. The area around the pond suffers from some surface water flooding. The revised layout of the development now incorporates a SuDS system of permeable paving, swales and a final attenuation basin.

The submitted initial design calculations have shown that this is a feasible method and can cater for the 1 in 100 year event plus 40%. As this is for multiple dwellings, details would be needed prior to the commencement of works regarding the 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. This could be achieved by means of an appropriate condition.

Subject to appropriate conditions this scheme is considered to be policy compliant.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'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'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

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

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

The submitted Planning Statement states *'the replacement building would be considerably more energy efficient, helping to reduce energy use and contribute towards a low carbon economy.'*

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a sustainable location within the village boundaries and with access to public transport. It is within walking distance of the facilities

available within the village centre. It is therefore considered that the scheme lies in a sustainable location.

In relation to the use of renewables as part of a sustainable construction District Plan Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The applicant advises that the scheme would incorporate the following measures:

- Minimise energy use through the design (low energy design techniques such as improved insulation, low energy lighting, energy efficient boilers and appliances, locally sourced materials and materials from sustainable or managed sources), build quality and layout of the scheme including through the use of natural lighting and ventilation;
- 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 district Plan Policy DP42: Water Infrastructure and the Water Environment;
- All market housing would have an electric charging point on each plot and the applicant has agreed to provide charging points for the pair of semi-detached affordable units
- Incorporate a SuDS scheme to collect run off from the development, providing adequate storage capacity to a 40% above climate change standard reducing the risk of surface water flooding

As a result of the sensitive location of the scheme within the AONB it is not proposed to use solar photovoltaics or wind turbines.

It is considered that the proposal complies with the relevant criteria of policy DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Other Planning Issues

Safety and Security

Sussex Police express concerns about the use of post and rail fencing around individual gardens - it not providing any safety for future residents. Lighting throughout the development is considered important.

Lighting and final fencing details would be secured by means of an appropriate condition and must also take account of the character of the site within the surrounding AONB.

Accessibility

District Plan Policy DP28 requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily. Specifically on a scheme this size, 20% of dwellings should meet Category 2 Accessible and Adaptable dwellings under the Building Regulations regime, unless site topography makes such standards unachievable by practicable or viable means or where a scheme is proposed specifically intended for the needs of particular individuals where a greater proportion may be appropriate. This policy also requires that a reasonable proportion of affordable homes (4% generally) are wheelchair user dwellings (compliant with Building Regulations Approved document M, Requirement M4(3)).

The Neighbourhood Plan sets the level for wheelchair housing at 10%, aspiring to get all properties to be accessible or adaptable, in response to the strong locally expressed desire for older peoples and accessible housing.

The Parish Council express concern that wheelchair access has been provided only in respect of the affordable homes and not the open market units so the scheme is not compliant with the Village Design Guide. However the provision of the wheelchair housing in the affordable units would accord with District Plan Policy DP28. As the most recently adopted policy document the scheme is therefore in compliance with the District Plan.

The Parish Council draws attention to the fact that only the affordable units have been made accessible and adaptable and no other units across the site. Policy DP28 simply requires that 20% of units are made available and this scheme would comply with that policy. The levels provided would be compliant with the Building Regulations requirements.

Bin storage

Concerns has been raised by the Parish Council concerning the storage of refuse bins in rear gardens. Suggesting insufficient space within the scheme for an alternative approach.

This is not an unusual arrangement with bins being brought out to the roadside on collection day. In view of the number of bins required to be stored by each property and their size, bin enclosures can represent an unaesthetically pleasing element of a streetscene. Garden storage has the advantage of not cluttering the public environment with refuse bins on a day to day basis. No objection is raised to such an arrangement.

Maintenance of Public spaces within the Development

The scheme would include a variety of spaces that would not form part of an adopted public highway, including accesses to parking spaces, to individual dwellings, footpaths around the site and green open spaces running through and around the site.

The future maintenance of these spaces can be adequately addressed by an appropriately worded condition and does not have to involve the transfer of the land to the Parish Council for ongoing maintenance.

Archaeology

Policy DP34 of the district Plan refers to the special interest archaeological assets can make. An understanding should be made of the asset and there is a presumption against harm to any asset that makes a significant and positive contribution.

The site does not lie within an archaeological notification area but as a result of the scale of the site it is nevertheless recommended that a precautionary approach be taken and an appropriate condition is recommended to ensure the protection of any identified assets.

Planning Balance and Conclusion

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road, Balcombe.

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

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

Regarding the principle of development, the site lies within the built confines of Balcombe Village and is identified in the Neighbourhood Plan for housing - a scheme of approximately 14 units. In this respect the scheme is policy compliant.

The scheme would deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. The housing would be in a sustainable location and additionally infrastructure payments would be provided to mitigate the impacts of the development.

The scheme would result in impacts upon the landscape and AONB, but these impacts would be minimal and would be mitigated for by virtue of the design and siting of houses on the site and the degree of open space provided around the site which could accommodate additional planting.

A number of the issues considered such as highways impact, drainage and neighbour amenities would have a neutral impact. There would be no significant effect on the Ashdown Forest SPA and SAC.

Some minor harm would be caused by the loss of some existing hedgerow, and loss of some natural environment and bio diversity, but this would be mitigated for through additional planting and some impact would be anticipated as a result of the designation of the site for housing.

Overall the proposal is deemed to be compliant with the provisions of policies DP4, DP6, DP16, DP17, DP20, DP21, DP22, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 and Policies 1, 2 and 3 of the Balcombe Neighbourhood Plan, as well as the broader requirements of the NPPF and the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan that 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.

Subject to the completion of a S106 Obligation relating to the infrastructure contributions and the provision of affordable housing, planning permission should 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.

Approved Plans

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

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

Pre-commencement conditions

3. 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 Mid Sussex District Plan 2014 - 2031.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The submitted details to include section drawings of the SuDS structure. 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 DP41 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including where necessary proposed contours and finished landscaping. The development shall only be carried out in accordance with the approved details

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex 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.

Reason: To allow the Local Planning Authority to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

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

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works. The results of the trial trench evaluation and will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope of field evaluation should be agreed with the Surrey County Council Heritage Conservation Team, and be carried out by a developer appointed archaeological practice.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

8. The scheme shall be carried out in accordance with the details contained within the Sustainability Statement dated December 2018 and email dated 21st August 2019.

Reason: To comply with the provisions of Policy DP39 of the Mid Sussex District Plan (2018).

Construction Phase

9. No development shall be carried out above ground slab level unless and until a schedule of materials and finishes to be used for the external walls, roofs and windows/doors 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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

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

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

11. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

12. No part of the development shall be first occupied until the road(s), footways and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These areas shall thereafter be permanently retained for their designated purpose and no development shall take place or no changes be carried out to that would prevent access across the roads and footways or parking in the designated parking spaces.

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

13. Prior to the construction of any development above ground level, details shall be provided in writing to the Local Planning Authority regarding the footpath to link with the permissive path to the rear of the Cranbrook Nursery Building. Details shall include the design and siting of the path. The scheme shall be carried out prior to the first occupation of the scheme in accordance with the approved details.

Reason: To ensure adequate access to the new footpath and ensure connectivity of the scheme with the wider village in accordance with Policy DP22 of the Mid Sussex District Plan and the provisions of the Neighbourhood Plan.

14. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing 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.
- all replacement trees and their future maintenance (including size, species, position, planting, feeding, support and aftercare).
- cross-sections of the design of the swales and ponds.
- detailed design of the footways and access roads, including full details of the precise siting and construction of the footpath to link to the permissive path to be created on the adjacent site at the rear of the Cranbrook Nursery (as shown on drawing reference 10586-FA-09 dated august 2018).

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies 4 and 8 of the draft Hassocks Neighbourhood Plan.

15. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation

of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenity of the development in accordance with Policy DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

16. The development hereby approved shall be carried out in accordance with submitted details to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings and a minimum of 4% of Wheelchair-user Dwellings.

Reason: To accord with District Plan Policy DP28 which seeks to maintain a high standard of accessibility.

Pre-occupation conditions

17. 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 entitled Proposed site Access Arrangement and Visibility Splay and numbered JNY9449-01 Rev B. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

18. 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 for their designated purpose.

Reason: To provide adequate off street parking for future residents and to accord with the provision of Policies DP21 and DP26 of the Mid Sussex district Plan (2018).

19. No part of the development hereby permitted shall be first occupied until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and to safeguard the visual appearance of the area, and to comply with Policy DP26 of the Mid Sussex District Plan.

Post-Occupation Monitoring / Management Conditions

20. The development shall proceed in strict accordance with the recommendations in those paragraphs addressing Mitigation and Enhancements in the supporting Ecological Assessment, dated November 2018.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

21. The garage buildings and parking barns shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway and to accord with Policy DP21 of the District Plan.

22. 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 house, whether or not consisting of an addition or alteration to its roof, shall be carried out (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to preserve the amenities of neighbouring residents, to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

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

Accordingly, you are requested that:

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

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

3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Site Plan	HHR/1710/1 of 6a	-	07.11.2018
Site Plan	HHR/1710/2 of 6a	-	07.11.2018
Site Plan	HHR/1710/3 of 6a	-	07.11.2018
Site Plan	HHR/1710/4 of 6a	-	07.11.2018
Site Plan	HHR/1710/5 of 6a	-	07.11.2018
Site Plan	HHR/1710/6 of 6a	-	07.11.2018
Location Plan	10586-FA-01	-	07.11.2018
Block Plan	10586-FA-02	C	29.04.2019
Proposed Floor and Elevations Plan	10586-FA-03	C	13.08.2019
Parking Layout	10586-FA-04	A	04.04.2019
Site Plan	10586-FA-05	A	28.03.2019
Site Plan	10586-FA-06	A	28.03.2019
Site Plan	10586-FA-07	-	28.03.2019
Street Scene	10586-FA-100	B	29.04.2019
Street Scene	10586-FA-101	B	29.04.2019
Proposed Elevations	10586-FA-11	B	29.04.2019
Proposed Floor Plans	10586-FA-12	A	28.03.2019
Proposed Elevations	10586-FA-13	A	28.03.2019
Proposed Floor Plans	10586-FA-14	A	28.03.2019
Proposed Elevations	10586-FA-15	A	28.03.2019
Proposed Floor Plans	10586-FA-16	-	28.03.2019
Proposed Elevations	10586-FA-17	A	28.03.2019
Proposed Floor Plans	10586-FA-18	A	28.03.2019
Proposed Elevations	10586-FA-19	A	28.03.2019
Proposed Floor Plans	10586-FA-20	B	28.03.2019
Proposed Elevations	10586-FA-21	B	28.03.2019
Proposed Floor Plans	10586-FA-22	B	28.03.2019
Proposed Elevations	10586-FA-23	B	28.03.2019
Proposed Floor Plans	10586-FA-24	-	28.03.2019
Proposed Elevations	10586-FA-25	A	28.03.2019
Proposed Floor Plans	10586-FA-26	A	28.03.2019
Proposed Elevations	10586-FA-27	A	28.03.2019
Proposed Floor Plans	10586-FA-28	A	28.03.2019
Proposed Elevations	10586-FA-29	A	28.03.2019
Proposed Floor Plans	10586-FA-30	B	28.03.2019
Proposed Elevations	10586-FA-31	B	28.03.2019
Proposed Floor Plans	10586-FA-32	A	28.03.2019
Proposed Elevations	10586-FA-33	B	29.04.2019
Proposed Floor Plans	10586-FA-34	B	29.04.2019
Proposed Elevations	10586-FA-35	B	29.04.2019

Transport Assessment/Travel Plan	10586-FA-36	B	29.04.2019
Proposed Floor and Elevations Plan	10586-FA-37	-	28.03.2019
Proposed Floor and Elevations Plan	10586-FA-38	-	28.03.2019
Proposed Floor and Elevations Plan	10586-FA-39	-	28.03.2019
Proposed Floor and Elevations Plan	10586-FA-40	A	29.04.2019
Street Scene	10586-FA-100	B	29.04.2019
Visibility Plans	JNY9449-10	B	
Proposed Floor Plans	10586-FA-11	A	28.03.2019
Highways Plans	10586-FA-08		28.03.2019
General	10586-FA-09		13.08.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Submission sent direct to Andrew Morrison.

WSCC Highways Authority

Original comments

Haywards Heath Road is a classified road subject to a speed restriction of 30mph at the location of the proposed site access. The site is located to the south of the village of Balcombe and north of Haywards Heath. Balcombe benefits from a National Rail Station with links to Brighton and London.

The proposal is for the construction of 16 residential dwellings with associated parking, a new vehicle access onto Haywards Heath Road, pedestrian footpath link bounding the access and a dropped crossing point.

Access

The proposed access is to be a formal bellmouth design 6m in width with 6m kerb radii. A footpath is proposed on the north side of the access and continues for several metres to the north to provide for a dropped crossing point to link to the existing pedestrian provision on the west side of Haywards Heath Road. Within the site a footway will be provided on the south side of the access continuing into the site. Dropped crossing points will be provided within the site on the new access to link the pedestrian provision. The 6m width continues into the site for approximately 10m at which point the access road narrows to 5.5m with 4.5m wide courtyard areas.

Visibility

The visibility splays from the proposed access are 2.4m x 76.5m to the north and 2.4m x 76.8m to the south. Speed surveys have been undertaken and the results show 85%ile speeds of 38.4 mph. Our calculations, based on information in MfS2 suggest that the desirable minimum for the measured speeds should be 97m. The method of measuring the Y distance 1m back from the kerb-line is acceptable, however the splay lengths should be increased to 97m in both directions

Road Safety Audit

A Stage 1 Road Safety Audit has been submitted with the application which raised the following issues:

Problem 2.3.1 - Visibility splay compromised by vehicles within the existing parking area south of the proposed access.

The designer has shown that the proposed splay (to the south) when measured using a 1m offset from the kerb and topographical data that the visibility splay does not encroach on the parking bay.

This response is acceptable, however the designer will need to ensure any extended visibility splays are also clear of the parking area.

Problem 2.3.2 - the existing vehicle actuated sign and 'Kill your Speed' sign to the north of the site access may increase the risk of vehicle pull out type collisions.

The designer has accepted the signs may fall within the stated visibility splays and will investigate the issue at detailed design.

The signs are set far back and are narrow as the designer has accepted the principle of further investigation and possible alteration the response is considered acceptable.

Problem 2.4.1 - Insufficient driver/pedestrian intervisibility for pedestrians crossing Haywards Heath Road at the northern end of the proposed development site access.

The designer has accepted the signs may fall within the stated visibility splays and will investigate the issue at detailed design.

The signs are set far back and are narrow as the designer has accepted the principle of further investigation and possible alteration the response is considered acceptable.

Problem 2.4.2 - Insufficient driver/pedestrian intervisibility for pedestrians crossing the site access road.

The designer has accepted the existing hedges may obscure visibility of pedestrians crossing the access road and will investigate fully at detailed design.

The designer has accepted the principle of further investigation at detailed design. Detailed design drawings will need to show additional detail of the hedging and include visibility splays which include the pedestrian crossing over the access road.

The responses made by the designer are acceptable to the highway authority with the exception of 2.4.2. Can the applicant provide a plan showing visibility splays of pedestrians crossing the access road to vehicles entering the site.

Sustainability

There is currently no footway provision on the eastern side of Haywards Heath Road however there is a footway on the western side. The proposals include footways on both sides of the vehicular access and an uncontrolled crossing point to connect the site to the western footway and onto the wider Balcombe footway network.

The nearest bus stops (3 services) are located to the north of the site on Deanland Road and approximately 450m from the proposed development. A further bus stop is located approximately 820m from the site providing 1 additional bus service. These services are limited and no services operate on weekends. Balcombe benefits from a Railway Station located approximately 1.2km from the site. Although walking and cycling to the station is possible for some members of the community, limited street-lighting and secluded sections of footway may deter others.

Whilst the site is located on the edge of the settlement area and Balcombe itself is relatively small, a number of local amenities are available within walking distance including; a primary

school, a local shop and a surgery. A bus is available for older children serving secondary schools in Haywards Heath and Crawley.

Traffic generation

TRICS data has been interrogated and the results found to increase the number of vehicles on the local highway network by 1 additional trip every 6-7 minutes during the peak hours which will not result in a severe impact on Haywards Heath Road.

Internal layout

The proposed parking provision on site is in accordance with MSDC and WSCC Parking Demand Calculator at 37 allocated spaces and 5 visitor spaces. Only 16 cycle spaces have been provided

It appears to be proposed for the internal access road to be adopted by the local highway authority and as such been designed to accommodate two way flows and includes space for service vehicles to turn. A 2m wide footway has been shown on the south side of the access road but does not continue to the end of the access road or on the north side of the road. This is not a highway concern as traffic levels will be very low, however the applicant will need to be aware that service margins will be required outside of the running carriageway.

Construction

A full Construction Management Plan is required prior to commencement of development. This will also need to include details of the construction access for approval by the highway Authority.

No objection to the principle of the development on submission of extended vehicle visibility splays from the access and of the internal crossing point.

Proposed Conditions:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement and visibility Splay and numbered JNY9449-01 Rev B

Reason: In the interests of road safety.

Note drawing number to change on submission of updated visibility splays.

Car parking space

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

Reason: To provide car-parking space for the use

Access Road

No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

Construction Management Plan

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

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

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

Follow up comments:

The plan (JNY9449-10A) provided shows pedestrian visibility splays to the north (leading direction) of 17.6m - this distance is in line with Manual for Streets for likely speeds of no more than 15mph.

No highway objection to the pedestrian visibility shown at the crossing point within the site access.

WSCC County Planning Officer

S106 CONTRIBUTION TOTAL: £196,010

See below for breakdown.

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

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

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

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

The calculations have been derived on the basis of an increase in 16 Net dwellings and an additional 42 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

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

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

The contributions generated by this proposal shall be spent on upgrading of digital services at Haywards Heath Library.

The contributions generated by this proposal shall be spent on a cycle scheme in accordance with the West Sussex Cycling and Walking Strategy which links Balcombe to Lindfield and Crawley.

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - £17,920 per child
- Secondary Schools - £27,000 per child
- Sixth Form Schools - £29,283 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

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

MSDC Archaeology Consultant

Recommend Archaeological Condition

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The planning application is not located within an Archaeological Notification Area (ANA), but does cover a sizable area of previously undeveloped land measuring 1.26ha. An archaeological desk-based assessment was provided in support of the planning application (Orion 2018), a document which assessed the known archaeological potential of the site and concluded that based on the available evidence the site exhibits a low archaeological potential. It should however be stressed that an absence of evidence for activity is not necessarily evidence of an absence of activity and given the previously undeveloped nature of land comprising the site, it is possible that previously unattested archaeological deposits may exist.

As a consequence, there is a need for field evaluation and it is considered a condition could provide an acceptable safeguard. If planning permission is granted, it is recommended that the archaeological interest should be conserved by attaching a condition as follows:

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

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works. The results of the trial trench evaluation and will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope of field evaluation should be agreed with our office and carried out by a developer appointed archaeological practice. A Written Scheme of Investigation for the

programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information.

This response relates solely to archaeological issues.

WSCC Flood Risk Management

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

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

Modelled surface water flood risk Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility - Low risk

Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any flooding of the site? No

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

Ordinary watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse to the east of the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment and Drainage Statement for this application proposes that sustainable drainage techniques (permeable paving and attenuation/detention basin with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. If infiltration can be proved not to be feasible, this method would in principle, meet the requirements of the NPPF and associated guidance documents.

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

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

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

MSDC Landscape Consultant

Final comments

The proposed tree planting within the open space area will go some way to mitigating potential impacts in views from the High Weald AONB and Mill Lane.

The area of the SUDS pond is still extensive and there would appear to be enough space for only one row of trees on this boundary. The applicant has not indicated that this belt of trees would be at least 10-15m wide and under planted with native shrub species.

It is recommended that the applicant is required to provide detailed planting plans as a condition to ensure that the boundary planting will provide an effective screen.

Original conclusions

The Landscape and Visual Impact Assessment (Allen Scott Landscape Architecture, Nov.18) provides an accurate assessment of the baseline landscape and visual context for the site.

The proposed site layout would retain and protect existing site landscape features which are worthy of retention. The scheme would appear to be landscape led and the implementation of the landscape masterplan would ensure that a new well defined built up area boundary could be established. The eastern boundary of the proposed development would not extend further into the countryside than the neighbouring development of Barn Meadows. The LVIA concludes that the proposed development could have an acceptable impact on local landscape character and the landscape masterplan would provide an opportunity for some enhancement.

The LVIA identifies that there would be adverse impacts on views from neighbouring properties. The proposal is to mitigate these impacts by providing a landscape buffer to the frontage of the development.

The development would be seen in views from the countryside to the east. In these views the proposed houses would be set against a background of the existing built up area of the village. The landscape buffer and associated tree planting would help to mitigate impacts on these views.

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.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide an area of informal open space on site but there is no equipped play provision. Balcombe Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area. This facility will face increased demand from the new development and a contribution of £31,524 is required to make improvements to play equipment (£17,133) and kickabout provision (£14,392).

FORMAL SPORT

In the case of this development, a financial contribution of £19,622 is required toward Balcombe skateboard park (IDP Ref: BA/14).

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £11,254 is required to make improvements to Victory Hall.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions

sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Environmental Protection

The application looks to build 16 residential dwellings on the above site (U.P.R.N 010093414763). This application site is located close to a nursery school and a number of other residential dwellings.

Environmental Protection therefore recommends the following conditions should the application be granted permission.

Recommendation: Approve with Conditions

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

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

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 13:00 hrs
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

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

The Statement shall provide for:

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) measures to control noise and vibration during construction

Reason: To protect the amenity of neighbouring nursery school pupils and staff as well as the local residents from dust noise and vibration.

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

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

Informative:

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

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (e.g. noise or artificial light) caused as a result of the extension and/or use of the building.

MSDC Drainage

Recommendation - No objection subject to conditions

Summary and overall assessment

This revised layout of the development now incorporates a SuDS train system of permeable paving, swales and a final attenuating basin. It is intended that this system will provide the benefits that a SuDS design can. And the submitted initial design calculations have shown that this is a feasible method and can cater for the 1 in 100 year event plus 40%.

A maintenance and management plan has been submitted to support the proposed design.

The proposed final outfall to the watercourse will require Ordinary Watercourse Consent, details of this are in the advice section of this consultation.

The proposed attenuation pond appears to have been designed by cutting into the existing ground. It would be expected that the design of this pond will be carefully considered with the existing ground conditions in mind, so as to avoid any slippage or bank collapse.

Moving forward, this proposed development should still continue considering how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

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

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

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

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.

- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

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

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 SuDS methods train to manage surface water.

Foul Water Drainage Proposals

It is proposed that the development will utilise a package pump system to lift foul up to the existing public sewer in Haywards Heath Road.

Suggested Conditions

C18F Dwellings

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc.

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

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

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

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an

Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

8.

Watercourse On or Adjacent to Site:

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

Original comments

Summary and overall assessment

We do not object to this proposed development in terms of flood risk management. However, we do have some concerns regarding the proposed initial layout in terms of SuDS, which we would expect to be addressed for any detail design stage.

Flood Risk Assessment

The flood risks for this site have been fully explored, and it has been shown that the proposed development is not at risk from and should not create or exacerbate flood risk.

Proposed Surface Water System

It is proposed for the development to capture surface water run-off from the site and discharge this to a number of permeable surface structures. These then discharge to a main carrier pipe that discharges to an attenuation pond, which then discharges to another pipe that takes water to an existing watercourse approximately 120m south. Discharge flows are proposed to be restricted down to the 1:1 greenfield run-off rate for the developed area, which is approximately 5.4ls-1. The development as a whole has been shown as able to cater for the 1 in 100 year storm plus 40% for climate change.

SuDS Methods

Concern is expressed regarding some elements of the scheme including the position of elements of the drainage system, run-off quantity and quality, and some biodiversity. However, I am not sure that the proposal delivers much in terms of amenity.

Concern is expressed regarding the design of the attenuation pond and should not have a side slope steeper than 1:4. This needs to be fully addressed for any detail design. We are concerned for the stability of the side slope cut into the existing ground and it may be necessary for the attenuation aspect of this SuDS design to be reconsidered. Possibly absorbing the eastern open area into the whole design thereby opening up swale areas in and amongst the layout that run transverse to the slope of the site?

Watercourse

This proposed outfall structure will require Ordinary Watercourse Consent.

Foul Water System

The proposed foul arrangements are for a foul pumping station to pump foul water to the existing public foul system in Haywards heath Road. Appropriate permissions for connection and rate of discharge will need to be sought from the sewerage undertaker.

Maintenance and Management Plan

An initial Maintenance and Management Plan has been submitted, and this adequately shows how the system, as proposed in this application, can be maintained.

Detail Design and Condition Discharge Stage

Moving forward, this proposed development will still need to fully consider how it will manage surface water run-off. We will require final detail plans of the proposed drainage arrangements including section drawings of any SuDS structures, including final drainage calculations that fully support the design. We will also need to see a final 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.

We will need an exceedance plan that shows properties will be protected from flooding and that safe access and egress is possible in the event of rainfall exceeding the design limit.

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.

MSDC Urban Designer

Summary and Overall Assessment

The scheme benefits from a linear open space at its centre that provides a strong focus for the housing layout. The open spaces on the east and west boundaries have been re-designed and do more to soften the impact of the proposal from the attractive surrounding countryside. In particular, the revised drawings now show more generous soft planting/tree planting on the eastern boundary that should effectively screen the development from the countryside beyond. Within the site, the layout has been re-designed with a cohesive series of open spaces that naturally join together with the linear open space at the centre now featuring a potentially attractive swale; the linked spaces also allow a visual connection to be retained across the site between Haywards Heath Road and the countryside to the east.

The design of the houses has been improved including better articulated frontages and more modelled roofs.

Open Spaces

The layout now benefits from a linear space that gives the site a central focus while also providing a continuous east-west spine through the development that should allow a limited view of the attractive High Weald landscape beyond the eastern boundary of the site from Haywards Heath Road site entrance.

The open space on the eastern boundary no longer reads as left-over space that has been incorporated to provide the site's drainage requirements and has been designed with a continuous circular path that allows some recreational benefit while also providing some necessary tree screening and it consequently. The attenuation basin is now narrower allowing space for tree planting around it. However care needs to be taken over its design and the integration of the pumping station and service road to ensure they are not imposing over-engineered features; for this reason I am recommending a condition to cover these elements.

On the north-west side, the existing pond now integrates with the landscape and development and should provide an attractive focus for this part of the site.

Parking has sensibly been minimised around the central part of the site so that it does not clutter the open spaces. This has been achieved by discreetly incorporating most of the parking in courtyards.

Elevations

The design of the houses is still reliant on a pastiche language, but in other respects has been much improved. The previous standardised configuration has been addressed mainly through introducing hips and semi-hipped roofs that gives them a more modelled appearance and also helps in reducing their bulk while increasing the sense of separation between them. This should help the houses sit better within the High Weald landscape.

The house on plot 15 is still an oddity. However the cat-slide roof over the glazed stairwell bay avoids it looking like a bolted-on afterthought.

The houses now avoid fake glazing bars and the window sizes and proportions are more consistent.

Render finishes have also been sensibly avoided.

Summary

I withdraw my objection to the scheme.

I would nevertheless recommend conditions requiring the approval of further drawings and information in respect of: (a) the detailed landscaping including boundary treatment and detailed sections showing the design of the attenuation pond and swales; (b) the details of facing materials.

Original Comments:

Summary and Overall Assessment

The scheme benefits from open spaces that at the centre of the scheme provide a strong focus for the housing layout. The open spaces also provide the potential to soften the impact of the proposal both upon Haywards Heath Road at the front and the longer views from the east at the rear. Unfortunately the landscape strategy does not at present demonstrate whether or how this is to be achieved, particularly the screening of the eastern boundary. Furthermore I have concerns about the fragmentation of the proposed spaces, where again the eastern boundary is too dominated by an over-large attenuation basin. The design of the houses is also not of an acceptable standard given its special High Weald location and the parking arrangement would benefit from further finessing. For these reasons, I object to the scheme in its current form.

This scheme has evolved from the two pre-application options that I previously commented on and now benefits from a linear space that gives the site a central focus while also providing a continuous east-west spine through the development that should allow a limited view of the attractive High Weald landscape beyond the eastern boundary of the site from Haywards Heath Road site entrance. Unfortunately, at present this appears to be undermined by boundary lines that conceal this vantage.

Concerns are expressed regarding:

Open Space

- The "so-called" open space on the eastern boundary appears to offer little recreational benefit and is gated-off and poorly integrated with the development. It reads as left-over space that has been incorporated to provide the site's drainage requirements.
- Lack of detail and integration of the SuDS features
- Fragmented open spaces
- The treatment of the eastern red line boundary of the site is unclear
- The attenuation basin does not provide enough space around it
- Inefficient and cumbersome parking arrangement particularly around plots 10 and 13 and plot 1 in relation to the position of the pond

Elevations

- The design of the houses is unimaginative and they contribute little to creating a sense of place or responding to the special characteristics of the High Weald AONB.
- All but one of the houses is characterised by gable flanks, that as well as increasing the sense of replication, also increases the building mass, decreases the sense of separation and lessens the modelling.
- As well as the incorporation of hipped roofs, consideration should also be given to lowering the eaves and ridge line at least on the houses that are most visible from the surrounds. This especially includes the houses on the eastern boundary which currently

feature upper floor balconies with plots 9 and 10 set within gabled flanks. These are inappropriately extroverted facades for their High Weald location, particularly given the visibility of the site from the wider landscape, and consideration should be given here to a more restrained approach that subsumes them better into the landscape.

- The one house (plot 15) that is not designed with gable flanks, is also unsatisfactory as the natural symmetry of its pyramidal-roof configuration is compromised by a glazed-stairwell projection that appears to be a bolted-on afterthought. The relationship of the oversized entrance canopy and the adjacent mono-pitch roof window bay is a further incongruity.
- Design of windows with their fake glazing bars. The elevations also suffer from inconsistent window sizes and proportions.
- The asymmetric relationship of the entrance canopies and front doors on some of the houses is another unconvincing element.
- Chimney profile does not take the opportunity to add much additional character to the houses.
- Car Barns would be better hipped, providing a more comfortable juxtaposition with plot 5 and allowing more sunlight around the adjacent plots of 12-16.
- Render should be avoided as it inappropriately draws the eye and weathers poorly.

MSDC Ecology

Recommendation

In my opinion there are no biodiversity policy reasons for refusal or amendment of the proposal, subject to the following conditions:

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

A construction-phase wildlife mitigation method statement;

Details of habitat enhancements and long-term habitat management prescriptions (which may be integrated with a landscape management plan).

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

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

MSDC Street Naming and Numbering

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.

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.

MSDC Housing

The applicant is proposing a development of 16 dwellings which gives rise to an onsite affordable housing requirement of 30% (5 units). The applicant is proposing 3 x 2 bed and 2 x 3 bed houses in order to comply with policy DP31. 4 units will be for affordable rent and 1 unit (3 bed house) will be for shared ownership. This will meet a range of housing needs and has been agreed. The applicant has adopted a tenure blind approach to design and materials which will contribute to social integration of the affordable homes. First lettings will be prioritised to households who have a Local Connection to the village or parish in line with the Mid Sussex District Council Allocation Scheme. Furthermore, in the case of all subsequent lettings, 50% of the relets will continue to be prioritised to households who have a Local Connection to the village or parish. This is in recognition of the affordable homes being brought forward through the Neighbourhood Planning process with the intention of meeting local housing need.

MSDC Tree officer

Further to reviewing the submitted AIA report & TPP that accompanies this application, please find my comments below.

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

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

The site currently has no trees subject to TPO and is not within a local Conservation Area. However, the site falls within the high Weald AONB.

However, the site does fall within the high Weald AONB.

Two tree groups (G6-Hedge partial- G10 Hedge) are to be removed to facilitate the development.

Facilitative pruning is also required for: G2, G3, G6, G12, G13, G15 & G16. All of these works are acceptable and the loss of any of the above trees/hedges is to be mitigated through replacement planting.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required. All of this information should be submitted within a full landscape plan/planting specification.

Protection measures for retained trees have been detailed within the submitted Tree Protection Plan, this consists of Construction Exclusion Zones using suitable fencing/signage and examples of temporary ground protection (if required).

As the applicant has not completed an Arboricultural Method Statement, I would suggest that the protection measures (fencing) as set out within the TPP are also secured by condition. All of the above is suitable and in accordance with BS 5837.

In conclusion, I do not object to the development in principle and would likely support the application subject to the receipt of the above mentioned replanting detail/landscape plan.

MSDC Conservation officer

I have visited the site and looked at the supporting documents, in particular the Heritage Statement

I concur with the conclusions of the Heritage Statement that the proposed development will not cause harm to the significance of the conservation area or listed buildings within the area of search. This is due to distance, intervening development and the lack of intervisibility between the heritage assets and the proposed development site.

High Weald AONB Unit

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. In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances. Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

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. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB. It is recommended that the applicants be required to 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. I am happy to provide comments on this assessment once it has been completed.

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 and tiles should be utilised and working chimneys and wood fuel storage incorporated to support the sustainable management of woodland in the AONB (Management Plan objectives S1 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;

- Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting watercourses (Management Plan objective G1);
- 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 UE5).

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.

Southern Water

Proposal: Erection of 16 no dwellings and associated development.

**Site: Land East of Haywards Heath Road, Balcombe, West Sussex, RH17 6NL.
DM/18/4541**

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

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

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme.

Specify a timetable for implementation.

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Sussex Police

Re: Land East of Haywards Heath Road, Balcombe, West Sussex

Thank you for your correspondence of 14th November 2018, advising me of a full planning application for the erection of 16 no dwellings and associated development at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

The design and layout has created outward facing dwellings which should provide good active frontage. Parking has been provided for within: garage, car barns, in-curtilage, overlooked and a small rear parking court. . Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

With respect to the perimeter fencing, I have concerns where there is 1.2 metre high, 3 post rail fencing being proposed for the perimeter fencing of plots 8, 9, 10 & 11. All perimeter fencing should be robust and fit for purpose, i.e. 1.8 metre high close board fence (CBF). Whilst I understand there to be an ascetic reason for it, the 1.2 metre, 3 post rail fence effectively becomes a 3 rung ladder creating a climbing aid, whilst providing no security value to the protection of the rear gardens and property. From a security perspective this is insufficient given that these dwellings back onto the public open space. As a result I feel the rear gardens are very vulnerable and need more robust security boundary treatment.

Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. (See SBD Homes 2016, para13.1).

I was however pleased to note the inclusion of 1.5 metre high, CBF topped with 300mm of trellis within the rear garden area of plot 5 overlooking the rear garden pathway. I recommend that this is replicated between plots 14 & 15 where there are at present, proposed 1.8 brick walls which block out any observation into the car park within, thus creating an unobserved parking court from the surrounding dwellings.

Additionally, I recommend that the proposed 3 vehicle, open sided barn between plots 5 & 6 is replaced with a closed sided car barn and moved back to the side garden boundaries of plots 2 & 7 as at present, this opens up access to the adjacent rear gardens. Additionally open a new gate in plot 4's rear garden adjacent to plot 2. The result of these changes is that the rear gardens of plots of 2, 5, 6 & 7 will be more secure, whilst the rear garden gate for plot 4 will now have some observation over it from plot 2. All proposed car barns are to have vandal resistant, dusk till dawn operated low energy lighting installed for the safety and security of both the users and vehicles. The doors within the rear of the car barn between plots 14 & 15 are to be adequate and fit for purpose and lockable from both sides as they directly access the rear gardens of plots 15 & 16.

Finally lighting throughout the development will be an important consideration and where implemented should conform to the recommendations within BS5489:2013.

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

Balcombe Parish Council

Original comments

The following comments were discussed at a meeting held with the MSDC Planning Officer on 20th Dec 2018.

Introduction

The land at Barnfield was allocated for development in the Balcombe Neighbourhood Plan which identified 0.5 Ha of the 2.49Ha field for development.

The Balcombe Neighbourhood Plan dated Sept 2016 consists of a policy document and a supplementary Design Guide (also dated 2016). The policy for the site is set out in the main document and the Design Guide provides additional specific guidance for the site.

The NP policy allowed for 'approximately' 14 dwellings and although 16 units have been proposed by Rydon the Parish Council is content that this slightly higher number is acceptable, so long as good design is demonstrated and the overall aspirations of maintaining views, green space and good design are not compromised by the additional units.

Consultation

In the Autumn of 2017 Rydon Homes presented its initial plans to a working group of the Parish Council. The proposal submitted in November 2018 incorporates many of the comments made by BPC during the initial consultation. However, BPC have not been consulted since. BPC had not therefore seen or been pre-consulted on the plans now submitted, nor has it been included or party to on any pre-application advice supplied by MSDC to Rydon. (Note that MSDC had given assurances to BPC following discussions over the Rectory Woods developments that BPC would be included in pre-application advisory sessions on future NP site applications).

Summary of comments/ concerns

BPC have comments relating to the following;

- Traffic calming and access
- Pedestrian access to, from and through the site
- Use and siting of the green space
- Intended ownership/maintenance of communal spaces, attenuation pond
- Intended ownership and maintenance of the roads, footways and verges
- Impact on the setting of the pond and buildings at Buttercup Barn
- The design of several of the houses
- Renewable energy
- DDA and accessible housing
- Percentages of 2 and 3 beds vs 4 beds
- Infrastructure funding

Layout

The typology envisaged for the site is that shown by the adjacent Barn Meadow development. A slightly varied typology has been adopted by Rydon. Rydon have sought to fulfil the requirement to reduce the impact on Haywards Heath Road (HH Road) by setting back the buildings from the road in accordance with the Neighbourhood Plan, and to maintain some of the views and create a feeling of space by providing a wide swath of green alongside the main access through the site and vistas through the dwellings' gardens. The presented scheme resolves these issues better than that shown to BPC in 2017.

Traffic Calming

One of the major drivers for allocating this site rather than others in the Parish was the need for traffic calming on Haywards Heath Road. The policy states;

5.18 Policy 2 requires any planning application to provide a satisfactory vehicular and pedestrian access into the site. Based on the outcomes of design investigations, consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road.

The site is linked to this infrastructure gain by way of MSDC's Infrastructure plan. There are no other specific infrastructure gains linked to this site.

No mention is made in the application of this consideration and no provision for any traffic calming is offered by the scheme as it stands. The issue was much discussed at the BPC/Rydon meeting in 2017.

We note that the Road Safety Audit identified visibility issues with parked cars at the cottages to the south on HH Road and with a speed sign. These should be resolved at an

early stage rather than left to detail design. Whilst the sign can be moved, a more sophisticated solution may be required for the entrance to overcome the parked car issue.

Pedestrian Access

To and from the development

The road crossing at this location is inadequate and consideration should be given to an island crossing or traffic calming to include a crossing point, (note small island crossings are provided on London Road at similar locations where access is across a main road with lower vehicle counts).

Pedestrian access within the site is good and we commend the verges used to separate the footway from the main access road.

Through the development

There is no through route in the current plans to allow casual access through the site. The Design Guide states;

Pedestrian access is a primary feature of village life and pedestrian green chains are an important aspect of life in Balcombe, both for access and socialising.

Pedestrian routes should be provided through all new developments to encourage access on foot; to allow a through passage for people and avoid the isolation of new housing.

BPC would strongly promote a footpath link to the allotments to the east of Buttercup Barn (Cranbrook Nursery). This would allow a casual visitor to walk through at least part of the site on a circular route. It would also allow a safe path for pedestrians to join paths north of Barn Meadow without crossing HH Road. It would also provide a route for access to the nursery school without crossing 3 roads.

This was discussed at the BPC / Rydon meeting in 2017.

Pedestrian 'twittens' could be provided along the rear boundary of plots 5 and 6, and along the rear of 14 to allow better pedestrian access.

Green Space

The siting of the green space beyond the development is odd. Who would maintain this area? Would it be dedicated as Green Space? Would the attenuation pond adjacent be dry or wet? Would this be fenced off? Who would maintain this?

The application describes a softening of the north east boundary by use of planting in this green space and also describes the area as informal play space. Which is it intended to be? Screen or recreation?

There is insufficient green space maintained around the existing farm pond adjacent to HH road. The application plays down the significance of the barns and pond and yet by the evidence supplied, the form shown today has been evident for at least 150 years.

A shift downhill in the position of the houses along the north west boundary effectively moving the green space to the top of the hill on this side would allow a greater space to the pond and existing trees surrounding it and allow space for a path through to the allotments between the new access to plots 1 and 2 and the pond. This green space would then be

more easily maintained and its use would be more secure. The space would also add visual amenity to the development. The pond and pumping station would stay in isolation at the foot of the slope and could be fenced or form an informal space.

Impact on Buttercup Barn (Cranbrook)

The houses and accesses adjacent to the pond are too close to Buttercup Barn and a larger green buffer zone should be provided. See previous comment.

Ownership of shared space

Who would own and maintain the following:

Main access road, smaller shared accesses, footways, wide verges and planting, green space, screen planting and the attenuation pond.

Design of the housing

Internal layouts are good and the style of garage to reflect agricultural timber clad, open fronted buildings is good. However some additional work on the external appearance of the houses would be beneficial.

Design 33 - prominent position on HH road. Very unusual roof line. Not replicated elsewhere on the street scene - will look incongruous.

Designs 19 and 25 are the same house and give concern. They present a large expanse of garage and a gable wall on approach and an equally compromised elevation on the side view from the driveway. These are the best plots and deserve something better.

Designs 35, 31, 29, 27, 23, 21, 17, 15, are essentially the same box double fronted house with features differing only slightly. Greater variety in the detailing of porches and off shots could be provided very simply and at relatively little expense.

Designs 10 and 14. The affordable units are bland and some variation in roof height or additional features could enhance these units, in particular the terrace.

Plots 15 and 16 need a path linking garages to their gardens/doors. Perhaps along the shared boundary of 15/16. There seems inadequate turning space in front of the garage block serving 14,15,16. The form and design of the garage itself is very good.

The parking for 3, 4, 5 is presumably a drive through garage with parking beyond it? It is likely that this way of providing 2 spaces per unit will lead to cars parking on the access road. Again the form and design of the shared block is very good.

Renewable Energy

How has this been included in the scheme?

Accessible and older peoples' homes

Not evident in this scheme. The Design Guide states:

The provision of attractive accessible accommodation adapted to later life, easy access or assisted living is encouraged.

A minimum of 10% should be accessible.

The provision of 1 or 2 accessible units should be applied.

Ratio of smaller units to larger homes

The percentages of each type of dwelling are set out in Policy 3 of the Neighbourhood Plan:-

- i. approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, are no larger than 3 bedroom dwellings with a proportion suited to occupation by households of retirement age;
- ii. approximately 25% of the total number of dwellings of the scheme to comprise dwellings of no more than 4 bedrooms;
- iii. they comply with affordable housing requirements of the Mid Sussex development plan;

No beds	In scheme	Percentage		Intended % in NP policy 3
1 bed	nil			None, as NP policy DP 2 ii
2 bed	4	25 %	69%	75 % 3 bed or less
3 bed	7	44 %		
4 bed	5	31 %		No more than 25%

There should be 12 units of 2 and 3 bedroomed homes and 4 number 4 bedroom units to accord with the policy.

(Note : As the Rectory site had 'over' provided beyond its initial allocation of 2 and 3 bedroom units this would not overall have been a problem, but as of now, the Rectory site is uncertain).

The only 2 bedroomed home for sale on this site is a detached property and likely to be relatively expensive for a 2 bed unit. The affordable (housing association or shared ownership units) are all 2 or 3 beds. So whilst the provision of units overall for the site almost accords with the policy on mix, the mix is divided unequally with larger units all for sale and smaller units all for rent.

Infrastructure, amenity and CIL contribution

Aside from Traffic calming the site is not linked to any specific Infrastructure project, however BPC would need to be included in discussions on funds available to ensure the needs identified in the NP and transferred to the MSDC Infrastructure plan are fulfilled.

Follow Up comments:

Balcombe Parish Council has the following comments on revised proposals submitted to MSDC since December 2018 and the correspondence available on the MSDC planning portal regarding the proposals during that period.

Since the last full application in the autumn of 2018, and the submission of our comments, very little change has been made to the proposals. Despite correspondence between the MSDC Planning Officer and Rydon Homes regarding the comments made by the BPC only a few clarifications have been made by the applicant and a full response has not been given.

The comments made in December by BPC therefore stand largely unaltered and are to be found at the end of this current response:

- Traffic calming and access
- Pedestrian access to, from and through the site
- Use and siting of the green space
- Intended ownership/maintenance of communal spaces, attenuation pond
- Intended ownership and maintenance of the roads, footways and verges
- Impact on the setting of the pond and buildings at Buttercup Barn

- The design of several of the houses and parking
- Renewable energy
- DDA and accessible housing
- Percentages of 2 and 3 beds vs 4 beds
- Infrastructure funding

The following comments are made in addition to the former December 2018 response;

Traffic Calming and access remain issues for the PC. There remains no traffic calming scheme and the developer has been unwilling to entertain a solution to this even in partnership with the PC.

The visibility splays are now categorised as absolute minimum requirement with a relaxation from DMRB standard to Mf2 and whilst WSCC Highways initially required the developer to provide a departure from standard for the drop from 96m desirable to 76m absolute minimum this has been relaxed on the basis of an 85% percentile speed below 40mph for significant periods of the day. Traffic monitoring undertaken by WSCC on behalf of BPC in November 2017 does not back up this assertion of lower speeds with much of the day higher than 40mph. Added to the unresolved findings of the road safety audit which highlights parked cars from the neighbouring properties within the reduced sightline to the south, the conclusion must be that in the present form the visibility splays do not conform to acceptable standards nor provide a safe access onto Haywards Heath Road from the site.

Pedestrian access to and from the site is by crossing Haywards Heath Road onto the existing footway on the west side of HH Road. With speeds of between 35 and 50 mph recorded and poor sightlines this is hazardous. BPC recommends that a pedestrian island is provided under a section 268 agreement. This will require a localised widening of the carriageway by 1.2m eastwards at the site entrance.

A casual pedestrian route through the site has not been provided. The developer has reported that the land beyond the site belongs to someone else, and whilst it does, the owner is Balcombe Estate who are the vendors of the development site. BPC strongly suggest that with a little application both parties could be persuaded to provide this link and prevent the isolation of the new development, safer access and provide a scheme in conformance with this essential requirement of the Neighbourhood Plan (NP) in this regard.

Use and siting of the Green Space. The green space remains on the eastern boundary rather than forming the green frontage to the site as intended in the Neighbourhood Plan. Comments by the Urban Designer at MSDC echo the PC's concerns regarding the position of the space as do comments by the drainage officer on the engineering involved in cutting an attenuation pond into a sloping site and the safe gradients for the pond sides (essential for emergency egress should someone fall in!). There are no detailed cross sections provided on the MSDC portal to demonstrate the achievability of the pond, nor any geotechnical information to resolve its construction.

Maintenance of the green space and pond. Correspondence from the developer suggests a transfer to BPC or the formation of a management company. This seems to leave either financial liability with the PC or an uncertain future for the space, the location and woodland form of the space whilst initially attractive does not lend itself to easy maintenance.

Maintenance and ownership of verges, footways and roads is now proposed in a submitted plan with which the PC is happy.

Design of the houses, the PC again agrees with the comments made by the Urban Designer at MSDC. In particular the houses fronting HH Road, plots 15 and 16 are out of keeping with the existing street scene. Whilst the house at plot 16 is nicely designed it does not reflect the character of the surrounding properties. The proposed house at plot 15 is extremely odd. The appearance has been improved by amending the roofline but the glazed side stairwell is not attractive and does not site well on the house. The house presents an odd and incongruous unit at the entrance to the site. This is not acceptable.

The affordable units remain very distinctly the affordable element of the scheme. Despite assertions from the applicant of integration they are the only terrace and the only semi-detached units. The terrace has been improved by partial cladding and roof/ bay projections and the semi-detached by roof detail. However, they are the small units on the site with no larger affordable units offered nor smaller sale units offered. The mix is very distinct between sale and let.

The units at plots 11 and 8 still present an unattractive façade, these large end plots deserve better.

In all the design has been improved but marginally and, as described by the Urban Design Officer, the development fails to deliver a sense of place or the quality of grouping and design befitting the AONB location.

Parking as highlighted in our December comments and repeated by MSDC's Urban Designer the parking doesn't work through much of the site. The double length parking especially in the communal barns will not be used and on street parking will become an issue. Whilst most of the parking is cramped that for units 3, 4 and 5 is not suitable for use and 14, 15 and 16 has the same issue but also the access and turning space within the forecourt area is insufficient to allow access in and out of the parking area. A car would have to reverse down the narrow access and out onto the road. Plot 1's parking compromises the setting of the existing pond. If the parking cannot be resolved within the areas available the PC can only conclude that a development of 16 units has not been demonstrated and that a scheme reverting to the 14 units in the NP should be made.

Renewable Energy - the site still does not address this requirement at all.

DDA and accessible accommodation - the developer has misinterpreted the requirement of the NP Design Guide in that they have applied the 10% requirement for wheelchair M4(3) accessibility only to the affordable element of the site. This is not the case, the criteria applies to all units in the development and therefore 1.6 unit should be M4(3). None have been provided. Also only the affordable have been made M4(2) accessible and adaptable, surely this should be shared by the sale properties.

Percentages of small and larger homes - as noted above the small homes are for rent, the larger for sale. The mix is very distinct.

Infrastructure Funding - no consultation has been had with BPC on allocation of infrastructure funding from this site. Even the traffic calming formally associated with the site in the Infrastructure Plan for Balcombe has been dismissed. No CIL is in place and the wider objectives for infrastructure in the NP have no funding stream without it. Without some involvement of the PC in allocation of funding the aims of the NP are not going to be fulfilled. MSDC must engage in this process with the PC in order to achieve the plan objectives beyond mere housing numbers.

In addition the following items have been provided in the last 6 months;

Refuse - all bins are shown as stored in rear gardens. This again lends itself to the conclusion that insufficient space is available for bin storage.

Hedgerow to the boundaries - the existing field hedges become boundaries to many of the new homes. How would this ecological and visual feature be maintained and protected? Will it remain the property of the Balcombe Estate or come into multiple ownership?

In conclusion BPC feel that little has been done to achieve the requirements of the NP highlighted by BPC. No traffic calming, poor standard visibility splays, no pedestrian crossing, no footpath link through the site, green space in poor location, no wheelchair access, no alternative energy initiatives, inadequate parking and limited improvement in design. In all a little disappointing given the profitability of this beautiful site.

BPC must insist that protected pedestrian access across HH road and casual pedestrian access through the site towards the allotments is provided. That a higher standard of visibility is applied at the entrance. That the green space is provided around the existing pond rather than the eastern boundary and that parking is better resolved or that alternatively a scheme for 14 homes in accordance with the allocation in the Neighbourhood Plan is made.

BPC would be keen to continue a dialogue on the issues remaining.

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MID SUSSEX DISTRICT COUNCIL

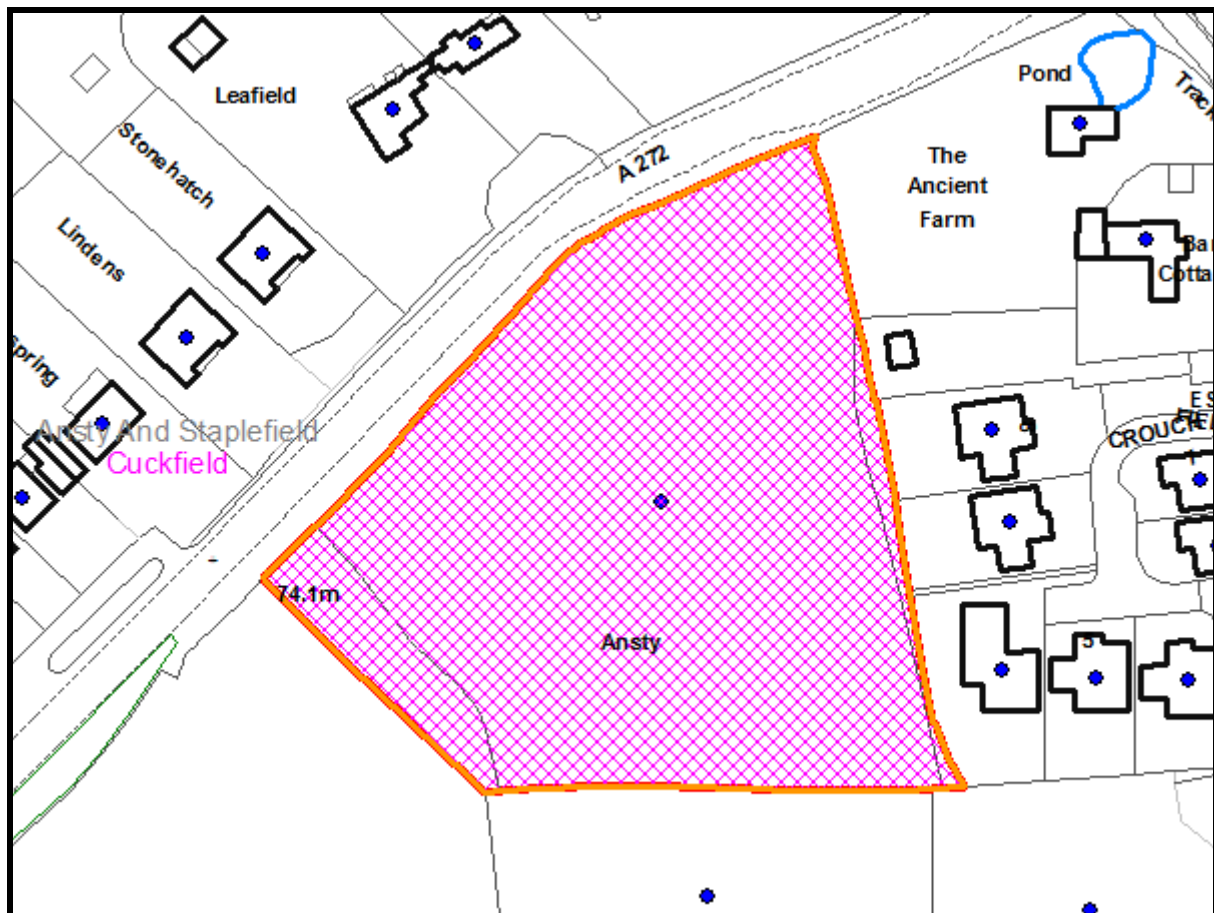
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/19/1235



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**LAND SOUTH OF BOLNEY ROAD BOLNEY ROAD ANSTY WEST SUSSEX
RESERVED MATTERS APPLICATION FOR THE ERECTION OF 20NO.
DWELLINGS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING)
INCLUDING UNDERGROUND LPG GAS TANKS. AMENDED PLANS RECEIVED
20 JUNE SHOWING A REVISED LAYOUT AND DESIGN FOR THE PROPOSED
DEVELOPMENT, INCLUDING THE REPLACEMENT OF THE 3 STOREY
APARTMENT BUILDING WITH A 2 STOREY BLOCK. AMENDED PLANS
RECEIVED ON 24TH JULY SHOWING AMENDMENTS TO VARIOUS PLOTS
AND REVISED LAYOUT PLAN
SIGMA HOMES LTD**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 6th September 2019

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for reserved matters consent as detailed above.

EXECUTIVE SUMMARY

This application seeks reserved matters consent for the erection of 20 dwellings on land to the south of Bolney Road, Ansty.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Ansty and Staplefield Neighbourhood Plan (ASNP).

In this case outline planning permission has been granted for the erection of up to 20 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the Bolney Road.

The design and layout of the scheme has been amended during the course of the application to improve the scheme. It is considered that the layout of the scheme, including the roads and car parking provision, is sound and the design of the proposed dwellings is acceptable. All of the dwellings would meet the national minimum space standards and the scheme provides a policy compliant level of affordable housing and a satisfactory mix of housing overall. The proposed dwellings would have a satisfactory standard of accommodation in relation to noise from the Bolney Road.

It is considered that the layout would avoid significant harm to the amenities of the occupiers of neighbouring properties. It is also considered that the impact on the listed building to the northeast of the site is acceptable.

The scheme would require the removal of a section of trees along the road frontage to provide visibility splays, but this has been accepted by virtue of the outline planning permission which approved the access into the site. The scheme is laid out

to avoid harm to trees within the site during construction and it is not felt that the layout will result in undue pressure on trees within the site from future occupiers of the new development.

In light of the above it is considered the application complies with policies in the DP21, DP26, DP27, DP29, DP30, DP31, DP34, DP37, DP39 and DP41 in the DP and policies AS4 and AS6 in the ASNP and the reserved matters should be approved.

Recommendation

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

SUMMARY OF REPRESENTATIONS

Original plans

4 letters received:

- object to 3 storey flats which would be out of keeping with the area;
- believe the access to the site will be dangerous;
- will cause a loss of amenity to the occupiers of Crouch Fields;
- concerned about the loss of this green field to development;
- removal of trees on this north east boundary will dramatically change the appearance of the village and there appears to be no replanting;
- parking is inadequate;
- question how pedestrians will cross the Bolney Road

Amended plans

1 letter received

- welcome the reduction of the flats from 3 to 2 storey
- believe the access to the site will be dangerous

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

No objection.

MSDC Drainage Officer

No objection.

Urban Designer

As the site has been allocated in the Neighbourhood Plan, the site access interventions have to be accepted, including the loss of attractive boundary trees, as there are no other workable options. The back-to-front arrangement of the houses and rear garden boundaries (plots 14 and 15) on the Bolney Road frontage are also unfortunate as it risks further undermining the sylvan character of the existing road and unattractively revealing back gardens; however, this too is a consequence of site constraints and the revised drawings now benefit from a buffer zone that provides the scope for additional planting to supplement and reinforce the existing tree belt. The design of the block of flats has been comprehensively re-designed and reduced in overall height and eaves height, and consequently now sits much better in its context with the adjacent car parking at the front of the site better screened. For these reasons, I withdraw my objection to this planning application.

Housing Enabling & Development Officer

The applicant is proposing a development of 20 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (6 units). The units proposed are agreed and will meet a range of housing needs. The affordable housing mix comprises of 2 x 1 bed flats and 2 x 2 bed houses for affordable rent and 1 x 2 bed house and 1 x 3 bed house for shared ownership. A tenure blind approach to design and materials will assist with achieving a satisfactory level of social integration.

Environmental Protection Officer

Original comments

All properties will have access to outdoor amenity that is within the required noise levels. Suggest conditions relating to acoustic protection.

Updated comments

To be reported.

Tree Officer

I am concerned about the future pressure on trees in the rear gardens of plots 7, 8 and 9, similarly, the gardens of plots 14 and 15. Tree protection, plotting and RPAs all appear to be correct and AIA and MS are adequate and should be conditioned, as should the landscaping proposal detailing aftercare.

ANSTY AND STAPLEFIELD PARISH COUNCIL COMMENTS

The Parish Council are concerned that the amount of hardstanding proposed at this site will be a flood risk, causing water to run off onto the Bolney Road, which is a road that is already prone to flooding. They also object to the use of LPG when greener alternatives should be sought.

INTRODUCTION

This application seeks reserved matters consent for the erection of 20 dwellings on land to the south of Bolney Road, Ansty.

RELEVANT PLANNING HISTORY

Outline planning permission for the erection of up to 20 dwellings was granted at planning committee A on 20th October 2016 (reference DM/16/2347).

SITE AND SURROUNDINGS

The application site comprises 0.8ha of farmland and is located approximately 350m west of Ansty Village centre. The site is predominately flat, although rises gently to the east. The site forms part of a larger agricultural holding, which includes further land to the west. The majority of the site is open, with mature trees and hedgerows located along each of its boundaries. These provide screening to the surrounding areas, particularly the open countryside to the south.

The site is bound by Bolney Road (A272) to the north, Butlers Farm to the east and further fields to the south and west. Butlers Farm is recognised for its heritage value and contains the Grade II listed Ancient Farm building. Directly east of this property is Old Cottage, which is also Grade II listed.

The site lies within the countryside as defined in the District Plan. The site is allocated for development by policy in the Ansty and Staplefield neighbourhood Plan (ASNP).

APPLICATION DETAILS

The application seeks reserved matters consent for the erection of 20 dwellings, including underground LPG gas tanks on land to the south of Bolney Road, Ansty. Outline planning permission has been granted for the principle of the development and the means of access into the site was approved at the outline stage. The reserved matters consent is therefore seeking consent for the layout, scale, appearance and landscaping of the site.

The access into the site would be a T junction in the previously approved position, opposite Leaffield. The access road would then head southwards into the site and would then have two cul-de-sacs to the west and east sides of the site. The layout shows a new pedestrian footway running along the eastern frontage of the site and this would exit the site at the far north eastern corner. The internal layout of the site also shows a pedestrian footway to link into the recently completed development at Crouch Fields.

The plans show two pairs of semidetached houses at the north-eastern side of the site, with car parking and then three detached houses to the rear of these. At the southern end of the site there would be a line of four detached houses. On the western side of the access road would be a block containing 4 apartments. This block would feature rear courtyard parking. On the eastern side of the access road

coming into the site would be a single building containing two apartments. Finally the plans show three detached houses on the western side of the site.

All of the properties would be two storeys in height. They would be of a traditional design and would feature a palette of brick, tile hanging and plain roof tiles.

The scheme would provide 14 market dwellings and 6 affordable units.

The scheme would provide for 52 car parking spaces.

LIST OF POLICIES

Mid Sussex District Plan

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

DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed Buildings and Other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

Ansty and Staplefield Neighbourhood Plan (ASNP)

The ASNP was made in February 2017 and is part of the development plan for this part of Mid Sussex.

POLICY AS4: HOUSING MIX

POLICY AS6: LAND OFF BOLNEY ROAD, ANSTY

ASSESSMENT

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

- The principle of development;
- Design/layout
- Access and Transport
- Neighbour amenity
- Housing Mix and Affordable Housing
- Impact on heritage assets
- Archaeology
- Impact on trees

- Drainage
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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.

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

In this case outline planning permission has been granted for the erection of up to 20 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the Bolney Road.

Design and layout of the proposal

Policy DP26 in the DP seeks a high standard of design in new development. The NNPF has similar aims in relation to design. Whilst planning permission has been granted for this development, it is considered that policy AS6 in the ASNP is still relevant. This states:

'Planning permission will be granted for residential development on 0.52 hectares of land off Bolney Road, Ansty, subject to the following criteria:

- *the provision of a range of house types and in accordance with Policy AS4 of this Plan; and*

- *the tree belt surrounding the site is, where possible, retained and further enhanced with native species; and*
- *access is provided from the south-western corner of the site in order to overcome the change in levels, with visibility maximised; and*
- *safe pedestrian access into the village is provided where possible; and*
- *sufficient surface water drainage capacity is provided.'*

The design and layout of the scheme have been amended following negotiation with the officers. As originally proposed there would have been a three storey block of flats within the site which officer's considered inappropriate given the scale of development in the vicinity and the elevated position of the site above Bolney Road. There have also been improvements to the external elevations of the buildings including the consistent application of facing materials at the front, back and sides and the replacement of render-finishes with cladding or brick that have better weathering properties.

Overall it is considered that the layout of the proposed scheme is sound. The access point has been approved at the outline stage and this helped determined how the site is laid out. The majority of the dwellings would face onto the road within the site to produce a sound street frontage. The dwellings to the northeast of the site would face onto the pedestrian path that would run parallel to the Bolney Road and would then join the Bolney Road in the far north eastern corner of the site.

The car parking for units would be located behind the building in a parking court. This would screen this area of car parking to ensure that the street frontage is not overly dominated by car parking.

It is therefore felt that the scheme complies with the design elements of policy AS6 in the ASNP.

It is acknowledged that the designs of the houses are not unique or innovative. However it is considered that they will fit in satisfactorily within the area and they are not objectionable. Following the changes that have been negotiated the Council's Urban Design does not object to the proposal. The design elements of policy DP26 in the DP are therefore complied with.

Dwelling space standards

Policy DP27 of the DP states that the minimum nationally described spaces standards for internal floor space will be applied to all new residential development. The standards set out minimum floor space figures for dwellings based on the number of bedrooms and bed spaces within properties.

All of the dwellings would meet the dwelling space standards.

Noise

In relation to noise, policy DP29 states *"The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life*

will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

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

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development ;'*

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

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

The application is accompanied by a noise assessment that has considered by the Council's EHO. This has been updated during the course of the application to reflect the design and layout changes that have been negotiated. The source of noise for this development would be from the Bolney Road to the north.

The Council's EHO does not raise any objection to the application and it is therefore considered that policy DP29 is complied with.

Transport

The means of access into the site has already been approved by the outline planning permission. As such the impact of the development on road capacity and matters of accessibility have already been found to be acceptable. It remains the case however,

that the Highway Authority still considers that the proposals will not *'have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network'*. The issues to consider in respect reserved matters relate to the internal layout of the development.

The Highway Authority is satisfied that suitable space for turning of all anticipated vehicles, including servicing vehicles has been demonstrated. Garages are sufficient size (3m by 6m for single) internally to count toward car and bicycle parking. The scheme would provide 52 car parking spaces, with 6 of these being unallocated visitor spaces.

It is considered that the internal geometry of the highway layout is acceptable. The level of car parking provision is also acceptable.

The scheme includes the provision of a pedestrian footway to link into the recently completed residential development of 8 houses at Crouch Fields. The layout at Crouch Fields provided a footpath link to the western boundary of the site to enable a pedestrian connection to be formed when the application site under consideration now can forward. This should provide a more direct pedestrian link to the south and eastern sides of the village from the site. The scheme also includes a pedestrian footpath to the bus stop on Bolney Road.

It is considered that the above pedestrian links are acceptable. In light of all the above, the application therefore complies with policy DP21 of the DP.

Impact on neighbour amenity

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

The nearest property to the proposed development would be the relatively new detached house at 6 Crouch Field that would be some 10m to the east of the side elevation of the property on plot 10 of the application site. Whilst this is relatively close, it is important to note that it would only be the side elevation and garage of the plot on number 10 that would face towards 6 Crouch Field. As such there would be no overlooking and the extent of the two storey element facing 6 Crouch Field would be limited. It is also relevant that as 6 Crouch Field is on a corner plot, it also has a rear garden some 12m in depth to the south of the property. In light of all these points it is not felt that the proposal would result in significant harm to the amenities of this property.

The properties on plots 7 to 9 would be some 33m back to back from 7 and 8 Crouch Fields. Whilst the new dwellings would be visible to the occupiers of the properties on Crouch Fields it is not considered that there would be any adverse impact on their amenities from this.

The apartments on plots 17 to 20 would be some 36m from Stonehatch on the opposite side of Bolney Road. It is not considered there would be any adverse impact on their amenities from the proposal.

Overall it is felt that there would not be a significant loss of amenity to neighbouring properties and therefore there is no conflict with this element of policy DP26 in the DP.

Housing mix and affordable housing

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Policy AS4 in the ASNP states:

'Residential developments must provide a mix of dwelling sizes (market and affordable) that reflect the best available housing evidence.'

In the early part of the plan period, the housing evidence indicates a particular emphasis on the provision of 1- and 2-bed dwellings. It is therefore expected that in the early part of the plan period developments will provide a mix of dwellings include the provision of 1 and 2 bedroom dwellings to reflect the local housing need.'

The housing mix would be as follows:

Market housing

4 x 2 bed

5 x 3 bed

5 x 4 bed

Affordable housing

2 x 1 bed

3 x 2 bed

1 x 3 bed

As such 45% of the overall units would be 1 and 2 bed, 30% would be 3 bed and 25% would be 4 bed. It is considered that this is a reasonable housing mix that would comply with the above policies.

The scheme provides a policy compliant level of affordable housing. As such policy DP31 of the DP is complied with.

Impact on heritage assets

The application site is a field situated to the south of Bolney Road adjacent to Ansty village centre- directly to the north east of the site is a small group of dwellings sitting in the angle of the junction between Bolney Road and Cuckfield Road, including The Ancient Farm and Old Cottage, both of which are Grade II listed. The grounds of The Ancient Farm directly abuts the application site, but are separated from it by a thick belt of trees and shrubs. The application site is separated from Old Cottage by the buildings and grounds associated with The Ancient Farm, and is not therefore

considered to fall within its setting. It is however considered to form part of the setting of The Ancient Farm.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

On the original outline application the Conservation Officer stated 'The proposed new residential development would have a fundamental impact on the currently open and rural character of the site, which would in turn have an impact on the character of this part of the setting of the Ancient Farm, which does contribute to an appreciation of the previously agricultural function and rural location of the building. However, the site is separated from the Farm by a thick belt of trees and shrubs and intervisibility is likely to be limited. Screening along the Bolney Road frontage of the site will limit the impact of the new development on the setting of the heritage asset as appreciated from this approach to it; furthermore the Ancient Farm itself is only visible in glimpsed views from Bolney Road due again to screening by trees.'

In this context it is considered that although the proposal will have a harmful impact on the character of the setting of the Ancient Farm, this harm will be less than substantial in terms of the NPPF.'

The illustrative layout that was submitted with the outline application is similar to the reserved matters submission. It is considered that whilst there would be some harm to the setting of the listed building as a result of the proposal this would certainly be less than substantial as defined in the NPPF.

Paragraph 196 of the NPPF states '*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.*' It is therefore necessary to consider whether according to Para 196 of the NPPF sufficient public benefits would offset the less than substantial harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

It is considered that the significant benefits of the scheme (provision of new housing, including affordable housing, on a site that is allocated for housing development in a Neighbourhood Plan, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act. The proposal therefore complies with policy DP34 of the DP.

Archaeology

The reserved matters application is accompanied by an archaeological report that concludes 'the archaeological evaluation at Bolney Road , Ansty successfully investigated those parts of the site which will be most affected by the proposed development of the site. Despite the fact that the site does not appear to have been disturbed in the past, no archaeological finds or features were recorded during the project. The archaeological potential of the site is therefore regarded as being low.' The applicants have also submitted an application to discharge the archaeological condition which the Councils Archaeological Consultant has advised is acceptable. As such there are no archaeological grounds to resist this application.

Impact on trees

Policy DP37 seeks to support the protection and enhancement of trees, woodland and hedgerows. It states that development *'that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'* There are no preserved trees within the site but policy DP37 is still applicable. In this case there will be a significant impact on the road frontage as the on the trees on the eastern side of the access along Bolney Road would be removed to provide the visibility splay. As the position of the access has been approved at the outline stage, this loss of trees has been accepted.

Within the site the significant trees are on the eastern and southern boundaries of the site. With regards to the trees on the eastern side of the site, the houses on plots 7 to 9 would be further away from the trees on the boundary than the houses at Crouch Fields which were approved by a Planning Inspector. Plot 9 would have the smallest rear garden of these dwellings at some 17m in length. Given the depth of the gardens of these properties and the fact that the houses to the east at Crouch Fields have smaller rear gardens, it is felt that the proximity of the houses to these trees would be acceptable and it would be difficult to argue that there would be undue pressure placed on these trees.

The houses on plots 14 and 15 would have rear gardens some 13m in depth. These trees are shown as being outside the rear gardens of these houses. Given the depth of the rear gardens and also the fact that the trees are to the northwest of the proposed houses, it is again considered that there should not be undue pressure from future occupiers to carry out works on these trees.

The Tree Officer has confirmed that tree protection, plotting and root protection areas all appear to be correct. The applicants have provided a landscaping plan with the reserved matters application and will also be required to discharge the landscaping condition that is attached to the outline planning permission. This can ensure that the final details of the proposed landscaping are acceptable.

In light of all the above it is felt that policy DP37 of the DP is complied with.

Drainage

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site. The application is accompanied by a Flood Risk and Drainage Strategy. This outlines that the intention for surface water is to limit the discharge of water off site to the existing greenfield rate and then to discharge to the watercourse that is located 400m to the west. This would involve the commissioning of a new surface water sewer in Bolney Road. The foul drainage strategy proposed is to connect to the foul manhole 6001 located approximately 400m west of the site where the existing foul network changes direction from the Bolney Road properties' rear gardens and proceeds to run under the highway.

The final details of the means of drainage of the site are controlled by a planning condition attached to the outline consent. The Councils Drainage Engineer has no objections to the proposals as outlined in the reserved matters application.

In light of the above it is considered that policy DP41 of the DP is met.

PLANNING BALANCE AND CONCLUSION

To summarise, this application seeks reserved matters consent for the erection of 20 dwellings on land to the south of Bolney Road, Ansty.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Ansty and Staplefield Neighbourhood Plan (ASNP).

In this case outline planning permission has been granted for the erection of up to 20 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the Bolney Road.

The design and layout of the scheme has been amended during the course of the application to improve the scheme. It is considered that the layout of the scheme, including the roads and car parking provision, is sound and the design of the proposed dwellings is acceptable. All of the dwellings would meet the national minimum space standards and the scheme provides a policy compliant level of affordable housing and a satisfactory mix of housing overall. The proposed dwellings would have a satisfactory standard of accommodation in relation to noise from the Bolney Road.

It is considered that the layout would avoid significant harm to the amenities of the occupiers of neighbouring properties. It is also considered that the impact on the listed building to the northeast of the site is acceptable.

The scheme would require the removal of a section of trees along the road frontage to provide visibility splays, but this has been accepted by virtue of the outline planning permission which approved the access into the site. The scheme is laid out to avoid harm to trees within the site during construction and it is not felt that the

layout will result in undue pressure on trees within the site from future occupiers of the new development.

In light of the above it is considered the application complies with policies in the DP21, DP26, DP27, DP29, DP30, DP31, DP34, DP37, DP39 and DP41 in the DP and policies AS4 and AS6 in the ASNP and the reserved matters should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

1. No dwelling shall be first occupied until the car parking and garaging serving the respective dwellings has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for the parking and garaging of vehicles.

Reason: To provide car-parking space for the use and to comply with policy DP21 of the District Plan 2014-2031.

2. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with the approved planning drawings.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with policy DP21 of the District Plan 2014-2031.

3. The first floor windows on the east elevation of plot 10 shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031.

4. Glazing installed within Plots 1 to 6 and 19 to 20 is required to achieve a specification RTra 29dB or higher when closed. This shall be implemented prior to the occupation of the development and shall thereafter be retained to such a standard or higher.

Reason: To protect the amenities of future occupants and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, there shall be submitted to the Local Planning Authority for its approval in writing, detailed proposals of an alternative means of ventilation for Plots 1 to 6 and 19 to 20. The system is required to have sufficient capacity to ensure adequate fresh air for habitable rooms, while maintaining the required sound reduction values detailed in Acoustic Associates Sussex Ltd Noise Assessment (ref: J2591), dated 16th August 2019. The scheme shall only be implemented in accordance with the approved details.

Reason: To protect the amenities of future occupants and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

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

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	Ansty-LCP-01		27.03.2019
Proposed Site Plan	01285 PL01	C	27.03.2019
Proposed Floor and Elevations Plan	01285/PI02	C	27.03.2019
Proposed Floor and Elevations Plan	01285/PL03	C	27.03.2019
Proposed Floor and Elevations Plan	01285/PL04	A	27.03.2019
Proposed Floor and Elevations Plan	01285/PL05	B	27.03.2019
Proposed Floor and Elevations Plan	01285/PL06	B	27.03.2019
Proposed Floor and Elevations Plan	01285/PL07	B	27.03.2019
Proposed Floor Plans	01285/PL08	A	20.06.2019
Proposed Elevations	01285/PL09	A	20.06.2019
Proposed Floor and Elevations Plan	01285/PL10	A	20.06.2019
Proposed Floor and Elevations Plan	01285/PL11	A	27.03.2019
Proposed Floor and Elevations Plan	01285/PL12	C	27.03.2019
Proposed Floor and Elevations Plan	01285/PL13	A	27.03.2019
Proposed Floor and Elevations Plan	01285/PL14		27.03.2019
Proposed Floor Plans	01285/PL15	A	27.03.2019
Proposed Floor Plans	01285/PL17	A	27.03.2019
Proposed Elevations	01285/PL18	B	27.03.2019
Proposed Floor and Elevations Plan	01285PL20		27.03.2019
Proposed Floor Plans	21387		27.03.2019
Street Scene	01285/PL19	B	27.03.2019
Landscaping Details	NJCL 363-1		27.03.2019
Tree Survey	NJCL 363	A	27.03.2019
Tree Survey	NJCL 363	B	27.03.2019
Sections	Ansty-LPA-01		20.06.2019
Levels	Ansty-FFL-01		20.06.2019
Proposed Floor and Elevations Plan	01285/PL11	B	20.06.2019
Proposed Floor and Elevations Plan	01285/PL06	C	20.06.2019
Proposed Floor and Elevations Plan	01285/PL05	C	20.06.2019
Proposed Floor and Elevations Plan	01285/PL04	B	20.06.2019
Proposed Floor and Elevations Plan	01285/PL03	D	20.06.2019
Proposed Floor and Elevations Plan	01285/PI02	D	20.06.2019
Proposed Floor and Elevations Plan	01285/PL14	A	20.06.2019
Proposed Floor and Elevations Plan	01285/PL07	C	20.06.2019
Proposed Floor and Elevations Plan	01285/PL13	B	20.06.2019
Street Scene	01285/PL19	D	24.07.2019
Landscaping Details	NJCL 363-1	B	24.07.2019
Proposed Site Plan	01285 PL01	E	24.07.2019

Proposed Floor and Elevations Plan	01285/PL12	E	24.07.2019
Proposed Floor and Elevations Plan	01285/PL15	C	24.07.2019
Proposed Floor Plans	01285/PL17	C	24.07.2019
Proposed Elevations	01285/PL18	D	24.07.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council are concerned that the amount of hardstanding proposed at this site will be a flood risk, causing water to run off onto the Bolney Road, which is a road that is already prone to flooding. They also object to the use of LPG when greener alternatives should be sought.

Highway Authority

Access Arrangements Approved under DM/16/2347

Matters of access and visibility were commented on under DM/16/2347. This included the submission of a Stage 1 Road Safety Audit (RSA) and speed survey with achievable visibility splays demonstrated to be in line with recorded 85th percentile speeds.

The new bellmouth junction with A272 Bolney Road is to be constructed via a S278 agreement and technical approval with the WSCC Implementation Team. The internal estate roads are to be built to adoptable standards but not proposed to be offered for adoption at this stage.

The new site access will be designed in accordance with drawing no. 10839-T05 Rev P3 as revised from the RSA recommendations. Details of RSA recommendations have been commented on under discharge of condition application DM/19/1242. Details of Construction Management Plan (CMP) have also been commented on by the LHA under this discharge of condition application. The LHA have requested further clarity on the internal layout during construction phase including capacity for contractor parking within the site.

As per comments under DM/16/2347 the applicant should confirm whether proposals for Vehicle Activated Signs are still to be bought forward.

The impact of the development on road capacity and matters of accessibility have also been commented on under DM/16/2347. The LHA's comments in respect to these reserved matters will consider the internal layout, manoeuvrability for all vehicles and car parking only.

Internal Layout and Servicing

The updated Transport Statement indicates that servicing will take place within the site and it is achievable for a refuse collection vehicle to enter, turn on site and exit in a forward gear, as demonstrated via swept path tracking from PBA drawing no. 020.0444.002. Refuse collection vehicles will be able to get within 25m of each bin collection point as per Manual for Streets guidance.

A 2m wide footway is to be provided within the site, to the northeast of the development. This will link to the bus stop on the southern side of Bolney Road. Internal carriageway width will remain at a minimum of 4.8m to allow vehicles to pass in opposing directions. Where the footway is not segregated a shared surface arrangement is proposed in line with MfS guidance. The estate roads will be designed to a 20mph design speed and forward visibility has been demonstrated within the site at the corner of plot 16 in accordance with 15mph design speed to ensure visibility for vehicles at this point. A pedestrian link is also proposed

between plots 9 and 10 which will lead toward the B2036 to the east and appears to link in with the Crouch Fields development.

Car and Bicycle Parking

The parking demand for the development has been assessed using the WSCC Car Parking Demand Calculator (PDC) on the basis of 4 x 2-bedroom, 5 x 3-bedroom and 5 x 4-bedroom open market and 2 x 1-bedroom, 3 x 2-bedroom and 1 x 4-bedroom social housing. 52 x parking spaces will be provided across the development with 46 of these allocated. Using the PDC a demand for 49 spaces is anticipated. With additional visitor parking also provided this can be accommodated within the site.

MSDC hold their own parking standards (1 bedroom = 1 car and 1 cycle space, 2-3 bedroom = 2 car and 2 cycle space, 4-bedroom = 3 car and 2 cycle, 5+ bedroom = assessed individually). On this basis the development could see a demand for 43 spaces.

Garages are sufficient size (3m by 6m for single) internally to count toward car and bicycle parking. Where garages are not provided a secure and covered bicycle storage facility will be in place. The workability of the parking spaces is shown via swept path tracking within the TS. The LHA are satisfied that sufficient parking and turning for cars is available within the site.

Conclusion

The LHA consider that the details pertaining to reserved matters of DM/16/2347 are acceptable. The LPA should be satisfied that matters relating to access and discharge of highways related conditions to DM/16/2347 are agreed with the LHA.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 is minded to approve the application the following conditions should be secured.

Car parking space

No dwelling shall be first occupied until the car parking serving the respective dwellings has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

Cycle parking

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with the approved planning drawings.

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

INFORMATIVE

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

Amended plans

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for 20 x dwellings (reserved matters). In comments dated 23 April 2019 no objections were raised, with access arrangements already approved under DM/16/2347.

Amended plans have been received showing a revised layout, an amended Transport Statement (TS) has also been provided. The main alterations include replacement of 3 storey apartment building with 2 storey block, the internal access roads and road layout remain the same. The LHA are satisfied that suitable space for turning of all anticipated vehicles, including servicing vehicles has been demonstrated.

As per previous comments the LHA consider that the details pertaining to reserved matters of DM/16/2347 are acceptable. The LPA should be satisfied that matters relating to access and discharge of highways related conditions to DM/16/2347 are agreed with the LHA.

Car parking space

No dwelling shall be first occupied until the car parking serving the respective dwellings has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

Cycle parking

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with the approved planning drawings.

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

INFORMATIVE

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

MSDC Drainage Officer

I've had a look at the new layout plan submitted as part of the above reserved matters stage. We have no comment on the changes to the development layout. However, we would advise the applicant that the drainage strategy submitted as part of the discharge of conditions application for this site will need to be amended to address the changes to the development layout.

Urban Designer – Will Dorman

Amended plans

Summary and Overall Assessment

As the site has been allocated in the Neighbourhood Plan, the site access interventions have to be accepted, including the loss of attractive boundary trees, as there are no other workable options. The back-to-front arrangement of the houses and rear garden boundaries (plots 14 and 15) on the Bolney Road frontage are also unfortunate as it risks further

undermining the sylvan character of the existing road and unattractively revealing back gardens; however, this too is a consequence of site constraints and the revised drawings now benefit from a buffer zone that provides the scope for additional planting to supplement and reinforce the existing tree belt. The design of the block of flats has been comprehensively re-designed and reduced in overall height and eaves height, and consequently now sits much better in its context with the adjacent car parking at the front of the site better screened. For these reasons, I withdraw my objection to this planning application even though the building design across the site is unimaginative and reliant on an unconvincing pastiche design. I would nevertheless recommend conditions with the following drawings / material subject to further approval:

- Facing materials including fenestration and balcony finish
- Detailed landscaping and boundary treatment.

Layout

The sylvan character of Bolney Road will be partly eroded with the necessary removal of existing boundary trees to facilitate visibility splay principally to the east of the site entrance. To the west of the site entrance, the set-back boundary of the rear garden boundaries (plots 14 and 15) that is now shown on the revised site layout drawing provide for a buffer zone that should enable additional planting to complement and strengthen the retained tree belt along this part of Bolney Road. The northern boundary around the garden serving the ground floor of the block of flats (plots 17-20) will need to be especially carefully designed and softened with planting as it extend close to Bolney Road at the site entrance; the detailed landscaping and boundary treatment (both here and elsewhere) will therefore need to be secured through condition.

The revised drawings incorporate a comprehensively re-designed block of flats that replaces a 3 storey building with a 2 storey one with a longer frontage that defines / encloses the public realm around the entranceway and largely screens the parking serving plots 16-20 by accommodating in a rear parking court behind the building frontage.

Plots 7-9 feature relatively long gardens to provide separation distance between the houses and the large mature trees on the eastern boundary.

A pedestrian connection has been provide to the village centre via the Barn Cottage development also on the eastern side.

The open space provision is minimal and consists of a pocket space around an existing oak tree adjacent to plot 13. This provides visual amenity rather than recreational potential and reads as an incidental space because the adjacent house is flank-on and separated by car parking, although the flank elevation is at least well fenestrated. However this is considered acceptable because of the relatively small size of the development and site constraints

Elevations / Massing

The 2 storey block of flats is a significant improvement upon the 3 storey one in the original submission, both in terms of the massing and the quality of the articulation. The symmetrical configuration of the main frontage is well organised into 3 distinct bays that contributes with the lower height to reduce the apparent scale that allows it to sit comfortably with the adjacent houses.

The revised drawings have also taken the opportunity to improve the design of the houses with:

- The consistent application of facing materials at the front, back and sides.
- The replacement of the previously poorly designed houses on plots 16 and 17; with the latter dwelling incorporated into the redesigned block of flats and the former now designed as a detached house with windows in the flank to help address the corner.
- The entrance canopies are less dominant, but it is a shame the opportunity has not been taken to reinforce the symmetry by centring the door on plots 11 and 12 in particular.

The designs still suffer from the employment of different façade treatment to cloak the same house type that does not convincingly disguise the standard house types and is at risk of looking superficial which is also not helped by the fake chimneys. However, the render-finishes have now been omitted and replaced with cladding or brick that have better weathering properties.

Housing Enabling & Development Officer

The applicant is proposing a development of 20 residential dwellings which gives rise to an onsite affordable housing requirement of 30% (6 units). The units proposed are agreed and will meet a range of housing needs. The affordable housing mix comprises of 2 x 1 bed flats and 2 x 2 bed houses for affordable rent and 1 x 2 bed house and 1 x 3 bed house for shared ownership. A tenure blind approach to design and materials will assist with achieving a satisfactory level of social integration

Environmental Protection Officer

Original comments

Main Comments:

The Acoustics Noise Assessment (Ref: 2591) by Acoustic Associates Sussex Ltd, dated 14th March 2019 details a noise assessment of the road traffic noise for the area, and likely noise for proposed residents in line with BS8233:2014.

This report outlines that plots 7 to 17 will achieve the required indoor noise levels with standard double glazing. However Plots 1 to and 18 to 20 will only be able to have reasonable noise levels with their enhanced double glazing and their windows closed.

As such Plots 1 to and 18 to 20 will requires some form of alternative ventilation that also offers sufficient sound reduction. The acoustic report outlines possible ventilation that can be used, but a condition should be attached requiring details of the exact ventilation to be used to be submitted.

All properties will have access to outdoor amenity that is within the required noise levels.

Recommendation:

1) The soundproofing scheme set out in Acoustic Associates Sussex Ltd Noise Assessment (ref: J2591), dated 14th March 2019 shall be implemented prior to the occupation of the development and shall thereafter be retained to such a standard or higher.

2) Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of

ventilation with sufficient capacity to ensure adequate fresh air for habitable rooms, while maintaining the required sound reduction values detailed in Acoustic Associates Sussex Ltd Noise Assessment (ref: J2591), dated 14th March 2019.

Updated comments

Following previous comments the layout for the proposed site has changed, with plot 17 being changed from a house to flat. Plot 16 is now a detached house.

Given the changes the Acoustics Noise Assessment (Ref: J2591) by Acoustic Associates Sussex Ltd, has been updated to issue 4, dated 16th August 2019.

Due to the changes the report outlines that plots 7 to 18 will now achieve the required indoor noise levels with standard double glazing. However Plots 1 to 6 and 19 to 20 will require an acoustically enhanced double-glazing with a specification of RTra 29dB (when closed). It is also required that for these units alternative ventilation arrangements, such as acoustic air bricks or MVHR units, are put in place.

Recommendation:

1) Glazing installed within Plots 1 to 6 and 19 to 20 is required to achieve a specification RTra 29dB or higher when closed. This shall be implemented prior to the occupation of the development and shall thereafter be retained to such a standard or higher.

2) Prior to any building operations being commenced there shall be submitted to the local planning authority for its approval in writing, detailed proposals of an alternative means of ventilation for Plots 1 to 6 and 19 to 20. The system is required to have sufficient capacity to ensure adequate fresh air for habitable rooms, while maintaining the required sound reduction values detailed in Acoustic Associates Sussex Ltd Noise Assessment (ref: J2591), dated 16th August 2019.

Tree Officer

I am concerned about the future pressure on trees in the rear gardens of plots 7,8 and 9, similarly, the gardens of plots 14 and 15. It appears that these trees may be in the ownership of WSCC. I also note that pruning works are proposed to a number of retained trees, even at this early stage to facilitate the development. The development does appear rather cramped within the site.

As the matter of access has already been approved, most of the other remaining trees are around the perimeter and there is little further tree loss. DP37 requires replacement on a one to one basis and landscaping plans are titled ' INFORMATION'. Therefore, if development is approved, request a condition requiring landscaping scheme. Whilst I note informative plans show Malus sp, we are losing a number of natives, therefore smaller trees should be replaced with Crataegus sp. Care should be taken to select native trees as much as possible in line with policy.

Tree protection, plotting and RPAs all appear to be correct and AIA and MS are adequate and should be conditioned,, as should the landscaping proposal detailing aftercare.

MID SUSSEX DISTRICT COUNCIL

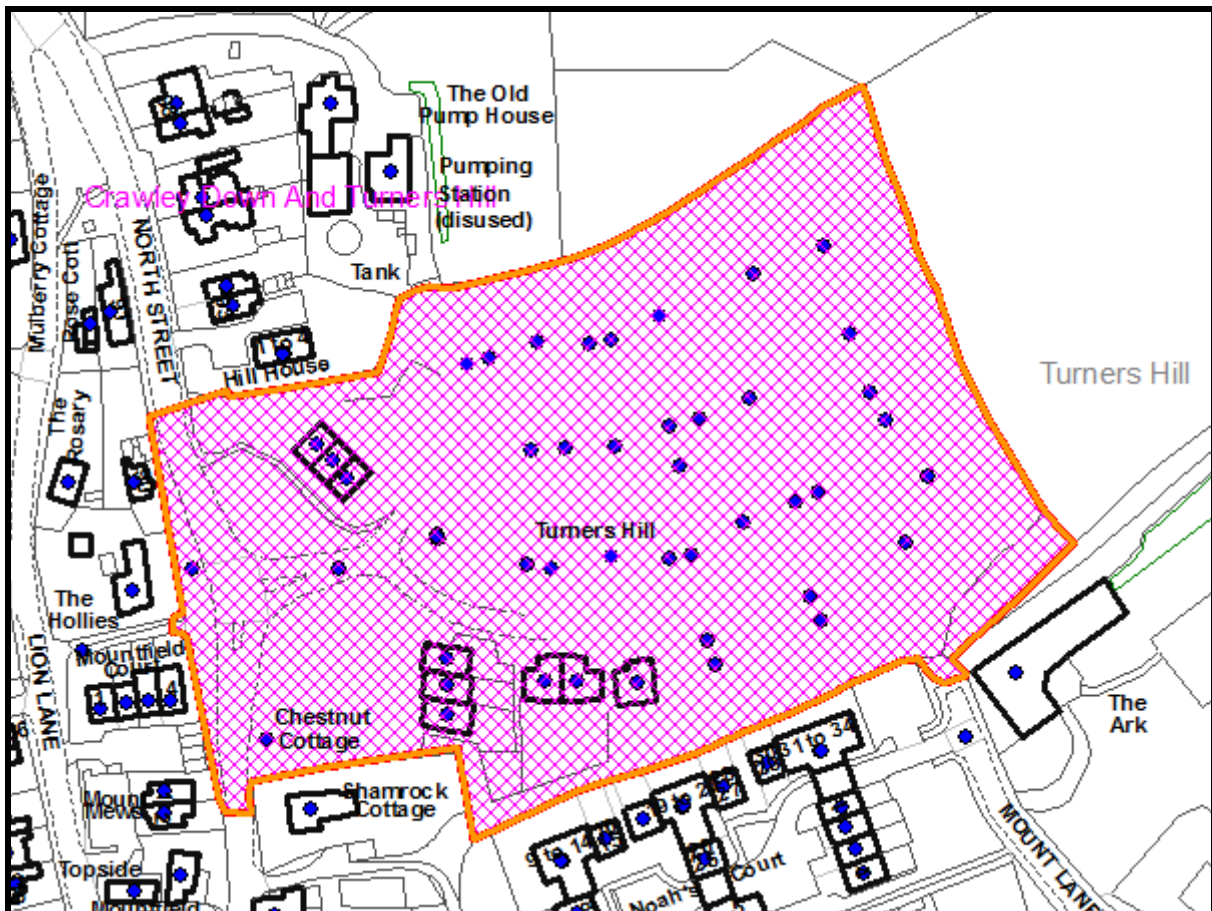
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Turners Hill

DM/19/1341



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**CLOCKFIELDS DEVELOPMENT SITE NORTH STREET TURNERS HILL
WEST SUSSEX**

**MINOR AMENDMENTS TO HOUSE TYPES AT PLOTS 1-16, 21 AND 27-47
AGREED UNDER PERMISSION 11/01332/OUT WITH REVISIONS TO THE
PARKING AND DRIVEWAY ARRANGEMENT FOR PLOTS 10-11 AND
FOUR ADDITIONAL PARKING BAYS FOR PLOTS 24-26.**

MR MARK HENDY

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Built Up Areas / Conservation Area / Countryside Area of Dev.

Restraint / Post 1974 Conservation Area Boundary / Classified Roads - 20m buffer / District Plan Policy / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 6th September 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

There is an extant planning permission on the site that for 47no dwellings that is currently part way through construction. The application before members is essentially seeking to agree some changes to the design and appearance of some of these dwellings, 38no in total, however as the outline permission is has time expired, i.e. no further reserved matters can be submitted, a full application has had to be submitted for the Council to be able to consider the proposed changes.

The site lies within the built up area of Turners Hill where the policy DP6 of the District Plan permits development providing it is an appropriate nature and scale, and does not cause harm to the character and function of the settlement. The site also noted within Neighbourhood Plan as a site allocated for residential development.

The proposal is essentially seeking amendments to 38no dwellings that already benefit from a larger consent that has already been implemented and having regard to the extant permission, the proposal relates to changes to the appearance of the dwellings, particular in respect of the fenestration and application of materials. In addition some minor revisions to parking arrangements proposed.

Notwithstanding an objection from the Council's Urban Designer regarding the reduction in the design quality, it is not considered that the proposed design of the dwellings would be harmful to the character and appearance of the area and therefore would not warrant the refusal of the application in its own right. The application is considered to comply with policy DP26 of the District Plan and Policy THP4 of the Neighbourhood Plan.

In respect of the proposals impact on the setting of the adjacent listed Shamrock

Cottage and the Turners Hill Conservation Area it is considered that this application will not cause any further impact beyond which has already been considered acceptable through the granting of the previous permission and in this respect the application complies with policies DP34 and DP35 of the District Plan.

In the context of the extant permission and being mindful of the nature of these current proposals it is not considered that the application proposal would harm the setting of the adjacent listed Shamrock Cottage or the Turners Hill Conservation Area to the west of the site, thus complying with policies DP34 and DP35 of the District Plan.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP20 Securing Infrastructure, DP21 Transport, DP26 Character and Design, DP27 Dwelling Space Standards, DP31 Affordable Housing, DP39 Sustainability and DP41 Flood Risk and Drainage). DP41 Flood Risk and Drainage).

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

MSDC Urban Designer

These proposals erode the quality of the consented scheme in a number of aspects. Paragraph 130 of the new NPPF specifically states the local planning authorities should 'seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

TURNERS HILL PARISH COUNCIL

The Parish Council supports this planning application and would like to suggest that one of the parking bays is equipped with a charging point for electric cars.

INTRODUCTION

There is an extant planning permission on the site that for 47no dwellings that is currently part way through construction. The application before members is essentially seeking to agree some changes to the design and appearance of some of these dwellings, 38no in total, however as the outline permission is has time expired, i.e. no further reserved matters can be submitted, a full application has had to be submitted for the Council to be able to consider the proposed changes.

PLANNING HISTORY

11/01332/OUT - Erection of 47 dwellings, internal roads, parking, provision of open space and construction of new access roundabout. Approved 12th June 2012

DM/15/2182 - Reserved matters application for the approval of appearance and landscaping following outline approval referenced 11/01332/OUT for the erection of 47 dwellings. Approved 21st September 2015.

DM/18/3673 - Minor amendments to house types for plots 17-20 and plots 22-226. Approved 7th May 2019.

SITE AND SURROUNDINGS

The site lies approximately 140 m north of the village green, on the eastern side of North Street, with its frontage adjoining the Turners Hill Conservation Area. The development is well under construction with the new roundabout layout operational and the dwellings in the front proportion of the site completed.

APPLICATION DETAILS

The application essentially seeks amendments to the design and external appearance of 36no. of the plots within the overall development. Furthermore, some minor amendments to parking provision within the site are also proposed. The amendments can be summarised as follows;

Type A Houses

- Flat roof porch canopy in-lieu of pitched roof
- rear dormers flat rooved in-lieu of pitched roof
- changes to rear fenestration (including removal of balcony and staircase)
- removal of time hanging to majority of plots, where retained removed from rear elevation.

Type B House

- changes to front and rear fenestration arrangements
- render introduced to plots 22-23

Type C Houses

- changes to front and rear fenestration arrangements
- removal of rear balcony and staircase

Type D Houses

- changes to front and rear fenestration arrangements
- small dormer to front elevation moved above eaves line
- rear dormers flat rooved in-lieu of pitched roof
- tile hanging to first floor applied differently

Type E Houses

- changes to front and rear fenestration arrangements
- tile hanging to flank and rear elevations removed

Type F Houses

- Mono pitch roof to porch extended across garage
- Bay window to front removed
- Changes to front and rear fenestration arrangements
- Rear dormers flat rooved in-lieu of pitched roof

Flat Block

- Chimneys removed
- Dormer windows appear heavier

Type SHA Houses

- Shown with no level break in ridges
- Removal of ground floor single storey element to plot 3 and slightly bigger house footprint.

Changes to the Layout

- Alteration to parking arrangement to plots 10 and 11
- Additional parking spaces for plots 24-26

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP6 (Settlement Hierarchy)

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

DP20 (Infrastructure)

DP21 (Transport)

DP26 (Character and Design)

DP28 (Accessibility)

DP31 (Affordable Housing)

DP34 (Listed Buildings and Other Heritage Assets)

DP35 (Conservation Areas)

DP39 (Sustainability)

DP41 (Drainage)

Supplementary Planning Guidance

Development Infrastructure and Contributions SPD (2018)

Affordable Housing SPD (2018)

Turners Hill Neighbourhood Plan

The plan was made on the 26th March 2016 and forms part of the Development Plan for the District and should be afforded full weight. Relevant policy is;

THP3 New Homes Parking

THP4 New Homes

National Policy

National Planning Policy Framework (NPPF)

Technical Housing Standards - National Described Space Standards (2015)

ASSESSMENT

As set out above, there is an extant planning permission on the site that for 47no dwellings that is currently part way through construction. The application before members is essentially seeking to agree some changes to the design and appearance of some of these dwellings, 38no in total, however as the outline permission is has time expired, i.e. no further reserved matters can be submitted, a full application has had to be submitted for the Council to be able to consider the proposed changes.

The refusal of this application does not impact on the outline and subsequent reserved matters permission already granted and implemented on site but the extant permission is a material consideration that should be given very considerable weight in the determination of this application.

Principle of Development

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

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

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

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

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

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

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

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

The site is located within the built up area of Turners Hill and from a policy perspective DP6 of the District Plan set outs that development will be permitted within defined built up area boundaries and proposals will need to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26) and not cause harm to the character and function of the settlement.

Moreover, while the proposal seeks planning permission for the erection of 38no dwellings, the principle of development on the site has been established by the granting of the outline planning permission, and the reserved matters approval, DM/15/2152, has approved details of the dwellings contained within this application. The existing permission has been implemented and is extant.

The site was allocated for residential development as part of the Mid Sussex Local Plan, policy TH1 referred, and this formed the policy context in the determination of the original outline planning application. The fact that the site was allocated for development is reflected in the made neighbourhood plan, where the proposals map identifies it as an existing allocated site.

Design and Layout

Policy DP26 of the Mid Sussex District Plan requires all developments to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. More specifically developments are required to demonstrate a high quality design and layout, create a sense of place and contribute positively to public and private realms, amongst other criteria. Policy TH4 of the neighbourhood plan sets out that new homes must take into account the character and style of the buildings within the parish.

In the context of the application before members paragraph 130 of the NPPF is relevant and its states;

'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as materials use).'

The proposed design alterations that this application represents have been summarised above and on the whole they mainly consists of amendments to the fenestration compositions to the front and back elevations of the proposed dwellings, and the application of the facing materials. When considered individually they are relatively minor, however, given that these will apply across 38no dwellings , then the potential impact needs careful consideration.

The comments of the Urban Designer are set out in full in appendix B to this report and it is acknowledged that he is raising an objection to this proposed application on the basis that it diminishes the overall design quality of the scheme.

While it is appreciated that the details of the extant planning permission represent a baseline against which the current proposals can be judged, consideration of the application needs to be made in the context of the policies contained within the Development Plan and while it could be interpreted that some of the changes 'water down' the design details of the extant permission, consideration needs to be given as to whether the proposals are unacceptable in their own right.

The main elements of concern of your Urban Designer relate to changes to the fenestration (particularly alignment) and the application of facing materials (particularly tile hanging and the introduction of render). Consideration of such matters are to a degree subjective and while considerable weight should be given to the Urban Designers position, it is your Officers opinion that such matters are not considered to result in a harmful impact on the character and appearance of the area that would warrant the refusal of the application in its own right.

In reaching this view consideration has been given to paragraph 130 of the NPPF (as noted above) which is a material consideration.

The proposed application does seek to alter the relationships between proposed development and existing neighbouring properties and given that these relationships were found to be acceptable in granting the extant permission, it is not considered that it would be reasonable to take a differing position now. In this regards, it is considered that the application will not give rise to any unacceptable harm to existing neighbouring properties.

It is considered that the proposal complies with Policy DP26 of the District Plan in character and design terms and policy TH4 of the Neighbourhood Plan.

Highways and Parking

Policy DP21 of the District Plan deals with transport matters and seeks to protect the safety of highway users (including pedestrians) and avoid severe additional congestion to the highway network. Furthermore it requires proposals to provide adequate parking taking into account the accessibility of the development, the type, mix and use of the proposals. Parking standards are also contained with the Council's SPD on 'Development Infrastructure and Contributions'.

Policy THP3 of the neighbourhood plan requires new homes of 1-2 bedrooms to have 2 on-plot spaces and dwellings of 3 bedrooms and above to have 1 on-plot space per bedroom.

The access arrangements to the site have been constructed in accordance with the extant permission that required a new roundabout to be created to serve the site from Turners Hill Road. This has been completed following technical approval from the Local Highway Authority and been operational since last year. This application does not seek to make any changes to those constructed arrangements.

The applicant is proposing some minor alteration to the approved extant layout as a result of this application that will provide an additional four parking spaces close to the entrance of the site, which will serve plots 24-26. The extant permission makes provision for a total of 105 spaces across the site and the additional spaces will provide for a minor increase the overall parking provision on the site, above the level that has previously been deemed acceptable.

Having regard for these matters the proposed application will not give rise to any highway safety or network capacity issues and will provide an acceptable level of parking to serve the development. The application is therefore considered to comply with Policy DP21 of the Mid Sussex Local.

Affordable Housing and Infrastructure

The extant permission is subject to a signed S106 Agreement that secured affordable housing provision and financial contributions and it is important to note that some of the dwellings contained within this application are secured as affordable units as part of the extant permission.

While it is noted that the Council have introduced a new SPD's on development infrastructure/contributions and affordable housing since the original Agreement was completed, all financial contributions have been received and given that the original permission is extant, and under construction, and the proposed changes are design related, officers are content that it would not be reasonable to seek any additional contributions that may be appropriate under the new SPD.

Under the consideration of application DM/18/3673, which secured revisions to the other 9no units on the site, a Deed of Variation (DoV) was entered into ensure that that Original Agreement equally applied in the case of that consent. Within that DoV, provision is made to tie the requirements of the Original Agreement to any future application(s), such as before committee, which does not alter the number of units on the site.

To ensure that the requirements of the existing Agreement equally apply (via the agreed DoV) to the revised units as proposed under the application, a suitably worded condition is proposed. With this applied, the application complies with policies DP20 (securing infrastructure) DP31 (affordable housing) and the Council's SPD 'Development Infrastructure and Contributions'.

Sustainability

Policy DP39 of the District Plan deals with sustainable design and construction and seeks proposals to improve the sustainability of development through a range of measures, where appropriate and feasible.

In the context of this application a material consideration is the extant planning permission that is currently under construction, wherein the applicant is relying upon the details approved in relation to condition 10 of the outline planning permission, which related to the use of renewable or low carbon energy sources. Details were submitted and approved that the showed carbon reduction would be achieved

through the installation of wastewater and gas heat recovery systems, combined with an enhanced building fabric and it is on the basis of these details that the applicant has implemented construction of the site.

The comments of the Parish Council regarding the provision of electric vehicle charging points are noted. However, Policy DP21 sets out where practical and viable development should be designed to incorporate such facilities and given the context of the extant permission and the fact that the necessary infrastructure provision has already been completed it is accepted that in this particular instance such provision would not be practical.

Having regard to the above, and with a condition requiring compliance with the previously approved details, the proposal complies with policy DP39 of the District Plan.

Setting of Heritage Assets and Conservation Area

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Listed Buildings Act) imposes a duty on the decision maker, in deciding whether to grant planning permission for a development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

In the context of this application, Shamrock Cottage which lies to the southwest of the application site is a Grade II listed building and the development on the site can be considered to be affecting its setting.

Policy DP34 of the District Plan requires development to protect listed buildings and their settings and in line with the legalisation it further sets out that special regard should be given the protection of the setting of a listed building.

The NPPF 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, regardless of the degree of harm identified. Paragraphs 192-196 of the NPPF are of relevance when considering the potential impacts.

The application site has been subject to a Development Plan allocation and benefits from an extant permission that is currently under construction and therefore the setting of the adjacent listed building, Shamrock Cottage, has materially changed as a result. This application will not cause any further impact beyond which has already been considered acceptable through the granting of the previous permission and in this respect the application complies with Policy DP34 of the District Plan and the requirements of the NPPF on this matter.

To the west of the application site lies the Turners Hill Conservation Area and the proposed development can be considered to be affecting its setting.

Policy DP35 of the District Plan deals with Conservation Areas and sets out that development should protect their setting and in particular views into and out of the area.

The setting of the Conservation Area in relation to the application site is that has been established as one of a new residential development and the character of the area has already been altered by the completion of the permitted of the highway works and implementation of the extant planning permission. This application will not cause any further impact beyond which has already been considered acceptable through the granting of the previous permission and in this respect the application complies with Policy DP35 of the District Plan.

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.

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to an increase in traffic as it is either minor development or a replacement dwelling. 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 types of development identified which includes this 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.

Other Matters

The proposed development of the site has previously been considered in the respect of flood risk and drainage, of which Policy DP41 of the District Plan is relevant. The extant permission was subject to appropriate planning conditions in relation to this issue, the details of which were submitted and approved prior to the commencement of development. The applicant is required to implement the development in compliance with the details and suitably worded condition is suggested in this regard. The application complies with Policy DP41 of the District Plan.

The extant planning permission pre-dated the introduction of the nationally described space standards, although local standards were in operation at the time. Notwithstanding this the dwellings comply with the appropriate standards and as such the application is in accordance with Policy DP27 of the District Plan.

Policy DP28 of the District Plan deals with accessibility and expects developments of 5 or more dwellings to make provision for 20 per cent to meet Building Regulations Document M Requirement M4(2), except in certain listed circumstances, one being specific site factors. In this instance there is an extant planning permission that is under construction that pre-dates the requirements of this policy and given the proposed changes sought via this permission are aesthetic based and having regard to the fall-back position (extant permission) it is considered that there is sufficient specific circumstance to justify an exception to the policy in this instance.

PLANNING BALANCE AND CONCLUSION

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

The site lies within the built up area of Turners Hill where the policy DP6 of the District Plan permits development providing it is an appropriate nature and scale, and does not cause harm to the character and function of the settlement. The site also noted within Neighbourhood Plan as a site allocated for residential development.

The proposal is essentially seeking amendments to 38no dwellings that already benefit from a larger consent that has already been implemented and having regard to the extant permission, the proposal relates to changes to the appearance of the dwellings, particular in respect of the fenestration and application of materials. In addition some minor revisions to parking arrangements proposed.

Notwithstanding an objection from the Council's Urban Designer regarding the reduction in the design quality, it is not considered that the proposed design of the dwellings would be harmful to the character and appearance of the area and therefore would not warrant the refusal of the application in its own right. The application is considered to comply with policy DP26 of the District Plan and Policy THP4 of the Neighbourhood Plan.

In respect of the proposals impact on the setting of the adjacent listed Shamrock Cottage and the Turners Hill Conservation Area it is considered that this application will not cause any further impact beyond which has already been considered acceptable through the granting of the previous permission and in this respect the application complies with policies DP34 and DP35 of the District Plan.

In the context of the extant permission and being mindful of the nature of the these current proposals it is not considered that the application proposal would harm the setting of the adjacent listed Shamrock Cottage or the Turners Hill Conservation Area to the west of the site, thus complying with policies DP34 and DP35 of the District Plan.

APPENDIX A – RECOMMENDED CONDITIONS

1. 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.

2. The dwellings hereby approved shall only be constructed in accordance with the conditions, and relevant details approved to discharged the conditions, attached to planning permission 11/01332/OUT and reserved matters approval DM/15/2182.

Reason: To ensure an appropriate form of development and top comply with policies DP21, DP26, DP34, DP35 and DP41 of the Mid Sussex District Plan 2014 - 2031.

3. The obligations contained in the planning obligation by way of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 dated 12th June 2012 pursuant to the planning permission reference 11/01332/OUT and the subsequent Deed of Variation pursuant to Section 106a of the Town and Country Planning Act

1990 pursuant to planning permission DM/18/3673 dated 26th April 2019, will in accordance with clause 3.3 of the Deed of Variation will be equally applied to and satisfy the requirements necessitated under this application DM/19/1341.

Reason: To ensure appropriate infrastructure provision is secured to mitigate the impacts of the development and to accord with policies DP20 and DP31 of the Mid Sussex District Plan.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	1318/pin/516	A	19.07.2019
Location Plan	1318/Pln/500		05.04.2019
Planning Layout	1318/Pln/501		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/502		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/503		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/504		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/505		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/506		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/507		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/508	B	19.07.2019
Proposed Floor and Elevations Plan	1318/Pln/509		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/510		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/511		05.04.2019
Proposed Floor and Elevations Plan	1318/Pln/512		05.04.2019
Proposed Floor Plans	1318/Pln/513		05.04.2019
Proposed Elevations	1318/Pln/514		05.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council supports this planning application and would like to suggest that one of the parking bays is equipped with a charging point for electric cars.

MSDC Urban Designer

This application gives me no reason to change my previous comments: these proposals erode the quality of the consented scheme in a number of respects:

- By incorporating facing materials that incongruously peel away at the sides or rear, the architectural integrity of the houses is undermined giving the impression that this is an exercise in facadism; on 40-41 this will be more visible than elsewhere.
- The incorporation of render on the prominent 22/23 is similarly unfortunate as it is a material that we seek to avoid because of its poor weathering properties and it draws the eye in this position.
- The type D house has introduced a number of clumsy elements ((a) the inconsistent delineation of the hanging tiles and the facing brick; (b) the fake chimney; (c) the heavy dormers; (d) the position of the ground floor windows no longer aligns with the upper floor windows and the break in the eaves line will generate untidy bends in the rw downpipes)
- Type E is also more clumsy ((a) heavy dormers; (b) secondary facing materials and banding peel away at the sides; (c) the position of the ground floor windows no longer aligns with the upper floor windows and the break in the eaves line will generate untidy bends in the rw downpipes).
- The block of flats has also lost some of its finesse, and the dormers are now heavy on this too, and the clunky crown-top roof unfortunately also appears to rise a little higher.
- It should also be noted that none of the drawings show the rw downpipes which is a significant omission given the above issues, also plots 1-3 as built has not taken the opportunity to use the downpipes to consistently define each house frontage that would give the frontage underlying rhythm.

While not part of this application, I also note that close-boarded fencing has unfortunately been used in a number of places contravening the approved boundary treatment.

Paragraph 130 of the new NPPF specifically states that local planning authorities should "seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)".

In conclusion, while each individual change may not be significant in itself, I feel as a whole they do add up to a reduction in the overall design quality. As such I think there is a principle to uphold here and I therefore object to this application.

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/19/1613



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**ASHPLATS HOUSE HOLTYE ROAD EAST GRINSTEAD WEST SUSSEX
DEMOLITION OF ASHPLATS HOUSE AND ASSOCIATED OUTBUILDINGS
AND ERECTION OF 30 NO. RESIDENTIAL DWELLINGS (INCLUDING 30%
AFFORDABLE HOUSING) AND ACCESS ONTO GREENHURST DRIVE.
MR AND MRS JEROEN BOS**

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Areas of Townscape Character / Built Up Areas / Countryside Area
of Dev. Restraint / Classified Roads - 20m buffer / District Plan

Policy / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order / Tree Preservation Order Points / Advance Payment Code (WSCC) / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 1st October 2019

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application seeks outline planning consent, with access, for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive.

The application is before the committee due to the number of units being proposed.

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

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

Regarding the principle of the development, the site is part of a larger site allocated for residential development in the East Grinstead Neighbourhood Plan so in this respect complies with the Development Plan.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes

Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage and protected species. There will be no likely significant effect on the Ashdown Forest SPA or SAC.

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

The proposal is therefore deemed to comply with the requirements of Policies DP6 DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP34, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan and the broader requirements of the NPPF.

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

RECOMMENDATIONS

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary affordable housing provision and financial contributions towards infrastructure and SAMM mitigation, 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 affordable housing provision, infrastructure payments and SAMM mitigation by the 5th December 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 affordable housing, infrastructure and SAMM mitigation required to serve the development and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

SUMMARY OF REPRESENTATIONS

55 letters of objection:

- Loss of privacy
- Loss of views
- Nuisance from light from any Street lighting
- Density out of character with area, gardens are too small and houses too close together.
- Overdevelopment.
- Noise and disturbance from increase in traffic.
- Noise and disturbance during construction and unsafe on Greenhurst Drive with construction traffic. It will be chaos with builders parking their vans and heavy lorries coming in and causing issues for the emergency services. Those that work from home will be unable to due to noise.
- If the council is not in a position to adopt the roads that it approves planning on then we object to the development.
- Would like a construction shut down in a two week period at Christmas and a two week period around summer bank holiday.
- Concerns over possible damage to property during construction.
- Residents of Bluebell Gate were never informed of this additional building work occurring when purchased our property and the impact of the building works on our day to day lives will be significant.
- Object to use of private road.
- Lack of infrastructure in Bluebell Gate to support more housing.
- Lack of school places along with NHS dentists and GP surgeries
- Would oppose a shop or store on the site due to anti-social behaviour
- The new development will be serviced by the existing pumping station which is already unfit for purpose and costing residents extra to repair, replace and maintain. Believe that the existing pumping station will need to be upgraded.
- Additional parking problems, congestion and pollution, which raises significant health and safety issues for existing residents, particularly for children and young people.
- A significant decline in wildlife since the start/completion of the existing development and the increase in domestic cats and dogs. Pressure on trees roots from soil erosion due to more surface water.
- The fact that the plot of land has been identified under the East Grinstead policy EG6b does not guarantee that planning permission would be forthcoming.
- The boundary trees that appear between the site and Beacon Rise are protected under a Tree Preservation Order (area) The fact that it is proposed to replace the trees with other species is irrelevant.
- Object to loss of trees and wildlife.
- Access unsafe especially for children. Access from Greenhurst Drive to A264, is hazardous to pedestrians from the west. The traffic exiting Greenhurst drive has no sight of pedestrians.
- This entrance will cause more blind spots within this narrow busy road.

East Grinstead Society:

Recommend refusal unless the problems Holtye Road about the sewage pumping system, access to and from the site and resolution of the road adoption are resolved together with the bell mouth on the A264. Improved access by public transport to the schools and other town facilities is needed.

SUMMARY OF CONSULTATIONS

MSDC Urban Designer

No objection.

MSDC Trees

No objection.

MSDC Ecological Advisor

No objection subject to condition.

MSDC Drainage

No objection subject to Reserved Matters and Conditions.

MSDC Housing

9 onsite affordable units required.

MSDC Leisure

No objection subject to contributions.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Archaeological Advisor

No objection subject to condition.

WSCC Highways

No objection subject to conditions.

WSCC Infrastructure

No objection subject to infrastructure contributions.

Sussex Police

No objection although suggest some minor changes for reserved matters.

Southern Water

No objection subject to condition.

Natural England

No objection to HRA approach.

SUMMARY OF EAST GRINSTEAD TOWN COUNCIL COMMENTS

Recommend refusal: access should not be from Bluebell Gate, but through remaining part of site that should also come forward now. Should be condition that road maintained by new residents or adopted. Concerned about capacity of sewage pumping station. Committee also want infrastructure such as shop or community service provided for enlarged development.

Introduction

Application DM/19/1613 seeks outline planning consent, with access, for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive.

Relevant Planning History

There is no directly relevant planning history on the Ashplats House site itself.

The Greenhurst Drive development was subject to a number of applications with the most recent reserved matters approved under 13/00487/REM which followed the outline approval under 10/01317/OUT.

Site and Surroundings

The application site measures 1.1 hectares in area and is broadly rectangular in shape although it does include a spur leading off to the east. The site is currently occupied by Ashplats House, which is a large 2.5 storey dwelling, and a number of outbuildings associated with it including a separate annexe.

The site is well screened around the perimeter by boundary trees. Some of these are covered by a tree preservation order GR/07/TPO/90.

There is existing residential development on all four sides of the application site. To the west and south lie properties within the Greenhurst Drive development. To the north, properties on Beacon Rise back on to the application site. To the east lies the house and garden of Ashplats Lodge and beyond this lies a private lane known as

Fairlight Lane which is also a public footpath. Fairlight Lane runs broadly in a north/south direction and also marks the boundary of the High Weald AONB which is located on the eastern side.

In planning policy terms, the site falls outside the built up area boundary of East Grinstead, although the formal boundary lies along the northern, western and southern boundaries of the application site.

Application Details

The application is in outline form with access. This means it is the principle of the proposal and the access to the development that are currently being considered. Matters reserved for consideration at a later date are appearance, landscaping, layout and scale.

There is shown to be one vehicular access to the development which is off Greenhurst Drive to the west. The applicant has stated that they have a legal right to use Greenhurst Drive, which is a private road, to access the site from Holtye Road. Three additional pedestrian routes are also shown into the site, two off Greenhurst Drive towards both the north and south of the site with the third linking in with Fairlight Lane to the east adjacent to Ashplats Lodge.

In other aspects the submitted layout is illustrative at this stage and shows a cul de sac arrangement and a mixture of units ranging from 1 bed flats to 4 bed houses with 71 car parking spaces are shown.

Although at outline stage, the proposal does include the provision of 30 affordable housing on the site and this equates to nine units.

List of Policies

District Plan

- DP4 - Housing
- DP6 - Settlement hierarchy
- DP12 - Protection of Countryside
- DP13 - Preventing coalescence
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 - Securing Infrastructure
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP34 - Listed building and other Heritage Assets
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

Neighbourhood Plan

The East Grinstead Neighbourhood Plan has been made so forms part of the Development Plan and attracts full weight.

The following policies are relevant:

EG3 - Promoting Good Design
EG4 - Heritage Assets
EG5 - Housing Proposals
EG6B - Housing Sites - Allocated
EG11 - Mitigating Highway Impacts
EG12 - Car Parking
EG16 - Ashdown Forest Protection

National Policy, Guidance, Legislation and Other 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."**

Assessment

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

- The principle of development
- Accessibility of the site
- Impact on visual amenity including AONB, coalescence and effects on trees
- Residential amenity
- Highways, access and car parking
- Drainage
- Ecology
- Infrastructure
- Affordable Housing
- Ashdown Forest
- Other Planning Issues (e.g. mix, archaeology, impact on remainder of allocated site)
- 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 East Grinstead Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

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

Being within the countryside Policy DP12 applies. This states that development will be permitted *"provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

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

"Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and..."*

In this case there is a relevant neighbourhood plan policy that allocates the application site, along with land at the adjoining property known as The Lodge, for residential development.

Policy EG6B states in part that:

"11. Ashplats House, off Holtye Road. This site would be suitable for between 35 and 45 dwellings being that it is now surrounded on 3 sides by existing development and partly constitutes previously developed land. Access Could be appropriate off Greenhurst Drive."

Given this allocation, the principle of a residential development is therefore acceptable on this site.

Accessibility of the site

The NPPF, as set out in paragraph 103, states that:

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

This is reflected in Policy DP21 of the District Plan which states that:

"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."*

East Grinstead itself is classed as a Category 1 settlement within Policy DP6 of the District Plan. These are defined as:

"Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements."

As noted earlier in this report, the site adjoins the existing defined built up area of East Grinstead on three sides to the north, west and south. Future occupiers will be able to cycle, walk or use public transport to access the comprehensive facilities within East Grinstead. As such the site is considered to be sustainably located in accordance with Policy DP21.

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 adjacent to 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."

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

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

Policy EG6B states in part that:

This site would be suitable for between 35 and 45 dwellings being that it is now surrounded on 3 sides by existing development and partly constitutes previously developed land.

It is therefore considered that due to the existing development surrounding the site there would not be any significant impact in terms of coalescence.

The tree impact is also an important consideration. The Arboricultural report submitted with the application states that a number of trees will need to be removed to enable the development, that are either internal to the site or conifers on the site boundaries with limited life expectancy. The Council's tree officer has raised no objection to the potential loss of some of the tree including the TPO trees and stated that:

DP37 requires replacement on a one for one basis and this should be addressed in future landscaping proposals. Whilst the loss of so many trees is regrettable, many of the conifers are of no merit and are coming to the end of their lives (the TPO was made in 1990) and it would be preferable to secure new planting with some longevity.

I am concerned about future pressure on some of the frontage trees due to the proximity of proposed houses, particularly plots plots 20, 21 and 24. Also, it's not clear whether trees along the boundary with properties on Greenhurst Drive are within the gardens. This is something which can be clarified at the R M stage but it is important to establish for future care of the trees.

The comments regarding proximity to trees to the development are noted and these will need to be considered at a reserved matter stage as the details of landscaping and layout are proposed as reserved matters. A condition requiring a detailed landscaping plan also forms part of the recommendation. On this basis, it is not considered that the proposal would be contrary to the above policies.

As the site lies close the boundary with the High Weald Area of Outstanding Natural Beauty the impact on the setting of the AONB needs to be considered. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them

expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

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

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

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

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

In this case the housing proposal is an allocated site which is surrounded on three sides by existing development and Ashplats Lodge lies between the site and the AONB. The development would be seen in context with the existing built form in the locality and would not result in an isolated form of development or have a significant impact on the AONB.

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

Residential amenity

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

"All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)."

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that criteria (j) of ASW14 states that living conditions of adjoining residents should be 'safeguarded'. However, under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or

published. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage. In this case there are existing neighbouring residential properties that have the potential to be affected to the north, south, and east and across the road to the west. The indicative layout shows distances between the proposed houses the nearest existing residential properties of at least 21m and in most cases this distance is greater and in addition there is screening along the boundaries in the form of mature trees with some of these trees covered by a tree preservation order. Members will be aware that the generally accepted minimum back to back distance between properties to ensure that significant harm through overlooking does not occur is 21 metres. Nevertheless, as this application is of an outline scheme with the appearance, layout and scale of the units not being considered, this would need to be fully assessed at any reserved matters stage.

Highways, Access and Parking

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

Access to the site is currently from the east side of the site via Holtye Road (A264). The application proposes a new access onto Greenhurst Drive which is a private road, included within the management company for the adjoining development. The applicants have stated in their submission they have a legal right to access Greenhurst Drive and to utilise it for onward access to Holtye Road. A total of 71 parking spaces are provided within the proposals; 63 of which are allocated spaces and 8 for visitors.

The Transport Assessment submitted with the application development states that the development would result in 140 vehicle movements across the 12-hour day, of which 16 occur in the AM peak and 15 occur during the PM peak. This equates to just fewer than 12 vehicles an hour across the 12-hour day, or approximately one additional trip every five minutes. No objections have been raised by the WSCC Highways Engineers who have commented:

The increase in traffic movements to the site is duly noted, however based on the information provided the data provided appears to be robust and the proposals would not result in a material increase in traffic movements. In addition 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.

Although there are a number of objections regarding the safety of the new access, no issues have been raised by the Highways Authority and they are satisfied with the new access and visibility splays proposed. The LHA are also satisfied with the proposed parking will be provided in accordance with WSCC's Parking Standards at a total of 63 allocated spaces with a further eight unallocated spaces for visitors.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate. The proposal falls within Flood Zone 1 which is an area of low risk of flooding.

It is noted that a large number of objections relate to current concerns regarding the existing foul system in the adjacent development (Barratts), into which it is proposed that this development will discharge to. There are also concerns as to whether the system has sufficient capacity for the additional houses now proposed by this application. The drainage engineer is aware of the concerns and has commented that:

Whilst the proposed foul drainage method for this development is suitable in principle, it will be necessary for us to be fully satisfied that the existing foul system and the proposed additional foul system is able to fully cope with expected flows and is working appropriately. This can be managed under condition.

It is proposed that the development will utilise the existing foul system of the adjacent development site. It is claimed that this system has sufficient capacity. However, there is current concern that this system is not working as expected and may not have sufficient capacity or means to take foul water for this development. This needs to be sorted under a specific pre-commencement condition.

The drainage engineer has therefore considered the drainage proposals and is of the opinion that this outline application has demonstrated that the principle of the development is acceptable in drainage terms and that the details can be dealt with by an appropriate condition. Therefore the application is considered to comply with policy DP41 of the District Plan

Ecology

Para 170 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;

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

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

An Ecology report has been submitted with the application and the Consultant Ecologist has raised no objections stating:

Bat survey results indicate that roosts of relatively common bat species, of lower conservation significance (ie. non maternity or hibernation use), would be lost as a result of the proposals. If MSDC is of the view that in all other respects, granting consent is in the public interest then is likely, in my view that a licence can be obtained from Natural England.

Subject to Ashdown Forest and Habitat Regulations assessment considerations, there are no other biodiversity policy reasons for refusal or amendment of the proposal.

A condition is recommended to ensure that the recommendation set out in the ecology report in relation to bats is implemented in full.

In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan and the NPPF.

Infrastructure

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

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

The applicant has indicated a willingness to make these contributions. The payments that will be required are formula based because being at the outline stage the precise mix of dwellings, and therefore the accurate contribution, is not yet known. The contributions will go towards the following projects/facilities:

Formal Sport: £31,690 (improvements to tennis facilities at Mount Noddy Recreation Ground)

Play Equipment: £26,429 (improvements at East Court woodland play area)

Kickabout: £22,200 (improvements at East Court woodland play area)

Community Buildings £18,175 (improvements to Meridian Hall at East Court)

Local Community £22,868 (upgrading of public toilets at East Court and/or cctv at Mount Noddy Recreation Ground)

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

Education Secondary: £ Formula approach (The contributions generated by this proposal shall be spent on small scale improvements at Sackville School.)

Education Sixth Form: £ Formula approach (The contributions generated by this proposal shall be spent on additional facilities at Sackville School Sixth Form)

Library: £ Formula approach (The contributions generated by this proposal shall be spent on upgrading of digital services at East Grinstead Library)

TAD: £ Formula approach (The contributions generated by this proposal shall be spent on walking and cycling improvements at East Grinstead Station to improve links between the development and public transport, as outlined in the WSCC Local Transport Improvement Programme.)

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

Affordable Housing

Policy DP31 of the District Plan sets the Council's threshold for seeking affordable housing as the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more. The Council's Housing Officer has commented that:

"The applicant is proposing a development of 30 residential dwellings which gives rise to an onsite affordable housing requirement of 9 units (30%). The proposal accords with current policy in terms of number, size of units and tenure split and would meet a range of affordable housing needs. The affordable housing proposed comprises 3 x 1 bed flats, 2 x 2 bed flats, 3 x 2 bed houses and 1 x 3 bed house. 7 units are proposed for rent and 2 for shared ownership. We would wish the 2 shared ownership units to comprise 1 x 2 bed house and 1 x 3 bed house. The units will need to comply with the Occupancy Requirements of the Affordable Housing SPD (para 2.40) and meet National Space Standards. The illustrative layout shows the affordable homes located in two distinctly separate areas of the site which demonstrates that consideration has been given to community cohesion within the development. The broad mix of private units will further contribute to social integration and the creation of a balanced community. The adoption of a tenure blind approach to design and materials will also mean that the affordable housing will be indistinguishable from the private dwellings."

The affordable housing will be secured via the legal agreement ensuring that the outline application complies with Policy DP31.

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 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.

This planning application is within the 7km zone of influence and generates a net increase of 29 dwellings, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development would be formula based given the mix of 30 units is not known at this outline stage. Similarly, if the approved scheme provides for a strategic SANG contribution, this would also be formula based.

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

The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid

Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contribution to SANG has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SANG is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SANG contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

The SANG Condition requires compliance with its terms before development commences and there is considered to be clear justification for this. Furthermore, the proposed SANG Condition requires a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions as referred to above. In formulating the SANG Condition, the District Council has had regard to the National Planning Policy Framework (NPPF) including paragraph [55] and the National Planning Practice Guidance (NPPG) including paragraphs [003 and 010]. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions. In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition.

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

the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

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

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

The Planning Obligation securing the SAMM contribution has not yet been completed but, as per the recommendation of this report, it is proposed that planning permission is not granted until such time as the legal agreement has been completed. Subject to the imposition of an appropriate planning condition in relation to SANG being secured, as set out in Appendix A, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing the appropriate mitigation.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the Neighbourhood Plan such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

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.

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

A condition to secure the implementation of a programme of archaeological work in line with Surrey County Council archaeologist comments forms part of the recommendation.

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

Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work and deliveries form part of the recommendation.

Loss of views is not a planning matter.

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

Planning Balance and Conclusion

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

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

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

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

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage and protected species. There will be no likely significant effect on the Ashdown Forest SPA or SAC

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

The proposal is therefore deemed to comply with the requirements of Policies DP6 DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP34, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies EG5, EG6B, EG11, EG12 and EG16 of the Neighbourhood Plan and the broader requirements of the NPPF.

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

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

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

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

2. 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. Specifically to this development, where the existing foul pumping station of the adjacent site is to be relied upon by this development, its suitability shall be fully investigated; and where it is found to be deficient, the pumps sets, controls and associated mechanical and electrical systems shall be upgraded accordingly. Details of the investigation and any subsequent remedial/upgrading works, shall be submitted and approved by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

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

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

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

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

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

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

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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy DP34 of the Mid Sussex Local Plan.

8. The recommendations set out in the PEA, Potential Roost Features Tree Survey, and Bat Survey reports by the Ecology Partnership, dated January 2019 and March 2019 and June 2019, respectively, shall be implemented in full.

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

9. 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.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP26 of the District Plan.

11. 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 Access Design and numbered H-01.

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

12. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans to first be submitted to and approved in writing by the local planning authority. These parking spaces / turning areas shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan.

13. 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.

14. 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.

15. 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, have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: In the interests of visual amenity and to accord with policy DP26 of the District Plan and Policy EG3 of the Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. The applicant is advised that to satisfy condition 2 above there are likely to be two options. The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for

SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended. The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Floor and Elevations Plan	FD 18-1661-53		29.04.2019
Existing Floor and Elevations Plan	FD 18-1661-54		29.04.2019
Location Plan	FD 18-1661-50		29.04.2019
Access Plan	H-01	P2	29.04.2019

APPENDIX B – CONSULTATIONS

Heritage Consultations - Surrey County Council

Recommend Archaeological Condition:

The application site is relatively large (1.1ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by Orion Heritage) has been submitted in support of this application. The Assessment provides a useful overview of the sites potential, and concludes that although there are no designated or known heritage assets within the site itself, there is a moderate potential for previously unknown below ground remains of prehistoric date. This conclusion is based on the results of investigation conducted to the immediate south and west of the site, associated with planning application 10/1317/OUT, and conducted by Archaeology South East in 2012. The archaeological excavation revealed the remains of ditches containing Iron Age pottery and metalworking residue, and likely represent the remains of a later Prehistoric field system. I am pleased that the results of this 2012 investigation is reproduced in full within the Heritage Desk Based Assessment, as this demonstrates that there is a clear potential for similar remains to be present within the current application site, although no individual feature can be extrapolated to extend into the site boundary.

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

In the absence of any evidence to suggest that remains of a significance and standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological

work be carried out in advance of planning permission (although it is of course better that the work be carried out at the earliest opportunity). In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

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

MSDC Urban Designer

I have just a few comparatively small points:

- The definition of the street is undermined by the inconsistent building lines of 5/6 and 7/8 which can be easily corrected.
- The issue raised by the Police in respect of the footpath along the northern boundary can be mitigated if plots 1 and 2 have well fenestrated northern elevations.
- I disagree with the Police's comments in respect of the secondary pedestrian access as pedestrian connectivity is to be encouraged (if it otherwise means a circuitous route) providing there is a satisfactory level of natural surveillance which is provided by plot 17 and hopefully also by fenestrating plot 22's flank in particular (this will necessitate handing the internal plans and front doors of plots 22-24 to maintain rhythm and allow plot 22 to have habitable rooms facing the pedestrian link).
- I have most concern about the lack of natural surveillance over the open space along the southern boundary and the impact of the parking serving plots 19 and 20 which will obstruct sight lines. The latter needs to be removed/reduced and the southern flanks of plots 18 and 19 need to be fully fenestrated.

MSDC Trees

All trees appear to be correctly plotted and proposals are along the lines of our pre app discussions.

DP37 requires replacement on a one for one basis and this should be addressed in future landscaping proposals. Whilst the loss of so many trees is regrettable, many of the conifers are of no merit and are coming to the end of their lives (the TPO was made in 1990) and it would be preferable to secure new planting with some longevity.

I am concerned about future pressure on some of the frontage trees due to the proximity of proposed houses, particularly plots plots 20, 21 and 24. Also, it's not clear whether trees along the boundary with properties on Greenhurst Drive are within the gardens. This is something which can be clarified at the R M stage but it is important to establish for future care of the trees.

Important TPO trees to be removed are diseased and pose a risk.

MSDC Ecological Advisor

Bat survey results indicate that roosts of relatively common bat species, of lower conservation significance (i.e. non maternity or hibernation use), would be lost as a result of the proposals. If MSDC is of the view that in all other respects, granting consent is in the public interest then is likely, in my view, that a licence can be obtained from Natural England.

Subject to Ashdown Forest and Habitat Regulations assessment considerations, there are no other biodiversity policy reasons for refusal or amendment of the proposals, subject to the following condition:

The recommendations set out in the PEA, Potential Roost Features Tree Survey, and Bat Survey reports by the Ecology Partnership, dated January 2019 and March 2019 and June 2019, respectively, shall be implemented in full.

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

MSDC Drainage

Recommendation: Approve principle - subject to Reserved Matters and Conditions

Summary and overall assessment

Percolation tests have been undertaken across the site, and this has shown some variable rates of infiltration ranging from 1.86×10^{-6} ms⁻¹ to 1.9×10^{-5} ms⁻¹. The FRA has taken the average of the found values to design the outline proposal. Whilst this is a method to establish if it is principally achievable, this could result in over and under capacity if use in a final design. Therefore, at the reserved matters stage, the capacity and size of any such percolation units will need to be fully evaluated following the specific percolation rates and not the average. The reason why this should be undertaken at Reserved Matters is because the varying percolation rate could require the size of the soakage systems to be adjusted, and this could affect the layout.

Looking at the submitted drainage layout plan, it is proposed for the soakaways to be located in a mix of private gardens and public areas. This would be acceptable, but only if the individual soakaways serve only that property within which it is situated (not shared). Or, if located within public areas, the soakaway must be supported by a suitable and sufficient maintenance and management plan.

The surface water drainage system has been designed to cater for the 1 in 100 year storm event plus an extra 40% capacity for climate change, with all soakaways having a suitable half drain time. However, as noted above, this is based upon the average soakage rate; so more accurate design calculations would be expected at Reserved Matters stage.

There are current concerns regarding the existing foul system in the adjacent development (Barratts), into which this development will discharge to. And whilst the proposed foul drainage method for this development is suitable in principle, it will be necessary for us to be fully satisfied that the existing foul system and the proposed additional foul system is able to fully cope with expected flows and is working appropriately. This can be managed under condition - noted later in this consultation response. A suggested condition for, and approach towards, investigating and addressing the current concerns was submitted by the developer - email Katie Lamb 06/06/2019.

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

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and

volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

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

The proposed development drainage will need to:

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

Flood Risk

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

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

Surface Water Drainage Proposals

It is proposed that the development will utilise soakage methods.

Foul Water Drainage Proposals

It is proposed that the development will utilise the existing foul system of the adjacent development site. It is claimed that this system has sufficient capacity. However, there is current concern that this system is not working as expected and may not have sufficient capacity or means to take foul water for this development. This needs to be sorted under a specific pre-commencement condition.

Suggested Conditions

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. Specifically to this development, where the existing foul pumping station of the adjacent site is to be relied upon by this development, its suitability shall be fully investigated; and where it is found to be deficient, the pumps sets, controls and associated mechanical and electrical systems shall be upgraded accordingly. Details of the investigation and any subsequent remedial/upgrading works, shall be submitted and approved 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.

MSDC Housing

The applicant is proposing a development of 30 residential dwellings which gives rise to an onsite affordable housing requirement of 9 units (30%). The proposal accords with current policy in terms of number, size of units and tenure split and would meet a range of affordable housing needs. The affordable housing proposed comprises 3 x 1 bed flats, 2 x 2 bed flats, 3 x 2 bed houses and 1 x 3 bed house. 7 units are proposed for rent and 2 for shared ownership. We would wish the 2 shared ownership units to comprise 1 x 2 bed house and 1 x 3 bed house. The units will need to comply with the Occupancy Requirements of the Affordable Housing SPD (para 2.40) and meet National Space Standards. The illustrative layout shows the affordable homes located in two distinctly separate areas of the site which demonstrates that consideration has been given to community cohesion within the development. The broad mix of private units will further contribute to social integration and the creation of a balanced community. The adoption of a tenure blind approach to design and materials will also mean that the affordable housing will be indistinguishable from the private dwellings.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

The East Court woodland play area, owned and managed by the Council, will face increased demand from the new development and a contribution of £48,629 is required to make improvements to play equipment (£26,429) and kickabout provision (£22,200) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £31,690 is required toward improvements to tennis facilities at Mount Noddy Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £18,175 is required to make improvements to the Meridian Hall at East Court.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Environmental Protection

Given that this proposed development is surrounded by residential properties, should planning permission be granted Environmental Protection would recommend the following conditions 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 and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents.

Construction Management Plan:

Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

Measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);

Dust Management Plan:

Site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

Informative:

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

Accordingly, you are requested that:

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

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

MSDC Archaeological Advisor

Recommend Archaeological Condition:

The application site is relatively large (1.1ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by Orion Heritage) has been submitted in support of this application. The Assessment provides a useful overview of the sites potential, and concludes that although there are no designated or known heritage assets within the site itself, there is a moderate potential for previously unknown below ground remains of prehistoric date. This conclusion is based on the results of investigation conducted to the immediate south and west of the site, associated with planning application 10/1317/OUT, and conducted by Archaeology South East in 2012. The archaeological excavation revealed the remains of ditches containing Iron Age pottery and metalworking residue, and likely represent the remains of a later Prehistoric field system. I am pleased that the results of this 2012 investigation is reproduced in full within the Heritage Desk Based Assessment, as this demonstrates that there is a clear potential for similar remains to be present within the current application site, although no individual feature can be extrapolated to extend into the site boundary.

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

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

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

West Sussex Highways

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals on highway safety, capacity and accessibility for the above proposals. The site currently comprises one residential dwelling (Ashplats House). Access to the site is currently from the east of the site via Holtye Road, which connects to the A264 Holtye Road in the south at a priority intersection.

The proposal site lies on the north eastern edge of the town of East Grinstead. The site is located to the east of Greenhurst Drive, where the new access will be taken from. The road is in private ownership and leads directly from the A264 Holtye Road. This junction of Greenhurst Drive with Holtye Road was constructed as part of the Barratt Homes scheme which dates back to a planning application submitted in 2010.

The LHA provided pre-application advice to the proposals in November 2018 where an outline of what would be expected at the planning stage was provided. The proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information Computer System (TRICS) data and a Stage 1 Road Safety Audit (RSA).

Access and Visibility

The site will be accessed via a new priority junction on Greenhurst Drive. A carriageway width of 4.8 metres will be provided, with kerb radii of 6.0 and 8.0 metres provided to the north and south of the junction respectively. The proposed access has visibility splays set out in Manual for Streets (MfS) for a 30mph road, resulting in splays of 2.4 metres by 43 metres. Greenhurst Drive is subject to a 30 mph speed limit, the LHA is satisfied with the splays provided.

As Greenhurst Drive is a private road not maintained at public expense there are no record of any accidents. A review of the access onto Holtye Road indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Stage 1 Road Safety Audit (RSA)

An RSA has been completed by the applicant in line with the latest GG119 principles. A copy of the RSA and Designers Response (DR) is provided within Appendix F of the TS. In summary the RSA has raised 4 issues with the proposed access arrangements. These are as follows:

3.1.1 Insufficient construction details could lead to overshoot collisions. The Auditor recommends that That PSV details should be checked to ensure they provide adequate grip resistance under severe braking conditions. Agreed in the DR this will be provided at the Stage 2 detailed design stage of the application.

3.1.2 Ponding of surface water could lead to loss of control collisions. It is recommended that That drainage and vertical profiles details should be provided for assessment The DR confirms that details will be provided at the Stage 2 detailed design stage.

3.3.1 Insufficient carriageway space may lead to head on collisions or side swipe collisions. It is recommended that that the junction radii should be eased to provide sufficient carriageway space for all expected movements. The DR does not agree with the recommendation and makes reference to the infrequent movements from a refuse vehicle and that other junctions are of similar size and geometry to what is proposed. The LHA would concur with the DR's in this instance and confirm that there is no requirement to enlarge the junction radii in this location.

3.3.2 Restricted visibility could lead to side swipe collisions or rear end shunt collisions. It is recommended that That the visibility splay should be free from obstruction; further that a regular maintenance programme to maintain the verge should be employed. The DR confirms that a regular maintenance scheme will be employed to ensure that the hedge is kept out of the visibility splay. The LHA are satisfied with the approach and would also advise a condition is attached to any planning consent which will cover visibility.

Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

A trip analysis has been undertaken on the use type 'residential' in the use class 'houses privately owned'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. A copy of this report is found at the end of the document in appendix 'A'

The proposed development will result in 140 vehicle movements across the 12-hour day, of which 16 occur in the AM peak and 15 occur during the PM peak. This equates to just under 12 vehicles an hour across the 12-hour day, or approximately one additional trip every five minutes.

To allow for the assessment of future traffic impact on the local highway network a traffic model has been prepared in spreadsheet format. TEMPRO 7.2 traffic growth forecasting software in accordance with WebTAG guidance has been applied. As this is a private access road, leading to small number of houses it is not anticipated that traffic flows on this road will grow in line with wider background growth.

The increase in traffic movements to the site is duly noted, however based on the information provided the data provided appears to be robust and the proposals would not result in a material increase in traffic movements. In addition 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.

Accessibility

A 2.0 metre wide footway runs along the both sides of Greenhurst Drive. There are no controlled pedestrian crossing facilities provided within the vicinity of the A264 / Greenhurst Drive junction, although the footway provision on Greenhurst Drive and the A264 Holtye Road provides a continuous link into East Grinstead.

The site is well situated to bus stops the nearest 600 metres (8-minute walk) west of the site. The westbound bus stop is indicated by a post, flag and timetable. The eastbound bus stop is also supported by a bus shelter. Three services can be accessed from these stops: the 236, 281 and 609. Bus service 281 is operated by Metrobus and runs between Crawley and Lingfield at a frequency of approximately one service per hour Monday to Saturday.

A Travel Plan Statement (TPS) has been produced in accordance with the development proposals which will promote the use of sustainable transport modes and include initiatives. Travel targets will be aimed towards walking and cycling and facilitating increased use of public transport. The LHA would recommend the TPS is conditioned as part of any planning consent.

Construction

The TS provides an overview of the proposed construction management at the site. The site offices, staff parking and welfare facilities will be located on the site. Wheel washing equipment will be provided as necessary for construction phases. It is anticipated that the site access would be constructed as one of the early development phases so that it can then be used to construct the remainder of the housing site. There is likely to be a requirement for traffic management at certain phases, although it is envisaged that this would be subject to

the relevant approvals. The LHA are satisfied with the approach for Construction mitigation in the TS and would advise that a Construction Management Plan can be formally conditioned as part of any planning consent.

Parking and Internal Layout

As Greehurst Drive itself is a private road, the internal road will remain private as part of this application. There would be no concerns with the sites proposed layout based on the principles of Manual for Streets (MfS). Footpaths measuring 2.0 metres will be provided within the site, with a shared surface area also to be developed when progressing through the site, to ensure pedestrian amenity is maintained. A footway connection will also be provided to the east of the site, intersecting Public Footpath 3dEG. The LHA has consulted our Public Rights of Way (PROW) department and are awaiting comments on this area of the application. These will be forwarded to the case officer when they are available.

The LHA are satisfied with the proposed parking will be provided in accordance with WSCC's Parking Standards at a total of 63 allocated spaces with a further eight unallocated spaces for visitors.

With regards to site servicing, plots 19, 20 and 21 will be serviced from Greenhurst Drive for their refuse requirements. All other units will be serviced from within the internal site. Within Appendix D swept path diagrams have been provided which demonstrate that larger vehicles can safely turn within the site for servicing. It is advised that the applicant liaises with MSDC's waste collection authority to determine the suitability of the proposals from their point of view.

Conclusion

The LHA does not consider that the proposals would have a 'severe' residual impact on the adjacent highway network and therefore would not be contrary to Paragraph 108 of the National Planning Policy Framework (NPPF). Any approval of planning permission would be subject to the following 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 Access Design and numbered H-01.

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.

West Sussex infrastructure

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

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

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

$(\text{DfE figure (Primary)} \times \text{ACP} = \text{Primary Education Contribution}) + (\text{DfE figure (Secondary)} \times \text{ACP} = \text{Secondary Education Contribution}) + (\text{DfE figure (Further Secondary)} \times \text{ACP} = \text{Further Secondary Education Contribution}) = \text{Education Contribution where:}$

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of

Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

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

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

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2019/2020 is £18,370 - Primary, £27,679 - Secondary; £30,019 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

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

The contributions generated by this proposal shall be spent on small scale improvements at Sackville School.

The contributions generated by this proposal shall be spent on additional facilities at Sackville School Sixth Form.

2. Library Infrastructure Contribution

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

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

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I

propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

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

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

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sq.m] and £5,384 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on upgrading of digital services at East Grinstead Library.

3. Transport (TAD) Contribution

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

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

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

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

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1407

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

The contributions generated by this proposal shall be spent on walking and cycling improvements at East Grinstead Station to improve links between the development and public transport, as outlined in the WSCC Local Transport Improvement Programme.

General points

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

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

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

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

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

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

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

Sussex Police

Thank you for your correspondence of 07th May 2019, advising me of an outline planning application for the demolition of Ashplats House and associated outbuildings and erection of 30 no. residential dwellings (including 30% affordable housing) and access onto Greenhurst Drive at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com Due to the application being outline with all matters reserved except for access, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered.

I am encouraged to note that the Design and Access Statement includes reference to appropriate measures for crime prevention and community safety within the development using the principles of Secured by Design. In general terms I support the proposals in this application which will create a small development where access is gained through a single point into a cul de sac with no through route. The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, communal amenity space will benefit from overlooking and good natural surveillance. In the main, provision has been made for car parking with garage, in-curtilage, on street parking bays and a number of small parking courts.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

With respects to the proposed footpath link on the northern elevation, running west to east, linking up with Public Rights Of Way (PROW) networks. SBD states; Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible o wide o well lit (within BSEN 5489-1:2013) o devoid of potential hiding places o overlooked by surrounding buildings and activities o well maintained so as to enable natural surveillance along the path and its borders. Providing these SBD measures are implemented within the development's Design and Layout I would have no concern over the linked footpath.

With respects to the second proposed footpath/ link running through the development. I would not recommend this as this would generate unwanted access into the development, providing a would-be offender with a legitimate reason for being at the location. Its presence has the potential to increase the opportunity for crime at the development and increase the fear of crime within the residents.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to

the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a foul sewer within the access of the site. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the

proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The Councils Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

Natural England

Thank you for your consultation on the above dated 07 May 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be

effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

MID SUSSEX DISTRICT COUNCIL

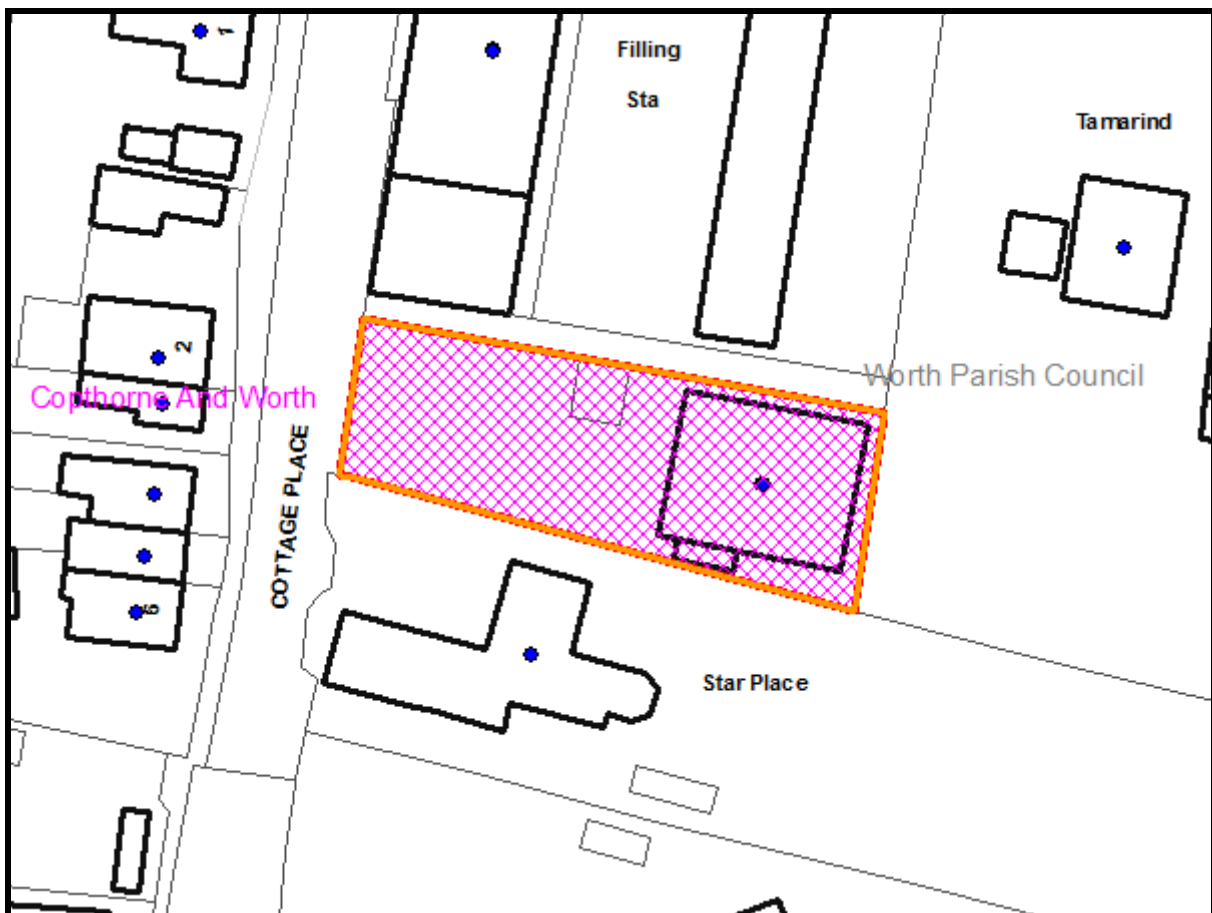
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2639



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**ARMSTRONG BODYSHOP LTD ARMSTRONG AUTO SERVICES
COPTHORNE COMMON ROAD COPTHORNE
REMOVE EXISTING DOUBLE ENTRANCE GATES AND ADJACENT
FENCING FOR THE ERECTION OF NEW 2.4M HIGH GREEN POWDER
COATED STEEL PALISADE DOUBLE ENTRANCE GATES AND
ADJACENT FENCING.
MR LEIGH ARMSTRONG**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Minor Other

8 WEEK DATE: 9th September 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

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 removal of the existing double entrance gates and adjacent fencing and the erection of a 2.4 metre high green powder coated steel palisade double entrance gate and adjacent fencing at Armstrong Auto Services which is located off the southern side of Copthorne Common Road, outside the built up area boundary of Copthorne.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

The proposed fencing and gates would be located to the front of an existing commercial property and would be seen in this context. It would also be seen against existing high boundary treatments. It is therefore considered that given the character of the application property and the existing boundary treatments that proposal would address the character and scale of the locality.

The proposed fencing and gates would be visible from the properties on Cottage Place however given its form and scale it is not considered to cause harm to the amenities of the neighbouring properties.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP12 and DP26, 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

WORTH PARISH COUNCIL OBSERVATIONS

No objection.

Introduction

The application seeks planning permission for the erection of 2.4 metres high green powder coated steel palisade double entrance gates and fencing to replace the existing fencing and gate at Armstrong Auto Services located off the southern side of Copthorne Common Road.

Relevant Planning History

WP/086/93 - Proposed automatic car wash with plantroom and replacement toilet/store. granted

WP/095/93 - 1 No. illuminated fascia sign. Granted

WP/165/99 - Replacement workshops. Granted

01/02327/FUL - Extension of existing car repair workshop to provide parts storage area. Granted

12/01922/FUL - Proposed additional use to allow the operation of a vehicle hire franchise (Sui generis use) in addition to existing vehicle repair bodyshop (class B2 use). Granted

Site and Surroundings

The application property consists of a large single storey commercial building to the eastern side of the site with a separate office building adjacent to the front elevation. To the west of the buildings is an existing concrete parking area with double five bar gates which access onto Cottage Place, and then onto the southern side of Copthorne Common Road.

The application property is bordered to the north and south with high boundary fences and walls. The fence line to the north of the property is also perceived to have a greater height as it is constructed on the higher ground level of the filling station to the north.

The locality has a rural character with mainly residential properties of varying forms, scales and materials, positioned close to the highway with low front boundary fences and hedges.

Application Details

The proposed fencing and gates would be positioned along the western boundary of the property and would have a length of 15.3 metres. The fencing and the gates would have height of 2.4 metres and would be constructed in green powder coated steel.

This proposed fencing and gates would replace the existing fencing and double five bar gates.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP1 - Sustainable Economic Development
DP12 - Protection and Enhancement of Countryside
DP14 - Sustainable Rural Development and Rural Economy
DP26 - Character and Design

COPTHORNE NEIGHBOURHOOD PLAN

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation of this finished on the 30th April 2017. The plan is a material consideration in the determination of planning decisions but carries little weight. No relevant policies.

National Policy

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

Assessment

Principal of Development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Copthorne Neighbourhood Plan.

Mid Sussex District Plan policy DP12 seeks to protect the intrinsic character and beauty of the countryside, with development permitted provided that it maintains or where possible, enhances the quality of the rural and landscape character of the district. Development would have to be necessary for the purposes of agriculture or supported by a specific policy in the District Plan or Neighbourhood Plan.

District Plan policies DP1 and DP14 support the sustainable growth and the vitality of existing businesses. The site has been broken into a number of times in the past few years, along with an increased number of trespassers. The proposed fencing and gates would increase the security of the site, which would allow the continued vitality of this existing rural business. It is therefore considered that the proposal would be in accordance with DP1 and DP14 and consequently in accordance with DP12 of the Mid Sussex District Plan and acceptable in principle.

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."*

The majority of the locality consists of residential properties, which have a distinctly different character to the application property and the adjacent filling station. The proposed fencing and gates would be located to the front of an existing commercial property and would be seen in this context. It would also be seen against existing high boundary treatments. It is therefore considered that given the character of the application property and the existing boundary treatments that proposal would address the character and scale of the locality.

The proposed fencing and gates would be visible from the properties on Cottage Place however given its form and scale it is not considered to cause harm to the amenities of the neighbouring properties.

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, and would not cause harm to the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, and DP26, 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 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.

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
Proposed and Existing Plan incl Site	AMSTNG-03	-	01.07.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection

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MID SUSSEX DISTRICT COUNCIL

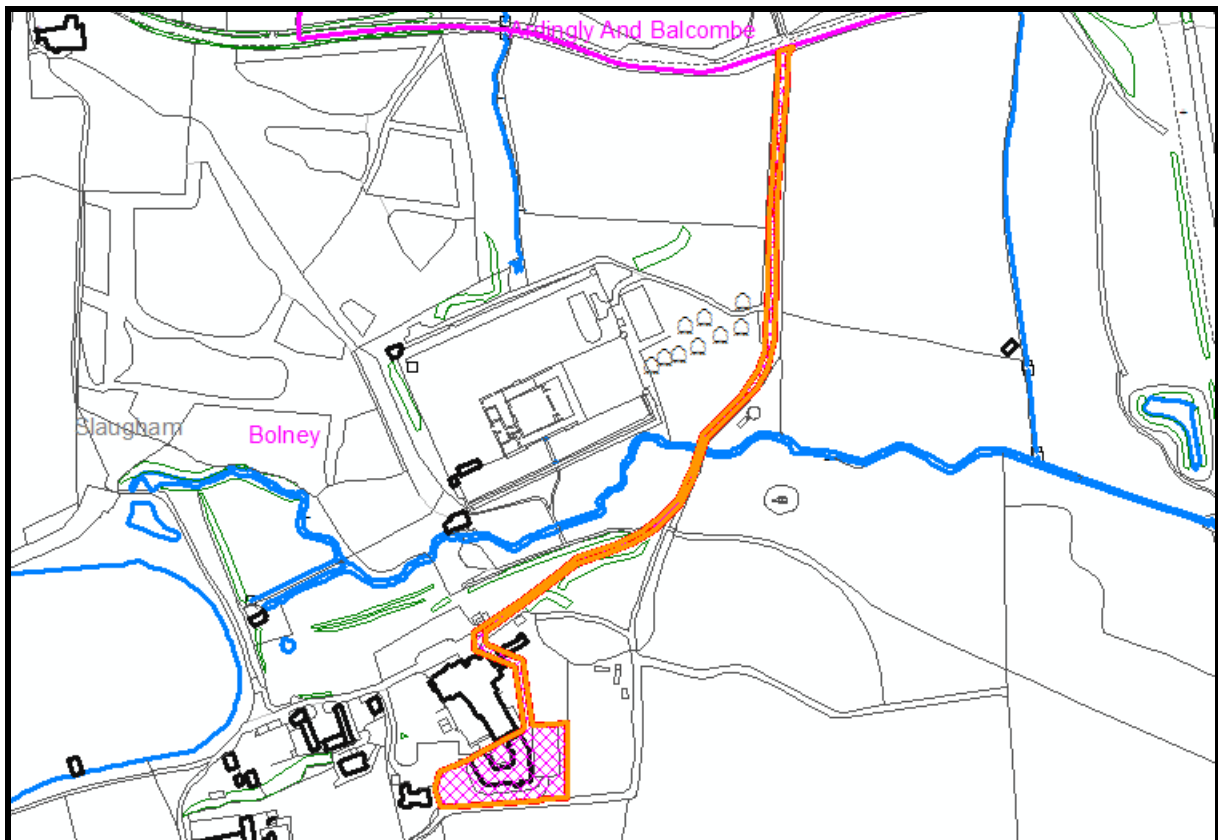
Planning Committee

5 SEP 2019

RECOMMENDED FOR REFUSAL

Slaugham

DM/19/0060



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**SLAUGHAM MANOR SLAUGHAM PLACE SLAUGHAM WEST SUSSEX
NEW BUILD 8 SEMI DETACHED HOUSES WITH ATTACHED GARAGES
TO EACH SIDE ELEVATION: AMENDED PLANS RECEIVED 25TH JUNE
SHOWING ADDITIONAL CAR PARKING SPACES, REVISIONS TO
LANDSCAPING AND REVISIONS TO HOUSE PLANS.**

MR D MARTIN

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Brownfield Land / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Aerodrome

ODPM CODE: Minor Dwellings
8 WEEK DATE: 6th September 2019
WARD MEMBERS: Cllr Judy Llewellyn-Burke /
CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 8 dwellings at Slaugham Manor, Slaugham Place, Slaugham. The plans show that there would be 4 pairs of semidetached dwellings located at the southern end of the site. These houses would be in the same location as 4 houses that were approved under the previous outline and reserved matters consent for 15 dwelling houses on the site. In effect the proposal is to subdivide the 4 plots that have been previously approved to accommodate 8 houses in their place. The proposal would therefore result in a net gain of 4 dwellings on the site compared to the consented scheme.

The proposed dwellings would be of the same contemporary style as the previously approved dwellings at the site. The houses would be mirror images of one another and would feature integral pitched roof garages on the flanks of the dwellings.

The plans also show a revision to the internal access road within the site compared to the originally approved scheme on the site. The revised access road is the same as is proposed on the currently undetermined application reference DM/18/1673.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Slaugham Neighbourhood Plan (SNP).

The application site lies in countryside and thus would be contrary to policy DP12 of the DP as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal does also not fall within one of the criteria for new homes in the countryside that are set out under policy DP15 of the DP. These factors weigh against the proposal.

It is also considered that the proposed development would be in conflict with policy

DP21 of the DP as prospective occupiers of the site would be reliant on the private car for access to shops, services, facilities and employment opportunities. It is therefore felt that this is not a suitable location in transport terms for additional dwellings as the opportunities for future occupiers to utilise public transport is very limited. It is not considered that there is an overriding need for these additional dwellings in this location. Whilst the proposed units would be smaller than the approved dwellings, the increase in the number of units would result in greater vehicular movements compared to the approved scheme as there would be 4 additional households on the site.

It is considered that the proximity of the western most house to the Atlantic Cedar within the site is likely to lead to pressure for the removal of this tree given the relatively small rear garden of this property. It is therefore felt this would conflict with policy DP37 of the DP.

There would be a requirement for infrastructure payments to be made for the additional dwellings to mitigate the impact of the development. There would also be a requirement for payments to be made towards off site provision of affordable housing. As there is not a legal agreement in place to secure the required contributions, a reason for refusal would be required in relation to these matters to secure the Councils position at any subsequent appeal.

In respect of the impact on the landscape of the area, in light of the consented scheme for a residential redevelopment of this site, it is not considered that there would be any harm to the character of the landscape from the proposal. On this basis there is no conflict with policy DP16 of the DP or policy 1 of the SNP in relation to the impact of the additional dwellings on the character and appearance of the High Weald AONB.

It is not considered that the proposal would have any significant adverse impact on the amenities of the neighbouring properties. It is also considered that in their own right, the design and layout of the additional dwellings would be acceptable and they would fit in appropriately with the consented dwellings.

It is considered that the site could be satisfactorily drained and this could be secured by a planning condition. It is also considered that the proposal would not have an adverse impact on ecology and that the existing boundary tree screening can be retained. Archaeological matters can be dealt with by a planning condition. As such these matters are all neutral in the planning balance.

Taking all of the above into account, it is your officers view that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. In this case it is not considered that there are any material planning considerations that would justify taking a decision that would be contrary to the provisions of the development plan. On this basis the application is recommended for refusal.

Recommendation

It is recommended that planning permission be refused for the following reasons:

1. The application site is located within the countryside, outside any defined built-up area boundary, on a site not allocated for development within the Mid Sussex District Plan or the Slaugham Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and the applicant has failed to demonstrate the proposal is essential to a countryside location. The site is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. There are considered to be no other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The proposal is therefore considered to conflict with policies DP12, DP15 and DP21 of the District Plan and paragraphs 11 and 108 of the National Planning Policy Framework.

2. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required payments towards affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

3. The proposal would result in both harm and future pressure to fell a tree that contributes to the visual amenity of the area. The proposal therefore conflicts with policy DP37 of the District Plan.

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- Object to the additional houses which would be detrimental to the AONB;
- Will cause an over development of the site;
- The access lane, site roadways and parking are inadequate to cater for the additional dwellings;
- Will result in greater traffic noise;
- It is 1.3miles to the nearest bus stop;
- Will put additional strain on the drainage for the site;
- Will put further pressure on water and electricity supplies

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Requires infrastructure contributions towards primary and secondary education, libraries and Total Access Demand (TAD).

Highway Authority

No objection subject to conditions.

Community Leisure Officer

Requires infrastructure contributions towards children's play space, formal sport and community buildings.

Housing Officer

A contribution in the sum of £785,000 will be required towards local affordable housing provision to reflect the fact that the total number of consented units will be increased from 25 to 29.

Drainage Engineer

No objection subject to conditions.

Environmental Protection Officer

No objection subject to conditions.

Urban Designer

The house design is now fine and the repeated semi-detached arrangement provides underlying rhythm that sits well with the formality of Slaugham Manor, the walled garden, and the houses on plots 1-4,6-9. However, plot 16/17's position unfortunately introduces asymmetry by being no longer on the central axis (as achieved on previous layouts) of the walled garden. Also plots 18 and 19 have small gardens because of the closer proximity of the rear boundary with the back of the houses, that also reduces the opportunity to soften/screen the rear boundary at this point. Plot 19 also intrudes significantly into the RPA of the retained tree.

Tree Officer

I am concerned about the impact on the Atlantic Cedar. I consider that the development should be sited further from the tree.

SLAUGHAM PARISH COIUNCIL

SPC object to this application, for the following reasons:

- Over development of the original permitted application
- Insufficient parking facilities
- Increased pressure on existing infrastructure in the area
- Further environmental impact on the AONB

Amended plans: As previously stated by the Parish Council, parking is inadequate for the types of accommodation proposed.

Unwarranted increase in density on this rural site which lies within the AONB and goes against the principles of the District Plan and the emerging Slaugham Neighbourhood Plan.

Visitor parking should be "Off Road", not restricting the width of the road.

There is no provision for a turn around point.

We are also concerned by the comments made by the tree officer regarding damage to an existing Atlantic Cedar tree which should not have been compromised by this development. We would wish to see adequate steps taken to protect this tree from further damage.

INTRODUCTION

This application seeks full planning permission for the erection of 8 dwellings at Slaugham Manor, Slaugham Place, Slaugham.

RELEVANT PLANNING HISTORY

Planning permission was granted under reference DM/16/2531 for the following development at the site:

- a hybrid planning application that seeks full planning permission for the conversion of Slaugham Manor into 9 flats and outline consent for the demolition of a number of associated outbuildings at the site and their replacement with 15 houses.

A subsequent reserved matters application was approved under reference DM/18/1499.

Works are well underway on site to implement this consent and the flats are completed.

There is also a current planning application to amend the proposed road layout for the scheme (DM/18/1673). This is pending consideration. Officers consider the proposed revision to the road layout to be acceptable but the decision cannot be issued until a deed of variation is completed because the approval of DM/18/1673 would result in a new planning application that will sit alongside the original planning permission (DM/16/2531).

SITE AND SURROUNDINGS

The site is located outside of the settlement of Slaugham as defined in the District Plan. The village of Slaugham is to the north. It lies within the Countryside as defined in the District Plan and the High Weald Area of Outstanding Natural Beauty (AONB).

The site, measures approx. 2.31 hectares. The Manor House is at the northern end of the site. It is an attractive and imposing building whose conversion into flats is nearing completion. The collection of modern buildings that used to be to the south of the Manor House has been demolished. There is a building known as Ryders, a former dwelling that was used as offices for the training centre that is located in the south western most corner of the site.

The site has various mature landscaping features, including boundary tree planting and hedgerows. Part of the site, to the north east of the Manor House, also falls within an Ancient Woodland. The topography of the site is uneven, with land rising in

a southern direction towards Mill Hill to 75.0 AOD. The lowest part of the site is the existing car park immediately in front (north) of the Manor House at 66.0 AOD.

With regards to its location, Slaugham Manor lies to the immediate east of Slaugham Place Farm. This property is accessed via the same drive as the site. Also to the west is Mill Pond, a registered Site of Nature Conservation Importance. The access drive to the site is some 500m in length and emerges onto Staplefield Road.

The Manor House and grounds are not Listed or within a Conservation Area. The site does however lie within proximity of a number of heritage assets. To the north, beyond extensive woodland coverage, lies the listed Moat House (Grade II) and the remains of Slaugham Place including associated garden wall. The Ruins of Old Slaugham Place are both a Scheduled Ancient Monument (SAM) and a Grade II* Listed building. Associated with Old Slaugham Place is a Registered Park and Garden.

APPLICATION DETAILS

This application seeks full planning permission for the erection of 8 dwellings at Slaugham Manor, Slaugham Place, Slaugham. The plans show that there would be 4 pairs of semidetached dwellings located at the southern end of the site. These houses would be in the same location as 4 houses that were approved under the previous outline and reserved matters consent for 15 dwelling houses on the site. In effect the proposal is to subdivide the 4 plots that have been previously approved to accommodate 8 houses in their place. The proposal would therefore result in a net gain of 4 dwellings on the site compared to the consented scheme.

The proposed dwellings would be of the same contemporary style as the previously approved dwellings at the site. The houses would be mirror images of one another and would feature integral pitched roof garages on the flanks of the dwellings.

The plans also show a revision to the internal access road within the site compared to the originally approved scheme on the site. The revised access road is the same as is proposed on the currently undetermined application reference DM/18/1673.

LIST OF POLICIES

Mid Sussex District Plan

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

DP12 - Protection of the Countryside

DP15 - New Homes in the Countryside

DP16 - High Weald Area of Outstanding Natural Beauty

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 - Securing Infrastructure

DP21 - Transport

DP30 - Housing Mix

DP31 - Affordable Housing

DP34 - Listed buildings and other Heritage Assets
DP36 - Historic parks and gardens
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP41 - Flood Risk and Drainage

High Weald AONB Management Plan 2014-2019

Neighbourhood Plan

Slaugham Neighbourhood Plan

A referendum on the Slaugham Neighbourhood Plan took place on 25th July 2019 and the result was in favour of adopting the plan. As such whilst the plan has not been formally made by the District Council it now has full weight and is part of the development plan.

Policy 1: Protecting the Area of Outstanding Natural Beauty

ASSESSMENT

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

- The principle of development;
- Impact on heritage assets
- Design/layout
- Access and Transport
- Landscape Impact
- Impact on trees
- Archaeology
- Drainage
- Ecology / Biodiversity
- Housing Mix and Affordable Housing
- Infrastructure
- Neighbour amenity
- Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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.

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

Policy DP12 in the DP states

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

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

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.'

Development in the countryside is therefore required to maintain or where possible, enhance the quality of the rural and landscape character of the District and either be

necessary for agriculture, or be supported by a specific policy reference elsewhere in the District Plan, a Development Plan document or a relevant Neighbourhood Plan.

Policy DP15 in the DP sets out the circumstances where special justification exists for new dwellings in the countryside. It states in part

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

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

The proposed development is not required for agricultural purposes. It is not considered that the proposed increase in the number of dwellings on this part of the site is supported by another specific policy reference elsewhere in the District Plan. Therefore there is a conflict with policies DP12 and DP15 to the principle of this development.

Impact on heritage assets

The Manor House and grounds are not Listed or within a Conservation Area. The site does however lie within proximity of a number of heritage assets. To the north, beyond extensive woodland coverage, lies the listed Moat House (Grade II) and the remains of Slaugham Place including associated garden wall. The Ruins of Old Slaugham Place are both a Scheduled Ancient Monument (SAM) and a Grade II* Listed building. Associated with Old Slaugham Place is a Registered Park and Garden.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

Policy DP34 in the DP reflects the requirements of the Act. It states

'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.'

Policy DP36 in the DP states

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

The NPPF sets out the government's policies for sustainable development. A core planning principle of this framework is to conserve heritage assets in a manner appropriate to their significance (para.184). When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation. The more important the asset, the greater the weight should be.

On the original application for the redevelopment of this site it was considered that the removal of the current unsightly car park in front of the manor House would constitute an improvement in the setting of and approach to the Manor House, the setting of the designated heritage assets to the north east, and the relationship between the two.

In relation to the new houses, on the original application for the redevelopment of the site it was considered to have a neutral impact on the setting of the heritage assets for reasons of distance, screening, and the intervening presence of the Manor House itself. In the case of this application for additional dwellings, given the location of these additional units at the southern end of the site, they would have a neutral impact on the setting of the heritage asset.

It is therefore considered that the proposal will preserve (will not cause harm to) the setting of the heritage assets at Slaugham Place, and meets the requirements of DP policies DP34 and DP36 in this respect and the requirements of the Listed Buildings and Conservation Areas Act.

Design and layout

The proposed houses would be of the same contemporary design as the previously consented dwellings. As such they will fit in appropriately with the neighbouring buildings that will be built on this site. The Council's Urban Designer is satisfied that the design of the individual dwellings is acceptable. He has raised a concern that the revisions would mean that plot 16/17 would not be aligned with the central axis of the Manor House. Whilst it would be preferable for this symmetry to have been retained, it is not felt that this in itself means that the design and layout of the scheme would be objectionable.

The Urban Designer has suggested some amendments to the proposed dwellings but this is not what is before the committee. Overall officers consider that the design of the proposed houses and their layout is acceptable and there would be no grounds to resist the application on these matters. It is therefore felt that the design elements of policy DP26 of the DP are met.

Policy DP26 also refers to optimising the potential of sites to accommodate development. The proposal to increase the number of units by effectively changing 4 detached houses into 8 semidetached houses would accord with this part of policy DP26.

Access and Transport

Policy DP21 in the DP states

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Paragraphs 108 and 109 of the NPPF state;

'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.'*

'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.'

On the original planning permission for the redevelopment of this site, it was acknowledged that the permitted use of the site was a material planning consideration. The Transport Statement (TS) submitted with that previous application detailed the sites previous various uses including being used as a hotel, a hall of residence for police officers and as a multi-functional facility for training.

The Highway Authority did not object to that original scheme. When considering the trip generation of the residential proposal against the existing/previous use, the Highway Authority considered there to be a significant drop in traffic movements to and from the site on a daily basis. There were no reasons to dispute this finding.

However the situation has now moved on since the original planning permission for the redevelopment of the site was granted. The buildings behind the Manor House have all been demolished and therefore the previous lawful uses of the site have been extinguished. Planning permission exists for 9 flats and 15 new dwellings on the site.

The site is not in a sustainable location in respect of access to shop and services. As such prospective occupiers of the dwellings would be reliant on the private car. To this extent there is a conflict with part of policy DP21. As the former use of the site has ceased (and could not be resurrected as the buildings associated with it have been removed) it is considered to be reasonable to assess whether this is a suitable location in transport terms for additional houses above the number that have already been approved.

It is your officer's view that this is not a suitable location in transport terms for additional dwellings as future occupiers will be reliant on the private car for access to services and employment opportunities. It is not considered that there is an overriding need for these additional dwellings in this location. Whilst the proposed units would be smaller than the approved dwellings, the increase in the number of units would result in greater vehicular movements compared to the approved scheme as there would be 4 additional households on the site.

There was a recent appeal decision on a site immediately to the west of the site of this application that is considered to be relevant to the determination of this application. The appeal in question was at The Coach House, Slaugham Place and sought consent for the conversion of an existing dwelling house into 5 dwellings (reference DM/18/2044).

The Inspector, in considering the suitability of the site for housing noted the policy context for the area and stated *'Together Policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 Adopted March 2018 (the MSDP) seek to encourage development within the built up area boundaries and state that new developments should be located to minimise the need for travel and promote the use of alternative means of transport to the private car. They also state that the countryside will be*

protected for its intrinsic character and beauty and set specific criteria where residential development in the countryside may be permitted.'

The Inspector went on to state *'The proposed development is located some distance from the village of Handcross (stated to be 2.7 miles by the Council), which is defined as a 'medium sized village providing essential services' under Policy DP6 of the MSDP. Bus stops are said to be within 500m of the proposed dwellings, however these would be accessed via an unpaved, unlit public footpath. As such I am not presented with evidence that bus stops are within a safe or convenient walk of the proposed dwellings. I have taken into account the comments made by the West Sussex County Council Highways and notwithstanding the fact that the site is well located for car use or that occupiers in urban areas may still prefer to use cars, the location of the scheme would not minimise the need for travel, nor does it provide access to safe and convenient routes for walking or public transport.'*

On this point the Inspector concluded *'For the reasons above, the site would not be suitably accessible to services and would result in harm to the character and appearance of the surrounding area. Consequently the site would not be suitable for the housing development proposed. As such, in these regards, the proposed development would be contrary to the following policies of MSDP: DP12, DP15 and DP21.'*

It is considered that there are no grounds to depart from the Inspectors view on the suitability of this location for new housing. Whilst it may well be the case that even with the 4 additional houses now proposed under this application, the overall vehicular movements at the site might be less than that associated with the former use as a Police training centre, this use has ceased and is no longer a fall-back position: this former use can no longer be reinstated as the buildings associated with it have either been demolished or converted (in the case of the Manor House).

Overall then it is felt there would be a conflict with policy DP21 in the DP.

Landscape Impact

Policy DP16 in the DP states

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

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

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

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

Policy 1 in the Slaugham Neighbourhood Plan has very similar aims and states

'The extent of the High Weald Area of Outstanding Natural Beauty is shown on the Proposals Map.

Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

- 1. The identified landscape features or components of landscape beauty and to their setting;*
- 2. The traditional interaction of people with nature and appropriate landscape management;*
- 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- 4. The conservation of wildlife and cultural heritage.*

Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.

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

Paragraph 172 of the NPPF states in part *'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 proposal will be well contained by the existing boundary trees around the site and therefore there will be a limited impact from the development on the wider AONB. The proposal will have no greater impact on the landscape character of the AONB compared to the previously approved scheme. As such there is no conflict with policy DP16, policy 1 of the Slaugham Neighbourhood Plan or the aims of the NPPF and High Weald AONB Management Plan in respect of landscape matters.

Impact on trees

There are a number of mature trees around the boundaries of the site that help to screen the existing buildings. Whilst these trees are not the subject of a tree preservation order, previous appeal decisions have confirmed that policy DP37 in the DP that seeks to prevent the loss of trees which are important to the landscape and ensure that sufficient consideration has been given to the spaces around buildings. It is considered that the trees on the boundaries of the site can be retained to help soften and screen the development.

The main issue in relation to trees from the proposed amendment relates to an Atlantic Cedar that is positioned to the west of Ryders. The western most house the subject of this application would be within the root protection area of this tree. The Councils Tree Officer has stated *'It would appear that the only tree of value is the Atlantic cedar which has already been compromised by previous excavations, soil piling and hard surfacing.'*

There is the possibility that the tree may survive, however, the proximity of the proposed house will put further pressure on this tree. If it survives, it will have a lifespan of approximately 400 years; development so close to the tree will put future pressure on the tree and compromise light in the already extremely small, cramped garden.

The tree does not tolerate pruning and I consider that the development should be sited further from the tree.

Should permission be granted, please attach a condition requiring a replacement tree elsewhere on the site and condition adherence to AIA, particularly with regard to soil improvement and easing of compaction around the tree.'

It is considered that it would be desirable to retain this tree and the proposed development would make this difficult to achieve. If the tree could be protected during the construction of the dwellings, it's highly likely that its proximity to the house would lead to pressure in the future for it to be removed. It is therefore felt that the proposed development would be too close to this tree and that there would be a conflict with policy DP37 of the DP from this element of the proposal.

Archaeology

The original planning application for the redevelopment of this site was accompanied by a desk based archaeological assessment. This concluded that there was a low theoretical potential for remains dating to most periods, with a more moderate potential for Medieval and Post Medieval periods. This report was been assessed by the Councils Archaeological Consultant and she concluded that further archaeological work was required and that this could be secured by an appropriately worded planning condition.

As the current proposal would be in a very similar location to the previously approved scheme it is considered that it would still be appropriate to secure the necessary

archaeological work by a planning condition. As such policy DP34 of the DP would be met.

Drainage

Policy DP41 in the DP seeks to ensure that developments can be satisfactorily drained and would not cause a risk of increased flooding off site.

The application is accompanied by a Flood Risk Assessment (FRA) dated June 2016. The proposed development is within Flood Zone 1 at low fluvial flood risk. However the red line boundary incorporates an area of Flood Zone 2 and 3, at medium and high risk of fluvial flooding respectively. Access to the Site is via an existing road which crosses the River Ouse. The access bridge forms the boundary between Ordinary Watercourse upstream of the bridge, and Main River downstream of the bridge.

It is proposed that the development will manage surface water drainage through the use of soakaways. For foul water disposal it is proposed that the development will connect to the foul sewer network of the wider development site.

The Councils Drainage Engineer has commented on the application. He states *It has been proposed that the 8 dwellings will utilise soakaway for managing surface water. This has been evidenced with percolation testing, and is acceptable. And in order to meet with a drainage condition, it will need to be shown that:*

- *The system is able to cater for the 1 in 100 year storm event plus extra capacity for climate change.*
- *The system will have a half drain time of less than 24 hours.*

Looking at the submitted plan for the 8 dwellings it is shown that the soakaway system is intended to be linked and shared across different private boundaries. This is not acceptable, and could lead to responsibility disputes in the future. Therefore, whilst we accept the method as acceptable, for any future condition clearance, we would only consider the following:

- *Private soakaways located within the boundary of, and serving only, the one individual property. Or,*
- *Shared soakaways, only located within public areas*

The submitted plan shows that the foul drainage will be linked with, and drain to, the proposed development under DM/16/2531-DM/18/0388. Whilst this is acceptable in principle, there is an issue of sequentially, whereby DM/19/0060 relies upon the completion of DM/16/2531-DM/18/0388 in order to have an appropriate means of drainage. Therefore, this application has two options that can be managed at condition clearance stage, either:

1. *It proposes its own stand-alone drainage system that does not link with DM/16/2531-DM/18/0388, or*
2. *The intended drainage under DM/16/2531-DM/18/0388 is approved and constructed prior to approving any condition associated with DM/19/0060.'*

The Council's Drainage Engineer is therefore satisfied that this proposal could be properly drained and has advised that there are different options for the applicant to carry this out. It is considered that the means of drainage for this proposal could be properly controlled by a planning condition, thereby complying with policy DP41 of the DP.

Ecology / Biodiversity

Policy DP38 of the DP seeks to protect and enhance biodiversity. The previous application (DM/16/2531) was accompanied by a Phase 1 Habitat Assessment and surveys relating to Great Crested Newts (GCN) and Bats. The officer's report on this application stated 'These documents have been assessed by the Council's Ecological Consultant. In relation to bats the Council's Ecological Consultant states *"The proposal will involve the loss of bat roosts for relatively common brown long-eared and pipistrelle bats. However, subject to the mitigation and compensation measures outlined in the supporting bat survey report, negative impacts on the conservation status of these species should be avoided and, subject to the local planning authority granting consent in the public interest, a European protected species licence from Natural England should be obtainable."*

In relation to GCNs he states *"The results of the great crested newt survey suggest that the species is present within the vicinity of the site. However, subject to adequate precautions, the risk of significant impacts is low and therefore, in my opinion, can be addressed via planning conditions."*

In relation to dormice he states *"Whilst survey results for dormice are outstanding at this time, the risk of significant impacts on this species, subject to adequate precautions, appear negligible and therefore, in my opinion, the issue can be addressed via planning conditions."*

Finally in relation to the ancient woodland that adjoins the site he states *"The proposed removal of invasive species and other improvements in adjacent ancient woodland is welcomed, but it is not clear who will be responsible for this over the long-term or how it will be funded. Therefore, it is recommended that this information be secured before development is allowed to proceed. The use of planting stock for planting in ancient woodland should be of native origin and local provenance to ensure it is best adapted to local conditions."* This will be secured by a planning condition.'

The original consent has been implemented and works are well underway on site. As such it is considered that if this application were to be approved, it would be appropriate to impose the same safeguarding conditions that were imposed on the original consent for the site in relation to protected species.

Affordable Housing

At the time that original application was approved on the site, policy H4 in the Mid Sussex local Plan required 30% affordable housing to be provided. In the case of this development, because it is in an isolated position in relation to access to shops, services and so on, it was considered appropriate for a commuted sum for offsite

affordable housing to be paid rather than to have on site provision. The legal agreement with this consent provided a payment of £675,000 in lieu of on-site provision.

The current proposal would result in an additional 4 units on the site. It remains the case that because of the very rural location of the site and the fact that it would be difficult to access shops and services other than by the private car, it is not felt that this is a suitable site for on site affordable housing provision. The Housing Officer has advised that if the application were to be approved a revised contribution for offsite affordable housing provision would be required. They provide the calculation below:

29 dwellings x 30% affordable = 9 dwellings
2 x 2 bed flats at £63,000 = £126,000
4 x 2 bed houses at £89,000 = £356,000
3 x 3 bed houses at £101,000 = £303,000
Total = £785,000

The Housing Officer states that this would be required to be paid in full before the occupation of the 11th dwelling.

It is considered that with a legal agreement in place to provide the above sums for offsite affordable housing provision that policy DP31 of the DP would be met.

Housing mix

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

In respect of the overall housing mix that would arise from the proposal, the position is as follows:

Approved scheme

Manor House:

1 x 1 bed flat
5 x 2 bed flats
3 x 3 bed flats

Ryders converted into a 4 bed dwelling

Dwellings:

1 x 2 bed dwelling
8 x 3 bed dwellings
6 x 5 bed dwellings

Current scheme

Manor House and Ryders remains unaltered as it is not part of this application

Dwellings:

1 x 2 bed dwelling

16 x 3 bed dwellings

2 x 5 bed dwellings

The revised submission therefore results in fewer 5 bed room dwellings and more 3 bedroom dwellings. It is considered that when compared with the consented scheme, the proposed revised housing mix is acceptable and there would be no conflict with policy DP30 of the DP.

Infrastructure

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

'56 Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

The following requests have been made for infrastructure contributions:

WSCC schools infrastructure	Education primary £20,099
WSCC schools infrastructure	Education secondary £21,631
WSCC library infrastructure	£1,346

TAD	£12,875
MSDC Formal sport	£10,880 for formal sport facilities at Warninglid Recreation Ground
MSDC Community buildings	£6,240 for Staplefield Village Hall
MSDC Children's play space	£17,480 for improvements to the Staplefield Common play area
MSDC Local community infrastructure	£7,080 for additional parking for St Mary's Church, Slaugham

It is considered that the above contributions are justified and would meet the tests of the CIL Regulations. The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

A legal agreement has not been completed to secure these infrastructure monies. In the absence of such a legal agreement there is a conflict with policy DP20 of the DP.

Neighbour amenity

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution. It is not considered that the physical changes from the proposal to add 4 additional units would have any adverse impact on the amenities of the surrounding properties.

In relation to the additional vehicular movements that would arise from the proposal compared to the consented scheme, it is not considered that these would cause a level of harm to the other users of the access road that could be described as significant. On this basis there is no conflict with policy DP26 in relation to neighbour amenity.

Impact on 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 has been undertaken for the proposed development.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

Recreational disturbance

Given the fact that the application site is not within 7km of the Ashdown Forest SPA, there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

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

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC. Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and the Slaugham Neighbourhood Plan.

The application site lies in countryside and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The

proposal does also not fall within one of the criteria for new homes in the countryside that are set out under policy DP15. These factors weigh against the proposal.

It is also considered that the proposed development would be in conflict with policy DP21 of the DP as prospective occupiers of the site would be reliant on the private car for access to shops, services, facilities and employment opportunities. It is therefore felt that this is not a suitable location in transport terms for additional dwellings as the opportunities for future occupiers to utilise public transport is very limited. It is not considered that there is an overriding need for these additional dwellings in this location. Whilst the proposed units would be smaller than the approved dwellings, the increase in the number of units would result in greater vehicular movements compared to the approved scheme as there would be 4 additional households on the site.

It is considered that the proximity of the western most house to the Atlantic Cedar within the site is likely to lead to pressure for the removal of this tree given the relatively small rear garden of this property. It is therefore felt this would conflict with policy DP37 of the DP.

There would be a requirement for infrastructure payments to be made for the additional dwellings to mitigate the impact of the development. There would also be a requirement for payments to be made towards off site provision of affordable housing. As there is not a legal agreement in place to secure the required contributions, a reason for refusal would be required in relation to these matters to secure the Councils position at any subsequent appeal.

In respect of the impact on the landscape of the area, in light of the consented scheme for a residential redevelopment of this site, it is not considered that there would be any harm to the character of the landscape from the proposal. On this basis there is no conflict with policy DP16 of the DP or policy 1 of the Slaugham Neighbourhood Plan in relation to the impact of the additional dwellings on the character and appearance of the High Weald AONB.

It is not considered that the proposal would have any significant adverse impact on the amenities of the neighbouring properties. It is also considered that in their own right, the design and layout of the additional dwellings would be acceptable and they would fit in appropriately with the consented dwellings.

It is considered that the site could be satisfactorily drained and this could be secured by a planning condition. It is also considered that the proposal would not have an adverse impact on ecology and that the existing boundary tree screening can be retained. Archaeological matters can be dealt with by a planning condition. As such these matters are all neutral in the planning balance.

Taking all of the above into account, it is your officers view that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. In this case it is not considered that there are any material planning considerations that would justify taking a decision that would be contrary to the provisions of the development plan. On this basis the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

1. The application site is located within the countryside, outside any defined built-up area boundary, on a site not allocated for development within the Mid Sussex District Plan or the Slaugham Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and the applicant has failed to demonstrate the proposal is essential to a countryside location. The site is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. There are considered to be no other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The proposal is therefore considered to conflict with policies DP12, DP15 and DP21 of the District Plan and paragraphs 11 and 108 of the National Planning Policy Framework.
2. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required payments towards affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.
3. The proposal would result in both harm and future pressure to fell a tree that contributes to the visual amenity of the area. The proposal therefore conflicts with policy DP37 of the District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

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
Landscaping Details	D002		07.01.2019
Block Plan	A002		07.01.2019
Proposed Floor and Elevations Plan	D001 Rev A		11.01.2019
Location Plan	A001 Rev A		11.02.2019
Proposed Roof Plan	D001 Rev A		11.02.2019
Location Plan	A001	B	25.06.2019
Proposed Floor and Elevations Plan	D001	B	25.06.2019
Landscaping Details	D002	A	25.06.2019
Parking Layout	D003		25.06.2019

APPENDIX B – CONSULTATIONS

Parish Consultation – Original Comment

SPC object to this application, for the following reasons:

- Over development of the original permitted application
- Insufficient parking facilities
- Increased pressure on existing infrastructure in the area
- Further environmental impact on the AONB

Parish Consultation – Further Comment

SPC Comment:

As previously stated by the Parish Council, parking is inadequate for the types of accommodation proposed.

Unwarranted increase in density on this rural site which lies within the AONB and goes against the principles of the District Plan and the emerging Slaugham Neighbourhood Plan.

Visitor parking should be "Off Road", not restricting the width of the road

There is no provision for a turn around point.

We are also concerned by the comments made by the tree officer regarding damage to an existing Atlantic Cedar tree which should not have been compromised by this development. We would wish to see adequate steps taken to protect this tree from further damage.

County Planning Officer

Original comments

Summary of Contributions

(See over page for Summary of Contributions table)

Education			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	20.0		
	Primary	Secondary	6th Form
Child Product	0.2800	0.2800	0.1512
Total Places Required	1.9600	1.4000	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,151		
Population Adjustment	20.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	8		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	20.0		
Net Parking Spaces	-6		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£35,123
Secondary	£37,800
Education - 6th Form	No contribution required
Libraries	£3,151
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£9,598

Total Contribution	£85,672
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2018*.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

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

The calculations have been derived on the basis of an increase in 8 Net dwellings, and a reduction in 6 car parking spaces.

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

5. Deed of Planning Obligations

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

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

c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

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

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

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

The contributions generated by this proposal shall be spent supporting the National Curriculum at Warden Park Secondary Academy.

The contributions generated by this proposal shall be spent on additional stock at Haywards Heath Library.

The contributions generated by this proposal shall be spent on traffic calming measures in the parish of Slaugham to reduce the speed of traffic and to improve safety for the pedestrians and cyclists.

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

your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - **£17,920 per child**
- Secondary Schools - **£27,000 per child**
- Sixth Form Schools - **£29,283 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,252** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle

Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

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

Amended comments

The difference between the two sums, and therefore the contributions we are requesting are;

Primary - £20,099 to be spent on additional equipment at Handcross Primary

Secondary - £21,631 to be spent on supporting the National Curriculum at Warden Park Secondary Academy

Libraries - £1,346 to be spent on additional stock at Haywards Heath Library

TAD - £12,875 to be spent on traffic calming measures in the parish of Slaugham to reduce the speed of traffic and to improve safety for the pedestrians and cyclists.

Please let me know if you need anything else.

Highway Authority

Original comments

The above proposal has been considered by WSCC as the CHA, no objection is raised in principle to the development of 8 dwellings; however more information regarding the number of allocated visitor parking spaces and where they will be located must be provided. Conditions are attached.

The proposal will create a small increase in trips to and from the site on a daily basis but this would not create any significant material capacity impacts. The existing access has also been visited by WSCC in July last year and no highway safety issues were found, in Emma Waters comments she states:

'The LHA would raise no concerns to visibility. It was observed while on site that splays could benefit by some of the vegetation being trimmed back out of the highway boundary.'

'Visibility has been demonstrated as 120m from a 2.4m set back to the right (in the leading direction) and 75m to the left. From visiting the site the LHA are satisfied that these splays are achievable and adequate for the proposed residential use given the sites previous use, location and the rural nature of Staplefield Road.'

It should be noted here that the sites previous use involved being a police training centre seeing much higher daily vehicle movements. Emma goes on to state:-

'Slaugham Place roadway leading into the site is generally wide enough for slow moving vehicles to pass one and other. There are passing opportunities where it is not. Given the sites previous uses and the low associated speeds along with flows of traffic the LHA would not raise any concern to the access roadway.'

Therefore from a highway safety and capacity point of view we raise no issues. We are mindful the location of the use is not considered sustainable and the site being rural in nature will place a heavy reliance on the use of the private motor vehicle. This has been acknowledged in Emma's response, 'In these respects the proposal does not meet paragraph 29 of the National Planning Policy Framework (NPPF). The Planning Authority should consider matters of accessibility on balance against other matters that may weigh in favour of the development.'

Car Parking

Each dwelling will be provided with one car parking space. Plans submitted show the houses to also provide a garage 2.7m x 7.4m. This would give each dwelling two parking spaces. As this is a rural development on a site which already has some housing and parking WSCC would like to understand where visitors will park on-site. WSCC car parking calculator has been used to understand the expected demand and the result show there should be some visitor parking provided. Depending on the number of allocated spaces provided will determine how many additional free spaces for visitors are required. The table below displays this information and also shows the development requires between 15 and 19 spaces in total.

In summary; whilst no objection is raised in principle more information is required.

Allocated Spaces per unit	Allocated no.	Parking Demand				Total Demand
		Unallocated for residents		Unallocated for visitors		
		Per unit	Total	Per unit	Total	
2	16	0	1	0	2	19
1	8	1	5	0	2	15

(figures above taken from WSCC car parking calculator 14/03/2019)

Conditions

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.

Parking

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

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

Turning space

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

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,

Amended plans received:

- Location Plan
- Proposed Parking Layout (1440 D.003.)
- Transport Technical Note

The above documents have been re-submitted to include the additional visitor parking requirements set out in WSCC previous highways response. All matters responded to in the original response remain however the revised parking for 16 spaces (2 per dwelling) and 11 visitor spaces has been accepted. The condition below shall ensure the parking spaces both in number and layout are provided.

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 (1440 D.003). These spaces shall thereafter be retained at all times for their designated purpose.

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

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 8 residential dwellings at Slaugham Manor, Slaugham Place, Slaugham on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Staplefield Common, owned and managed by the Parish Council, is the nearest Local Area for Play area to the development site. This small facility will face increased demand from the new development and a contribution of £17,480 is required to make improvements to play equipment (£9,500) and kickabout provision (£7,980).

FORMAL SPORT

In the case of this development, a financial contribution of £10,880 is required toward formal sport facilities at Warninglid Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £6,240 is required to make improvements to Staplefield Village Hall.

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

Housing Officer

I understand that the applicant is now proposing to provide 4 additional residential family homes on the above site by altering the consented 4 detached houses to form 8 semi detached houses and that Landivar Architects state in their letter dated 18th Dec 2018 that "the applicant agrees to increase the contribution towards affordable housing, in line with the LPA formula, if the current application is approved".

As a result if planning consent is to be granted for the new proposals a contribution in the sum of £785,000 (as calculated below) will be required towards local affordable housing provision to reflect the fact that the total number of consented units will be increased from 25 to 29.

29 dwellings x 30% affordable = 9 dwellings
2 x 2 bed flats at £63,000 = £126,000
4 x 2 bed houses at £89,000 = £356,000
3 x 3 bed houses at £101,000 = £303,000
Total = £785,000

This revised figure of £785,000 will be included in the new section 106 agreement and will be required to be paid in full before occupation of the 11th dwelling.

Drainage Engineer

Recommendation: No objection subject to conditions

Advice

Summary and overall assessment

Whilst this is a separate application, it is also an alteration to the already approved DM/16/2531 Hybrid Application, which is currently at condition clearance stage DM/18/0388.

DM/19/0060 looks to alter four of the dwellings under DM/16/2531- DM/18/0388, by changing them to eight semi-detached dwellings. There is no significant change to the actual impermeable area when comparing the original 4 to the proposed 8, so there is no differing flood risk concern.

It has been proposed that the 8 dwellings will utilise soakaway for managing surface water. This has been evidenced with percolation testing, and is acceptable. And in order to meet with a drainage condition, it will need to be shown that:

- The system is able to cater for the 1 in 100 year storm event plus extra capacity for climate change.
- The system will have a half drain time of less than 24 hours.

Looking at the submitted plan for the 8 dwellings



It is shown that the soakaway system is intended to be linked and shared across different private boundaries. This is not acceptable, and could lead to responsibility disputes in the future. Therefore, whilst we accept the method as acceptable, for any future condition clearance, we would only consider the following:

- Private soakaways located within the boundary of, and serving only, the one individual property. Or,
- Shared soakaways, only located within public areas

The submitted plan shows that the foul drainage will be linked with, and drain to, the proposed development under DM/16/2531-DM/18/0388. Whilst this is acceptable in principle, there is an issue of sequentially, whereby DM/19/0060 relies upon the completion of DM/16/2531-DM/18/0388 in order to have an appropriate means of drainage. Therefore, this application has two options that can be managed at condition clearance stage, either:

1. It proposes its own stand-alone drainage system that does not link with DM/16/2531-DM/18/0388, or
2. The intended drainage under DM/16/2531-DM/18/0388 is approved and constructed prior to approving any condition associated with DM/19/0060.

There is a flood risk concern associated with the access road into the site. As part of any future condition, we will need to see how safe access and egress for emergency vehicles will be maintained for the lifetime of the development at this particular location.

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

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

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

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

The proposed development drainage will need to:

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

Flood Risk

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

The proposed development is not within an area identified as having possible pluvial flood risk. The access road is at risk of fluvial flooding, and this could be a concern for access and egress for emergency services.

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 intends to utilise soakaway.

Foul Water Drainage Proposals

It is proposed that the development intends to drain to the yet-to-be complete adjacent development of DM/16/2531-DM/18/0388.

Suggested Conditions

C18F - Multiple Dwellings

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. 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
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

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

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

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

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

4.

Outfall to Watercourse:

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

5.

Outfall to Public Sewer:

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

8.

Watercourse On or Adjacent to Site:

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

Environmental Protection Officer

Main Comments:

This proposed development presents no major concerns from an Environmental Protection team perspective. I would draw attention to the potential for noise disturbance to existing nearby residential premises during both the demolition and construction phases, particularly if any of the following activities take place: piling, concrete breaking and vibrational rolling. I therefore recommend a noise management plan condition to ensure that good practice is followed to minimise disturbance.

It is noted that a Desktop Study and Preliminary Site Assessment was previously undertaken by Southern Testing (ref: J12662), dated 27th May 2016 for the site. This initial testing found some elevated levels of contaminants on site, and has recommended that further testing be undertaken on site if the land is to be redeveloped. It is recommended that further tests, remediation and verification of the site be conditioned, in order to ensure the site is made suitable for its end use.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study on intrusive investigation is found, that works stop until such time that a further assessment has been made, and further remediation methods submitted and approved to the local planning Authority.

Recommendation:

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

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

and, unless otherwise agreed in writing by the LPA,

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

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of conditions (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

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

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

6) Construction Environmental Management Plan: Prior to the demolition and commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: temporary site security fencing, measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

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

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

Urban Designer

The house design is now fine and the repeated semi-detached arrangement provides underlying rhythm that sits well with the formality of Slaugham Manor, the walled garden, and the houses on plots 1-4,6-9.

However, plot 16/17's position unfortunately introduces asymmetry by being no longer on the central axis (as achieved on previous layouts) of the walled garden. Also plots 18 and 19 have small gardens because of the closer proximity of the rear boundary with the back of the houses, that also reduces the opportunity to soften/screen the rear boundary at this point. Plot 19 also intrudes significantly into the RPA of the retained tree. These problems can be addressed if plots 14-19 are pulled together by omitting the gaps between the garages and conjoining them; moving 16/17 3m eastwards will allow it to align with the central axis and moving 18-19 6m eastwards will allow all the gardens to be more equally sized and provide more space for a tree screen on the site boundary.

Please note there is an incomplete set of plans on the electronic file and they have been incorrectly entered as the landscaping plan is not featured.

Tree Officer

It would appear that the only tree of value is the atlantic cedar which has already been compromised by previous excavations, soil piling and hard surfacing.

There is the possibility that the tree may survive, however, the proximity of the proposed house will put further pressure on this tree. If it survives, it will have a lifespan of approximately 400 years; development so close to the tree will put future pressure on the tree and compromise light in the already extremely small, cramped garden.

The tree does not tolerate pruning and I consider that the development should be sited further from the tree.

Should permission be granted, please attach a condition requiring a replacement tree elsewhere on the site and condition adherence to AIA, particularly with regard to soil improvement and easing of compaction around the tree.

MID SUSSEX DISTRICT COUNCIL

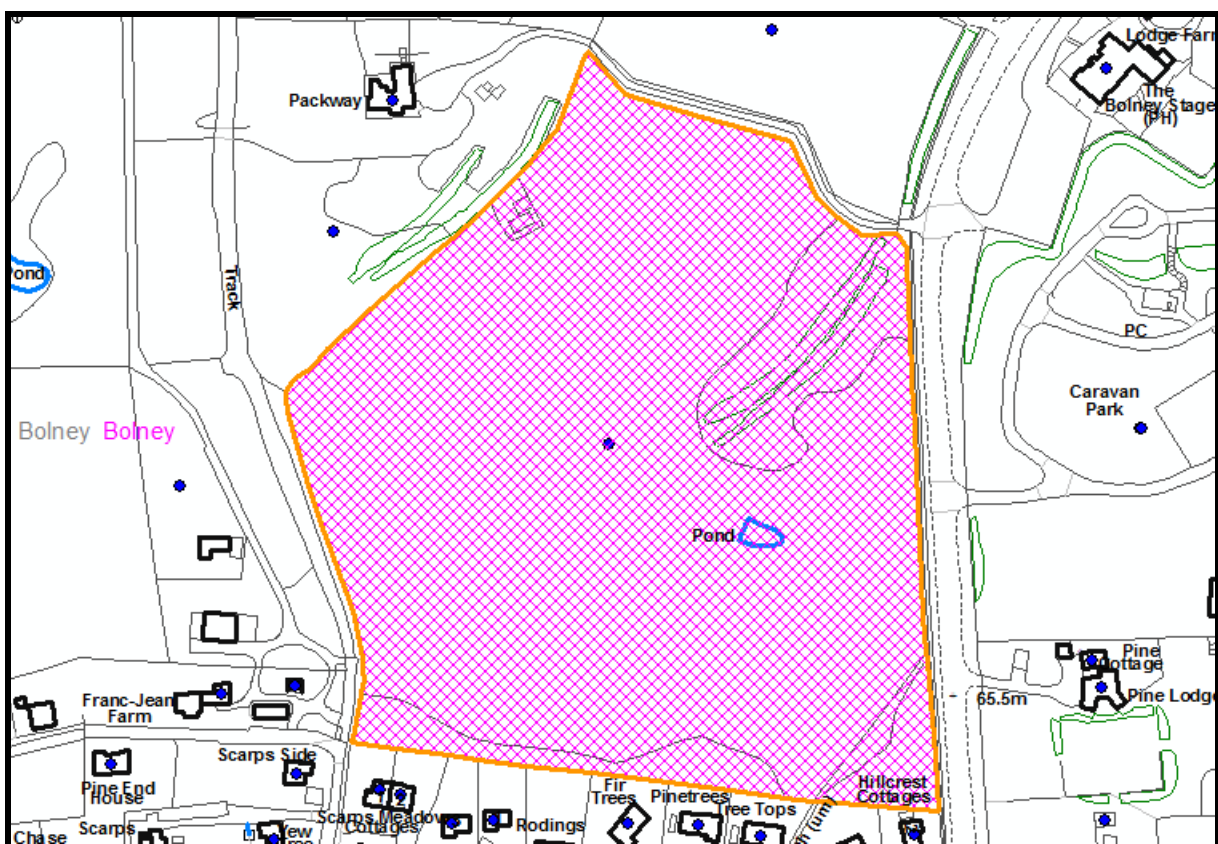
Planning Committee

5 SEP 2019

OTHER MATTERS

BOLNEY

TP/19/0009



REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/19/0009 refers, on an area of woodland north of Bolney, London Road, Bolney.

The land has been the subject of two planning applications for development; DM/18/0953 and DM/18/0954 refer.

The site fronts London Road and a public footpath runs adjacent to the western perimeter of the land and traverses the south eastern corner of the site.

BACKGROUND

The trees are considered to be under threat due to the planning applications, above, which would result in the loss of trees and woodland. A request to make a Tree Preservation Order was received from the case officer.

The trees scored an average of 21 on the TEMPO assessment, definitely meriting protection by TPO.

THE OBJECTION

An objection has been received on behalf of the owners of the site on the following grounds :

- the authority has taken 10 months to contemplate the trees on the site, and it is remarkable that they have only now, thought to apply a TPO 5 months after the applications were refused. Where is the expediency and public interest? The TPO is a shabby gambit to resist development by any means.
- the Order seeks to designate the whole site as woodland, despite its composition being a mosaic of pasture, scrub, emergent woodland and individual, as well as groups of trees. The TPO does not reflect the reality of vegetation on the ground. The consultation response to the application describes the site as a mix of wooded and pastoral parkland. The council cannot have it both ways .
- lack of expediency. The power to make TPOs is only available where both expediency and amenity are present. The trees are protected from unlawful felling by the Forestry Act 1967 which prevents significant tree removal and the applicant has consistently demonstrated its responsibility in its management of trees on the site. The lack of any material driver for the TPO, renders it ultra vires.
- the TPO compels a change in land use. Woodland TPOs protect current and future trees and plants of these young ages are vulnerable to browsing by mammals, for this reason, woodland regeneration and grazing are frequently incompatible. It follows that for the owners to allow grazing on the land, would put them at risk of criminal prosecution.

EVALUATION OF COMMENTS

The applicant advises that the timescale by the local authority demonstrates a lack of expediency and public interest.

Numerous letters of objection were received relating to the loss of woodland during the consideration of both planning applications. The edge of the woodland is publicly visible and expediency is clearly demonstrated by the refusal of the planning applications and the resultant threat to the woodland as demonstrated by the objection of the assistant tree officer to the applications and the subsequent reasons for refusal relating to trees.

It was considered, that as the nesting season was shortly due to commence, following the issue of the decision notice, that the trees were 'safe' in the short term. The TPO was issued as soon as possible.

The applicant advises that he does not consider the site to comprise 'woodland'. This is despite the tree reports, submitted with both applications, and prepared by the same agents as above, describing the site as woodland and carrying out a 'woodland area assessment', describing the total area of woodland on site as 40900 sqm. *"Bolney Glades -Scheme 2 refers to the fact that it is not possible to count every tree in a woodland, especially where this is extensive. For this reason, woodlands are assessed as an area "*

It is considered that there is clear public interest and expediency in issuing the Order. The applicant contends that the site is already protected by The Forestry Act, 1967. However, the Forestry Act can only protect woodlands. The Forestry Act is also intended to promote beneficial woodland management. There is clearly no intent on behalf of the owner to carry out such management, as a large amount of clear felling is proposed.

Government advice, *'Tree Preservation Orders and trees in conservation Areas'* states in relation to the making of Orders that LPAs can make an Order ..."if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area."

With regard to visual amenity, the site is traversed by a public footpath and is bounded on one side by a road and the other by a public footpath. The site is commonly used by dog walkers and local people.

In relation to woodland orders, it states *"Orders covering a woodland protect the trees and saplings of whatever size, including those growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration of new planting"*. It is accepted that not

all of the site is mature woodland, although it contains a number of mature trees, but, as described above, there are a number of understorey plants which indicate it is a developing woodland. It contains mature trees, understorey and typical fringe trees, as well as herbaceous woodland floor plants. Although some open areas are visible within the woodland, again, this is not an unusual feature.

It should be noted that the authorisation of a TPO by MSDC officers was agreed by the Chair and Vice Chair of the planning committee on the primary grounds of 'expediency' and 'significant public amenity value'.

ASSESSMENT

It is considered that a number of trees have significant public amenity value and value as a woodland in their own right and that it was expedient to issue an Order in accordance with government advice.

Officers are content that the trees meet the relevant criteria for inclusion in the Order and that their protection is justified, and it is considered that the Order should be confirmed.

RECOMMENDATION

It is recommended that the Order is confirmed.