
30 October 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 7TH NOVEMBER, 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 17 October 2019. | 3 - 6 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|--|----------------|
| 5. | DM/18/4841 - Red Cross Hall, 29 Paddockhall Road, Haywards Heath, RH16 1HQ. | 7 - 42 |
| 6. | DM/19/3734 - Sheddingdean Community Centre, Maple Drive, Burgess Hill, RH15 8HP. | 43 - 50 |

Items Recommended for Refusal.

- | | | |
|----|--|----------------|
| 7. | DM/19/1972 - Pook Barn, Pookbourne Lane, Sayers Common, Hassocks, BN6 9HD. | 51 - 72 |
|----|--|----------------|

8. DM/19/3876 - Q Leisure, The Old Sand Pit, London Road, Albourne, BN6 9BQ.

73 - 92

Other Matters.

None.

9. 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, 17th October, 2019
from 7.00 - 7.33 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

G Allen	A MacNaughton	N Walker
R Cartwright	C Phillips	
J Dabell	D Sweatman	

Absent: Councillors E Coe-Gunnell White, R Eggleston and M Pulfer

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Pulfer. Councillor Eggleston and Cllr Coe-Gunnell White were absent from the meeting.

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 26 SEPTEMBER 2019.

The minutes of the meetings of the Planning Committee held on 26 September 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.

None.

5 DM/18/4541 - LAND EAST OF HAYWARDS HEATH ROAD, BALCOMBE, RH17 6NL.

Andrew Morrison, Senior Planning Officer introduced the application for the erection of 16 dwellings and associated development and drew Member's attention to items contained in the Agenda Update sheet, including the recommended additional pre-occupation condition. He noted that the application had previously been presented to the Committee and had been deferred awaiting further information on three issues. It is now the Officers recommendation that the three issues (Section 106 agreement, highway safety matters and design considerations) have been suitably addressed. Plots 15 and 16 have been redesigned following comments from the Council's Urban Designer and a footpath has been created to connect to an existing footpath to the north of the site. The Senior Planning Officer drew Member's attention to Condition

13 which requires the footpath section within the site boundary to be completed in accordance with details submitted for Council approval prior to occupation of the development. He also noted that the scheme incorporates 2 parking barns and the applicant has submitted parking schematics to illustrate safe parking manoeuvres within these areas.

Councillor Nicky Gould spoke on behalf of Balcombe Parish Council noting that a number of issues remain unchanged. She requested that provision is made for a pedestrian island to aid crossing Haywards Heath road and that a negotiated path be made a condition in order to provide a better through route within the development. Sue Taylor and Mark Preston-Bell spoke in objection on the grounds of design issues and a lack of renewable energy and disabled access housing onsite. They reiterated a request for the pedestrian island, and requesting that at least 2 disabled access homes be included in the development. Christopher Hough spoke in support of the application noting that the applicant had addressed the three elements of concern raised at the previous committee.

Prior to debate, the Chairman noted the three prior reasons for deferral and urged Members to focus on these elements. He also drew their attention to p.39, Condition 16 regarding adaptable dwellings and Condition 13 regarding the footpath. In reference to the road sign noted in the Agenda Update sheet, he acknowledged that Balcombe Parish Council owned the sign which sits on highways land and that developer would need to work together with all parties to successfully relocate it. Speaking as Ward Member he supported the application and appreciated the car tracking plan provided by the applicant.

The Chairman took Members to the recommendation to approve the application, which was proposed by Cllr MacNaughton as Ward Member and seconded by Councillor Coote. This was approved unanimously.

RESOLVED

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 and the additional condition in the Agenda Update Sheet;

and

That if the applicants have not signed a planning obligation securing the necessary affordable housing and infrastructure contributions by 17th January 2020, 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.'

6 DM/19/3353 - GLENCREE, COPTHORNE BANK, COPTHORNE, RH10 3JQ.

The Chairman introduced the application for a lawful development certificate to confirm a lawful commencement of work in respect of 13/03222/OUT and DM/16/4792 through the construction of foundations for the detached garage to serve plot 2. He noted that it was before the Committee due to the fact that a Mid Sussex District Councillor is the agent.

As there were no public speakers, the Chairman confirmed with Members that they did not require a presentation from the Planning Officer. He took Members to the recommendation to issue the lawful development certificate which was moved by Councillor Sweatman and seconded by Councillor Phillips. This was approved unanimously.

RESOLVED

That the lawful development certificate be issued for the reasons outlined at Appendix A.

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

None.

The meeting finished at 7.33 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

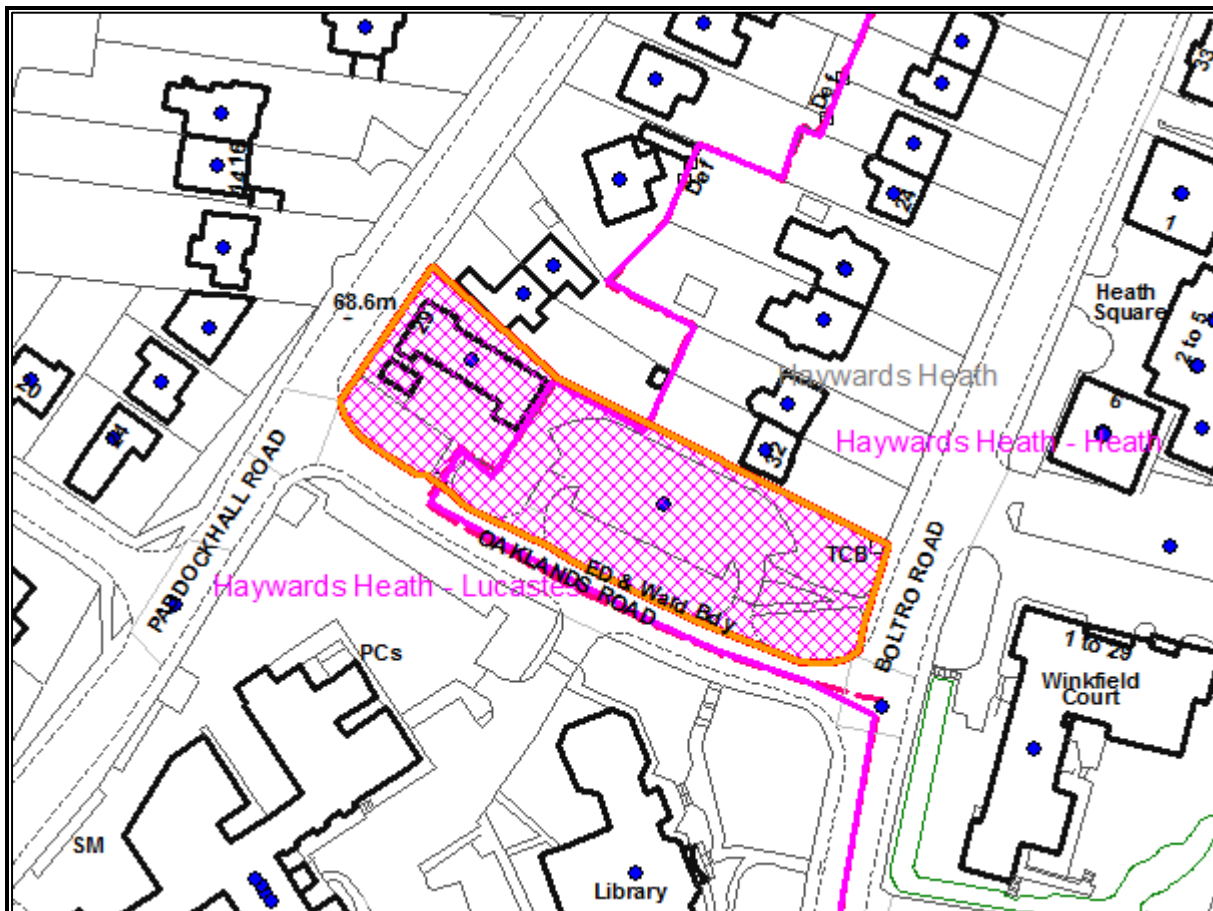
Planning Committee

7 NOV 2019

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/18/4841



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RED CROSS HALL 29 PADDOCKHALL ROAD HAYWARDS HEATH WEST SUSSEX

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NO. 8 DWELLINGS COMPRISING OF 5 X 3 BEDROOM HOUSES WITH ATTACHED GARAGES AND A FLAT BLOCK OF 3 X 2 BEDROOM FLATS. INCLUDES CREATION OF CYCLE STORE/ REFUSE STORAGE BUILDING, WITH ASSOCIATED CAR PARKING, LANDSCAPING WORKS AND CHANGES TO ACCESS ONTO OAKLANDS ROAD.

MID SUSSEX DISTRICT COUNCIL

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Tree Preservation Order Points /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 31st March 2019

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Andrew Morrison

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 demolition of existing buildings and erection of no. 8 residential units comprising of 5 x 3 bedroom houses with attached garages and an attached block of 3 x 2 bedroom flats, to also include the creation of an attached cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath.

The applicant is Mid Sussex District Council and the Council is the sole freeholder of the land subject of the application.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (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 1 settlement and is therefore a sustainable location for infill residential development. The existing development on site is considered to be surplus to the requirements of the Council and the displaced staff parking arising from the scheme can be suitably accommodated and managed within the extensive existing parking areas elsewhere across the Council Campus.

The proposed design, layout, mix 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 and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

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 upon on the Ashdown Forest Special Protection Area and Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H8. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and 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 infrastructure contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not signed a planning obligation securing the necessary infrastructure contributions by 7 February 2020, 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 of the Mid Sussex District Plan in respect of the provision of infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Letters of OBJECTION received from 2 households, concerning the following issues:

- Increased air pollution
- Increased traffic and highway safety concern including from vehicles reversing onto Oaklands Road
- Description of development misleading
- Terrace is out of character and density of development too high
- Loss of parking bays on Oaklands Road which serve library

- Overlooking and loss of outlook
- Loss of trees and associated loss of wildlife habitat

Haywards Heath Society: No objection

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 County Planning Officer

S106 Contributions:

- £24,347 towards Primary Education
- £26,203 towards secondary education
- £2,868 towards libraries
- £806 Total Access Demand

MSDC Community Services

S106 Contributions:

To be reported.

MSDC Urban Design

No objection subject to conditions

MSDC Environmental Protection and Contaminated Land

No objection subject to conditions

MSDC Drainage

No objection subject to condition

MSDC Tree Officer

No objection to the development in principle and would likely support the application subject to the receipt of replanting detail/landscape plan and amendments to recommendations to T1.

WSCC Tree Officer

No objection but tree replacement would be required and maintenance agreed

MSDC Ecology Consultant

No objection subject to condition

Haywards Heath Town Council

The Town Council supports this application, but with the following caveats:

1. It must be a condition of any permission granted that the site provides the three social rented/intermediate two bedroom apartments as proposed in the application. The Town Council welcomes this aspect of the scheme because it would add to the accommodation available in the social rented and intermediate sectors;
2. In order to soften the impact of the development on the streetscape, the green buffer zones at each end of the site and the tree-planted frontages of the properties - as proposed in the site plans - must be incorporated into a formal landscaping scheme. This would be in the interests of visual amenity and would accord with Policy E9 of the Haywards Heath Neighbourhood Plan.

INTRODUCTION

Planning permission is sought for the demolition of existing buildings and erection of no. 8 dwellings comprising of 5 x 3 bedroom houses with attached garages and a flat block of 3 x 2 bedroom flats, to also include the creation of cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath. Together with the hall, the application site also comprises a restricted use car park for Council employees and highway verge.

RELEVANT PLANNING HISTORY

HH/103/94 CHANGE OF USE OF GARAGE TO CHARITY SHOP WITH LINKING TO MAIN BUILDING.

HH/084/87 SINGLE STOREY EXTENSION TO FORM ADDITIONAL OFFICE.

SITE AND SURROUNDINGS

The site is rectangular in shape and measures 0.6 hectares. It is located between Oaklands Road to the southwest, Boltro Road to the southeast and Paddockhall Road to the northwest.

At the north-western end of the site is a pitched roof single storey building which is currently vacant but formerly occupied by the Red Cross. A small flat roof garage is situated to the front of the building. Access to these building is provided from Oaklands Road and there is a hardstanding area between the building and this highway.

The central part of the site is a restricted access 30 space car park for Mid Sussex District Council staff with separate entry and access points onto Oaklands Road. This is a supplementary car park to those larger parking areas to the southwest within the MSDC campus.

Finally the smaller eastern end of the site comprises two footpaths linking the car park to Boltro Road, together with a variety of vegetation.

There are a large number of trees of varying size and species across the site. These are identified in full on an existing survey plan and supporting Arboricultural Implications Assessment, however the most noteworthy are an oak to the rear of the hall building (which is subject to preservation order), a lime to the rear of the garage adjacent to Paddockhall Road, a line of birch trees between the car park and Oaklands Road and a western red cedar on the south-eastern corner.

Ground levels rise gently across the site to the northwest.

There is boundary hedging along much of the site's rear (north-eastern) boundary. Beyond this are semi-detached dwellings fronting onto both Boltro Road and Paddockhall Road. To the southeast side there is a block of flats on the opposing side of Boltro Road set at a lower level. To the southwest beyond Oaklands Road is the Mid Sussex District Council campus and Hayward Heath library. There is on-street parking along the southwestern side of Oaklands Road.

The site located within the built up area boundary of Haywards Heath. Paddockhall Road and Boltro Road are primarily residential in character; however there is a mix of land uses in the area to the south as identified above.

APPLICATION DETAILS

In summary proposed plans show the removal of the existing buildings, the car park and some of the vegetation and the site's redevelopment for 8 residential units, to comprise 5 no. 3 bedroom dwellings and 3 no. 2 bedroom flats across a single terrace.

The 3 existing vehicle accesses would be removed and a new access formed for each dwelling together with a shared access for the flats which would lead to a rear parking court.

Each dwelling would have 2 parking spaces, one of which would be within its attached garage. The flats would each have one parking space.

The building takes the form of a contemporary terrace with set-back linking garages above which the third bedroom is located. The houses are expressed as of two storey scale to the front through the use of a projecting balcony / bay element, whilst the eaves line drops lower to a single storey height to the rear. Velux windows are then sited within the rear roof slope at first floor level; this asymmetric roof form has been employed in order to limit overlooking of neighbouring properties to the north. Each house is of matching design and layout with suitably sized, enclosed rear gardens and a shallow open frontage onto Oaklands Road.

A brick wall extends in a curve from the flank elevation of the western most dwelling such to form the rear garden enclosure of this unit from a landscaped area adjoining Paddockhall Road.

The attached apartment component of the development continues the same architectural approach for the houses and is also of the same vertical scale. Each flat has a balcony, with access to the wholly first floor unit provided via an internal staircase accessed via a door on the Boltro Road elevation. The roof form of the apartments does however feature a contrasting hipped end such to soften its massing on the adjacent landscaped intervening space to Boltro Road.

Materials throughout are shown to be a combination of facing brickwork with feature rendering, clay roof tiles and grey framed windows, fascias and downpipes.

Attached to the north-eastern corner of the apartments is a lower single storey element extending northwards which would serve as a cycle and refuse store for occupants of the flats.

In respect of tree work, the protected oak to the rear of the hall together with all trees and hedging along the northern boundary are to be retained and protected during the course of development. The remaining trees within the site and shown to be removed, with replacement semi-mature planting shown to 'green buffer zones' situated to either side of the terrace. This planting is proposed to compensate for the removal of existing vegetation in these areas which includes the large lime and western red cedar trees at either end of the site. Small trees are also shown planted in front of each dwelling, an approach which would reflect the existing orderly line of birch trees.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP4 - Housing
DP6 - Settlement hierarchy
DP17 - Ashdown Forest
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing mix
DP37 - Trees woodlands and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design & Construction
DP41 - Flood risk and Drainage

Supplementary Planning Documents (SPDs)

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

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan 2016 (HHNP) has been made and so forms part of the development plan. It is therefore a material consideration with full weight. Relevant policies are:

E9 (local character)

E13 (outdoor space in residential developments)

H8 (housing development within the built up area boundary)

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

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 the character of the area, including trees
- Housing Mix
- Standard of accommodation
- Impact on residential amenity
- Highways, access and parking
- Ecology
- Ashdown Forest
- Infrastructure
- Drainage and Flooding
- Sustainability
- 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.

Using this as the starting point the development plan in Mid Sussex consists of the Mid Sussex District Plan 2014-2031 (MSDP) and the Haywards Heath Neighbourhood Plan 2016 (HHNP).

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

As the proposed development is within the built up area of Haywards Heath, the principle of additional windfall housing development is acceptable under policy DP6 of the MSDP, which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

In addition, policy H8 of the HHNP relates to Housing Development within the Built up Area Boundary and states:

'Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

Furthermore, Haywards Heath is classed as category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a highly sustainable location for residential development.

With respect to the loss of the staff car park, it is considered that this demand can be satisfactorily absorbed by, and managed as part of, the extensive existing car

parking provision across the Council campus. Parking restrictions are in place on Paddockhall Road, Oaklands Road and Boltro Road such that these streets will not provide an alternative parking location for those staff which currently use the car park which is to be removed.

The principle of redevelopment of this urban infill site is therefore acceptable under the relevant policies of the development plan.

It is however also necessary to consider other planning issues to determine whether the overall planning balance favours approval.

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

MSDP policy DP26 concerns considerations of character and design and states:

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

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

The criteria of HHNP Policy H8 are set out above. HHNP Policy E9 sets out similar considerations in relation issues of design and character:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.'*

The Council's Urban Designer has been closely involved with the proposed redevelopment of the site. This has included pre-application discussions concerning a 10-unit scheme of wider footprint which would've provided less green buffer space to Paddockhall Road and Boltro Road to either side of the building. Such a density was deemed to be inappropriate from an urban design perspective and therefore a revised 8 unit scheme with enlarged green margins has been put forward in this application.

The Urban Designer's comments are set out in full at Appendix B. In summary, no objection is raised subject to the imposition of conditions concerning landscaping and facing materials particulars and finer details of elevations. The comments acknowledge that the development will inevitably substantially change the character of Oaklands Road. A number of positive elements of the scheme's design and layout are however highlighted, including the allowance for generously landscaped areas to replace existing mature trees at either end of the site, the use of an orderly and rhythmic contemporary terrace, the modest massing of the building to both allow sufficient light to rear gardens and alleviate impact upon neighbouring dwellings, the animation of prominent flank elevations with openings and the careful integration of parking.

The Planning Officer is in full agreement that the proposal works well in terms of its layout and the quality of the elevations. Whilst the building line is set close to Oaklands Road (as is necessitated by the limited depth of the site) and that this feature of the scheme is in contrast to the more spacious thresholds of those buildings in the locality, it is not considered that this in itself gives rise to any harmful visual impacts in terms of the varied character of the area. The architectural approach is considered to be of a high standard and the scale of the building appropriate, whilst spacious open green buffers have importantly been set aside at either end of the development, thereby ensuring that the development does not incongruously impose upon the Paddockhall Road or Boltro Road streetscene.

In summary therefore the requirements of the above policies relating to the visual impact of the development are deemed to be met.

Trees

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

The application is supported by an Arboricultural Implications Assessment which includes a classification table of all existing trees on site, a Tree Constraints Plan and a Tree Protection Plan which includes details of protection and those trees identified for removal. The Proposed Site Plan indicatively shows the location of new (replacement) planting. Full details of this will be secured by an appropriately worded condition.

The comments of the Council's Tree Officer are set out in full at Appendix B. The only substantive concern raised is in respect of the proposed removal of a large lime tree classified as B2 which is situated behind the garage at the far north-western end of the site. The location of this tree is such that it is not itself a constraint upon the proposed development. Whilst its removal is not therefore necessary in order to facilitate the construction, its retention would mean that flank elevation of the first terrace house would not be so fully expressed to the Paddockhall Road corner and there would also be an issue of how this integrates with new tree planting elsewhere, including along the Oaklands Road frontage. The Planning Officer is of the view that whilst this is a sizeable tree, it is not considered to be of sufficient amenity value to be worthy of protection. The applicant has expressed a clear preference for its removal and replacement with semi-mature planting and on this basis it is not considered that such an approach would amount to a conflict with the requirements of the above policy.

In summary, the combined approach of the retention of existing trees and hedging along the north-eastern rear boundary and suitable replacement planting elsewhere would be satisfactory. Full details of planting together with a landscaping management plan in respect of those green buffer areas can be secured by condition.

Housing mix

MSDP 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 scheme size is such that it is under the threshold for affordable housing provision, as is set by MSDP Policy DP31.

Given the limited number of units proposed in the scheme, it is considered that the proposed combination of 3 bedroom houses and 2 bedroom flats provides for a suitable mix such to be compliant with the aims of the above policy.

Standard of accommodation

Part of MSDP policy DP26 refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards. HHNP policy E13 sets out that residential development should provide good quality private outdoor space which is appropriate to the proposal.

The applicable minimum gross internal floor area set by the Nationally Described Space Standard for 3 bedroom 5 person 2 storey dwellings is 93 square metres. The proposed dwellings measure 129 square metres includes garage (109 excluding garage).

The applicable Standard for 2 bedroom 4 person 1 storey dwellings is 70 square metres. Two of the flats are single storey in layout and measure 72 squares. The remaining apartment is laid out across two storeys and measures 81 squares metres. This is in excess of the 2 bedroom 4 person Standard for both single and two storey dwellings.

In respect of internal space standards the proposal is therefore compliant with the Nationally Described Space Standard and policy DP27.

Each of the houses benefits from a satisfactorily sized enclosed rear garden. Each of the flats benefits from a small balcony leading off the main living space. Overall, it is considered that the development would provide a good standard of amenity to future occupiers in all respects and therefore that the above policy requirements are met.

Residential Amenity

The relevant part of MSDP policy DP26 provides that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

HHNP Policy H8 provides that development should safeguard privacy, daylight, sunlight and outlook of adjoining residents. In accordance with the law as set out above, as the more recently adopted development plan document policy, DP26 sets the test for the proposal.

The rear building line of the proposed building measures between 9 and 10 metres from the site's rear boundary. This boundary also marks the side boundary for neighbouring dwellings no. 27 Paddockhall Road and no. 32 Boltro Road. Given this limited separation distance, the scheme has been designed such to mitigate adverse amenity impacts.

The design response includes the use of a catslide roof form to the rear of the houses. Three Velux windows placed into the rear roof slope serve the rear facing second bedroom for the houses, however these are positioned at such at height versus internal floor level to prevent downward views towards those existing neighbouring gardens. With respect to the apartment part of the scheme, the rear

first floor windows are all of a shallow height and two of the four serve bathrooms and as such will be obscure glazed.

The rear beech hedge, beech tree and protected oak tree are all to be protected and retained as part of the scheme, thereby ensuring that the existing boundary vegetation between the site and those neighbouring properties which provides a degree of screening is unaffected.

Whilst the rear parking court is situated in close proximity to no. 32, given that this only serves three spaces for the flats together with the refuse and cycle store it is not considered that a level of activity would be generated to lead to substantial disturbance to existing residential amenity. It must also be recognised that there is currently a 30 space car park within the central part of the site to be removed which inevitably generates a degree of activity.

Existing southerly overlook from those dwellings to the north of the site will inevitably be reduced as a result of the massing of the development. However, given the design and height of the building and the degree of separation is not considered that an inappropriately overbearing impact will arise.

Overall, significantly harmful impacts to amenity have not been identified to any surrounding dwellings, including those further to the north beyond those immediately adjacent. The schemes will satisfactorily protect the privacy, outlook, daylight, sunlight, and degree of pollution of neighbouring residents in compliance with the requirements of policy DP26. Given the constraints of the site however, a condition is recommended to withdraw permitted development rights in order for the local planning authority to be able to exercise control over extensions and alterations which could have the potential to unacceptably harm neighbouring amenity and/or inappropriately overdevelop the plots.

Highways, Access and Parking

MSDP Policy DP21 states:

"Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the*

countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);

- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The application is supported by a Transport Assessment (Waterman, November 2018) which is available to view in full on the public file.

This sets out that a total of 8 units are currently proposed, comprising:

- 2-Bed (flats): 3no. units, 3no, parking spaces;
- 3-Bed (houses): 5no. units, 5no, parking spaces (plus 5 garages).

The houses front Oaklands Road have parking accessed via crossovers on Oaklands Road. The flats are served by a private parking area accessed via a dedicated access. The houses are served by crossovers to a combination of garage and forecourt parking. It is stated that each unit will have dedicated cycle parking in line with adopted standards; for the houses this can be accommodated within the garages and for the flats there is a dedicated communal store.

In terms of access, cars will manoeuvre in to/out of the off-street spaces for the houses without conflicting with the marked on-street parking bays. Garage parking is provided with internal dimensions of 3m by 6m. The forecourt space allows for a car to park without overhanging the footway and also for the garage door to be opened when a car is in front of the garage. Servicing may take place from Oaklands Road as there are no restrictions precluding loading (waiting, however, is prohibited). For the flats, the dedicated access is to be located over 10m from the junction with Boltro Road, with vehicle manoeuvres taking place off-street within the rear court. The car park area also offers the possibility of off-street servicing for these units without obstructing traffic on Oaklands Road.

The Transport Assessment concludes that: *'It is considered that movement associated with the Proposed Development will not be detrimental to road safety or traffic capacity owing to the reduced quantum of car parking associated with the Proposed Development. The implications on highway safety and the residual cumulative impacts are not severe.'*

The West Sussex County Council Residential Car Parking Provision Tool identifies that 9 total spaces would be expected to service 5 no. 3 bedroom units and 4 total spaces to service 3 no. 2 bedroom units in this sustainable location. The scheme's total provision is in compliance with this requirement, albeit there is an under provision of 1 space for the flats.

West Sussex County Council as the Local Highway Authority has commented on the proposal as follows:

'Having reviewed the proposal the highway authority has no objection to the planning application. Further comments regarding the proposed removal of the highway tree at the east end of the site may be forthcoming.'

The applicant will require as a minimum a minor works highway agreement and/or crossover licences to build the proposed house and apartment entrances and to construct the proposed footway.

We recommend that a condition be attached to any consent to ensure that the crossovers and footways are completed prior to first occupation.'

The site has good access to a range of alternative modes of public transport to the use of the private car. The level of parking provision across the development is deemed to be satisfactory in this location.

Concern has been raised in third party representations that existing on-street parking spaces on the opposing side of Oaklands Road may be lost as a result of the development. No on-street parking spaces are however proposed to be lost and the supporting Transport Assessment demonstrates that there is sufficient space in the carriageway to allow safe access to the new properties without any loss to on-street parking.

Officers have no reason to conclude that there are any transport grounds to refuse to the proposal, and therefore the application is deemed acceptable in this respect subject to conditions.

Ecology

MSDP Policy DP38 seeks to protect and enhance biodiversity 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 application was originally supported by a Preliminary Ecological Appraisal (CSA Environmental, October 2018). More recently this has been updated (CSA Environmental, June 2019) following further bat survey work in May of this year specifically concerning the buildings on site. These documents are available to view in full on the public file.

The Appraisal's summary sets out that habitats currently present within the site are generally common and widespread, with the greatest ecological interest associated with the single storey building in which bat droppings were found. Two bat activity surveys were undertaken in September 2018, during which a single common pipistrelle bat was observed to return to roost at the eastern gable end of the building. A further two bat surveys were completed in May 2019, during which no evidence of roosting behaviour was recorded.

The Appraisal indicates that the proposed demolition of the hall building will result in the destruction of a seasonally used roost of common pipistrelle. The Council's Ecological Consultant has reviewed the submitted information and advises that this would be considered to be of relatively low conservation significance according to Natural England guidance. On this basis, he further advises that if the local planning authority considers granting planning permission to be in the public interest in all other respects, then subject to mitigation, there would be no biodiversity policy reasons for refusal and that a licence would likely be obtained from Natural England. The Consultant recommends a condition requiring that the recommendations set out in Appraisal be implemented in full unless otherwise agreed in writing with the local planning authority. These recommendations include the production of a Bat Mitigation Strategy to ensure suitable ecological impact avoidance, mitigation and compensation measures may be adopted so that opportunities for roosting bats are retained, clearance of vegetation habitat for nesting birds outside of nesting season and the appropriate protection of retained trees and hedgerows.

Overall it is considered that the impacts upon biodiversity would be acceptable and in accordance with relevant policies, subject to appropriate conditions.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Infrastructure

MSDP 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.

- £24,347 to be spent on additional equipment at Harland's Primary School

- £26,203 to be spent on additional equipment at Warden Park Secondary Academy
- £2,868 to be spent on flexible shelving to enable increased community use at Haywards Heath Library
- £806 to be spent on Commercial Square public realm and crossing improvements

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

Drainage and Flooding

MSDP 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 proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area.

It is proposed to discharge surface water drainage to the main surface water sewer beneath Boltro Road to the east of the site. Discharge is proposed to be restricted to 2l/s and appropriately sized attenuation can be achieved via a tank beneath the proposed parking court.

It is proposed that the development will discharge into the public foul sewers. The Council's Drainage Engineer has reviewed the drainage proposal and advises that the proposed discharge rate of 2l/s into the public surface water sewer is likely to be acceptable; however that confirmation will need to be provided which shows an infiltration approach is not possible on site and that Southern Water agrees to this discharge rate.

Subject to an appropriately worded condition the scheme is considered to be compliant with the above policy.

Sustainability

MSDP Policy DP21 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 development is situated in a sustainable town location with good access to public transport alternatives to the private car. It is also within walking distance of a wide range of local services and amenities.

MSDP 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:

- It is intended that locally sourced materials be specified in due course. With the predominance of brickwork as the facing material this is easily achieved with many local brick suppliers being available, as would be the case with the roof tile selection.
- All structural timber to be from renewable sources.
- Windows will be thermally efficient with a preference for wood/aluminium composite.
- Water saving low/dual flush toilets
- Potential for rainwater harvesting from downpipes
- Flow restrictors
- Low energy efficient lighting
- Natural daylight to all rooms where practical
- Preference for underfloor heating

- Potential for heat recovery system
- Airtight construction

It is considered that the proposal satisfactorily complies with the requirements of policy DP39.

The proposal is in overall terms considered to be acceptable in sustainability terms.

Other Planning Issues

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.

A condition is recommended to ensure that one of the five dwellings meets the Category 2 standard.

Maintenance of public spaces within the development

The scheme includes landscaped green open spaces fronting onto Paddockhall Road and Boltro Road. The future maintenance of these spaces can be adequately addressed by an appropriately worded condition.

Affordable housing

The Town Council's comments refer to the provision of social rented/ intermediate housing for the apartment element of the scheme. For the avoidance of doubt, affordable housing does not form any part of the proposal, on the basis that this is not required under MSDP Policy DP31.

Planning Balance and Conclusion

Planning permission is sought for the demolition of existing buildings and erection of no. 8 residential units comprising of 5 x 3 bedroom houses with attached garages and an attached block of 3 x 2 bedroom flats, to also include the creation of an attached cycle store/ refuse storage building, with associated car parking, landscaping works and changes to access onto Oaklands Road at Red Cross Hall, Paddockhall Road, Haywards Heath.

The applicant is Mid Sussex District Council and the Council is the sole freeholder of the land subject of the application.

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 1 settlement and is therefore a sustainable location for infill residential development. Existing development on site is considered to be surplus to the requirements of the Council and the displaced staff parking arising from the scheme can be suitably accommodated and managed within the extensive existing parking areas elsewhere across the Council Campus.

The proposed design, layout, mix 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 and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of ecology, arboriculture and drainage.

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 upon on the Ashdown Forest Special Protection Area and Area of Conservation.

On the basis of the above, the application complies with Mid Sussex District Plan policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP37, DP38, DP39 and DP41 and Haywards Heath Neighbourhood Plan policies E9, E13 and H8. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the infrastructure contributions, 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. 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.

4. 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.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of any 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),
- the protection of existing neighbouring properties from dust
- 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.

6. No development shall take place, including any works of demolition, until a Bat Mitigation Strategy (to ensure suitable ecological impact avoidance, mitigation and compensation measures may be adopted) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species in accordance with Policy DP38 of the Mid Sussex District Plan.

Construction Phase

7. The development shall be carried out in accordance with the details contained within the Sustainability Statement (Axiom Architects, November 2018)

Reason: To comply with the requirements of Policy DP39 of the Mid Sussex District Plan.

8. No development shall be carried out above ground slab level unless and until samples and 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 buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H8 of the Neighbourhood Plan.

9. No development above slab level shall take place until a 1:20 scale elevation (vignette) and section drawing showing the elevational finish to secure the quality of the design of the buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H8 of the Neighbourhood Plan.

10. No development above slab level shall take place until full details of a hard and soft landscaping scheme has been 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 (including size, species, position, planting, feeding, support and aftercare).
- cross-sections of the design of the swales and ponds.
- design of reconfigured footway link between Oaklands Road and Boltro Road

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 E9 of the Neighbourhood Plan.

11. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, a landscaping management plan, including 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 for its permitted use. The landscaping management plan shall be carried out as approved.

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 E9 of the Neighbourhood Plan

12. The development hereby approved shall be carried out to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings.

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

13. 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 Policy DP26 of the Mid Sussex District Plan.

14. 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
 Sunday and Public/Bank holidays: None permitted

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

Pre-occupation conditions

15. No part of the development shall be first occupied until the accesses, parking areas and footways and 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 unless otherwise agreed by the local planning authority.

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

Post-Occupation Monitoring / Management Conditions

16. The recommendations set out in the Preliminary Ecological Appraisal report by CSA Environmental dated June 2019 shall be implemented in full unless otherwise agreed in writing with 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 Policy DP38 of the Mid Sussex District Plan.

17. The garages serving those dwellings hereby permitted 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 Mid Sussex District Plan.

18. 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 and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

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

Accordingly, you are requested that:

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. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
4. 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.
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
Existing Elevations			18.12.2018
Existing Floor Plans			18.12.2018
Location and Block Plan	4601-P101		28.11.2018
Site Plan	4601-P102		28.11.2018
Existing Site Plan	4601-P103		28.11.2018
Proposed Site Plan	4601-P104		28.11.2018
Proposed Site Plan	4601-P105		28.11.2018
Proposed Floor Plans	4601-P106		28.11.2018
Proposed Elevations	4601-P107		28.11.2018
Proposed Floor Plans	4601-P108		28.11.2018
Proposed Elevations	4601-P109		28.11.2018
Proposed Elevations	4601-P110		28.11.2018
Street Scene	4601-P111		28.11.2018
Illustration	4601-P112		28.11.2018
Illustration	4601-P113		28.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council supports this application, but with the following caveats:

1. it must be a condition of any permission granted that the site provides the three social rented/intermediate two bedroom apartments as proposed in the application. The Town Council welcomes this aspect of the scheme because it would add to the accommodation available in the social rented and intermediate sectors;
2. in order to soften the impact of the development on the streetscape, the green buffer zones at each end of the site and the tree-planted frontages of the properties ' as proposed in the site plans ' must be incorporated into a formal landscaping scheme. This would be in the interests of visual amenity and would accord with Policy E9 of the Haywards Heath Neighbourhood Plan.

WSCC Highways Authority

Having reviewed the proposal the highway authority has no objection to the planning application. Further comments regarding the proposed removal of the highway tree at the east end of the site may be forthcoming.

The applicant will require as a minimum a minor works highway agreement and/or crossover licences to build the proposed house and apartment entrances and to construct the proposed footway.

We recommend that a condition be attached to any consent to ensure that the crossovers and footways are completed prior to first occupation.

MSDC Urban Designer

While the loss of existing trees along Oaklands Road and their replacement with a building frontage will change the character of the road, the proposed buildings will be softened with a continuous run of new trees along the frontage. Moreover the development has sensibly been pulled away from both ends of Oaklands Road allowing the prominent Paddockhall Road and Boltro Road corners to be generously landscaped including trees to replace the existing mature trees. This will soften these key edges so they echo the existing green boundaries along these roads, and allow the development to fit in well with its surrounds.

The proposed buildings benefit from a clean contemporary aesthetic. The five houses are nevertheless organised as a conventional terrace in the form of replicated houses consistently punctuated by garages (with a bedroom above) that provides the frontage with a strong underlying rhythm. The asymmetric pitched roof profile and low eaves lines reduce the building mass; this is especially necessary at the rear to allow enough light into the small gardens and mitigate the impact on the existing adjacent houses / gardens, and the retained oak tree.

The 2 storey block of flats at the eastern end provides a slight variation on the aesthetic theme and is similarly scaled while benefitting from a return frontage that appropriately addresses the Boltro Road corner. At the Paddockhall Road corner, the return flank of the house is appropriately animated with windows, and the brick-walled garden boundary contributes to an attractive edge.

The car parking has been discreetly accommodated at the side of the houses / within garages allowing sufficient space for a predominantly green threshold, and the rear court parking serving the flats is screened from the road frontage by both the building frontage and the neatly accommodated bin and cycle store on the return frontage.

In conclusion, I have no objections to this planning application as the scheme works well in terms of its layout and the quality of the elevations. I would nevertheless recommend conditions that cover landscaping and facing materials as well as a condition to secure the quality of the design that requires a large scale front elevation and section drawings of a typical house to be submitted for further approval.

MSDC Assistant Tree Officer

Further to reviewing the submitted AIA report 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 TPOs and is not within a Conservation Area. Several trees (T1-T6-T7-T11-T12-T13-T14-T15-T16-T17-T18-T19-G2-G5-G23-G24-T26-T27 & T28) are to be removed to facilitate the development.

I would question the need to remove T1 (Lime). This is a mature native tree with no significant defects, there is no guarantee that a replacement tree would successfully establish itself and contribute to the street scene more than T1 does presently.

The majority of trees recommended for removal have been classified grade C, this is usually due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development.

However, I do not fully agree with all of the classifications and would suggest that trees 11 to 18 are attractive trees with; high amenity value as a group, 20 to 40 years remaining contribution and minimal recorded defects.

Consequently, I would suggest that the above trees are worthy of a higher classification and should be replaced.

Removal of moderate/high quality trees (Grade B or above) is a significant loss and should be replaced like for like, on a minimum one for one basis and as close to the original position as possible.

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.

Indications of replacement planting can be seen along the frontage of the site (TPP/Appendix 3 of the AIA) I would suggest that these replacements should be smaller native tree species rather than shrubs. Small trees within a fastidious growth habit would lessen any future pressure for removal while maintaining an attractive frontage to the development.

Protection measures for retained trees are also indicated within the TPP section of the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and areas that are to be excavated under arboricultural supervision.

Good working practices while excavating within the RPA of retained trees (sympathetic treatment of disturbed roots etc.) have also been addressed within the report.

Any excavations that encroach into the RPA of retained trees will be undertaken with hand tools or under professional arboricultural supervision.

As the submitted TPP is quite detailed, I would agree that a full AMS report is not required but the Tree Protection Plan would require an amendment if T1 is to be retained.

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 and amendments to recommendations to T1.

WSCC Arboriculturist

Further to Matthew Bartle's comments dated 9 January he mentioned that further comments with regard to the proposed removal of highway trees may be forthcoming.

I appreciate that this is very late and the time for comments has expired but I hope these can still be taken into account.

Maintainable highway land is shown on the attached plan in pink.

T19 western red cedar is categorised as B2 and there is a presumption that A and B category trees should be retained. The groups and individuals to the north of this: T20, T22 T25, T26, T27, T28, G24, whilst categorised as C2, nevertheless have collective value but are shown on plans to be partially removed.

The tree inspection survey did not raise any concerns with regard to T19 - the physiological condition was rated as 'good' with c.40+ years contribution left. What is the rationale for its removal? What are the proposed replacements and who would be responsible for their long term maintenance? If removal was agreed with highways, 3 new replacement trees would have to be agreed to replace a mature specimen - if not all replaced at this site then funding made available to plant additional trees elsewhere.

MSDC Contaminated Land Officer

No comment.

MSDC Environmental Protection Officer

Given the proximity of existing dwellings I am concerned that dust and noise during both the demolition and construction phases of this development could have an impact upon local residents. EP has no objection to this application subject to the following 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 to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs;

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

Consultant Ecological Advice

The updated preliminary ecological appraisal with appended bat survey report by CSA Environmental dated June 2019 indicates that the proposed demolition of the dwelling will result in the destruction of a seasonally used roost of common pipistrelle. This would be considered to be of relatively low conservation significance according to Natural England guidance. Therefore, if MSDC consider planning consent to be in the public interest (in all other respects), then subject to the proposed mitigation, I would consider it likely, that a licence could be obtained from Natural England. As such I am of the view that there would be no biodiversity policy reasons for refusal subject to the following condition:

The recommendations set out in the Preliminary Ecological Appraisal report by CSA Environmental dated June 2019 shall be implemented in full unless otherwise agreed in writing with 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 DP17, DP38 of the District Plan and 175 of the NPPF.

MSDC Drainage Engineer

Application Number	DM/18/4841
Planning Officer	
Engineering Officer	Natalie James
Date	27 Sep. 19
Location	Paddockhall Road, Haywards Heath
Development Proposal	8 dwellings
Recommendation	No objection subject to conditions

SURFACE WATER DRAINAGE PROPOSAL

It is proposed to discharge surface water drainage to the main surface water sewer beneath Boltro Road to the east of the site. Discharge is proposed to be restricted to 2l/s and appropriately sized attenuation can be achieved via a tank beneath the proposed parking court.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will discharge into the public foul sewers.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The proposed discharge rate of 2l/s into the public surface water sewer is likely to be acceptable. However confirmation will need to be provided which shows infiltration is not possible on site and that Southern Water agrees to this discharge rate.

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 ADVICE

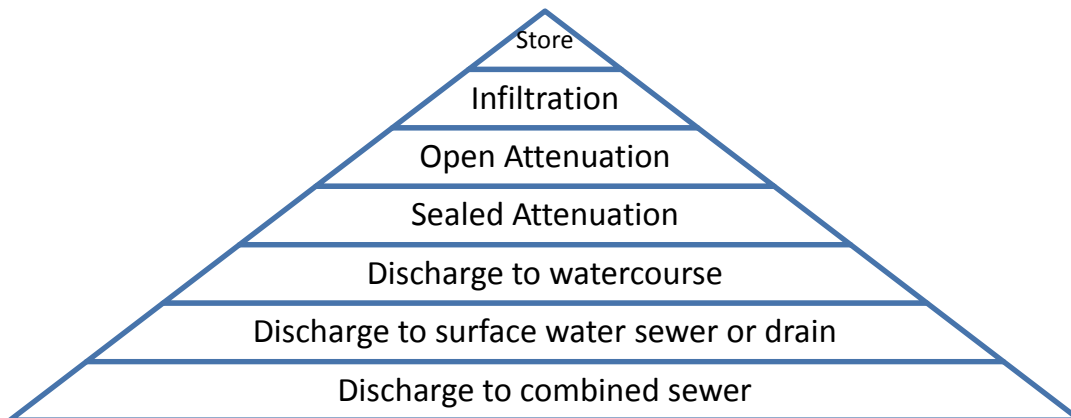
SURFACE WATER DRAINAGE

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

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

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- 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

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' come into force as of 1st January 2020. The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

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)
		✓		✓	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

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/>

MID SUSSEX DISTRICT COUNCIL

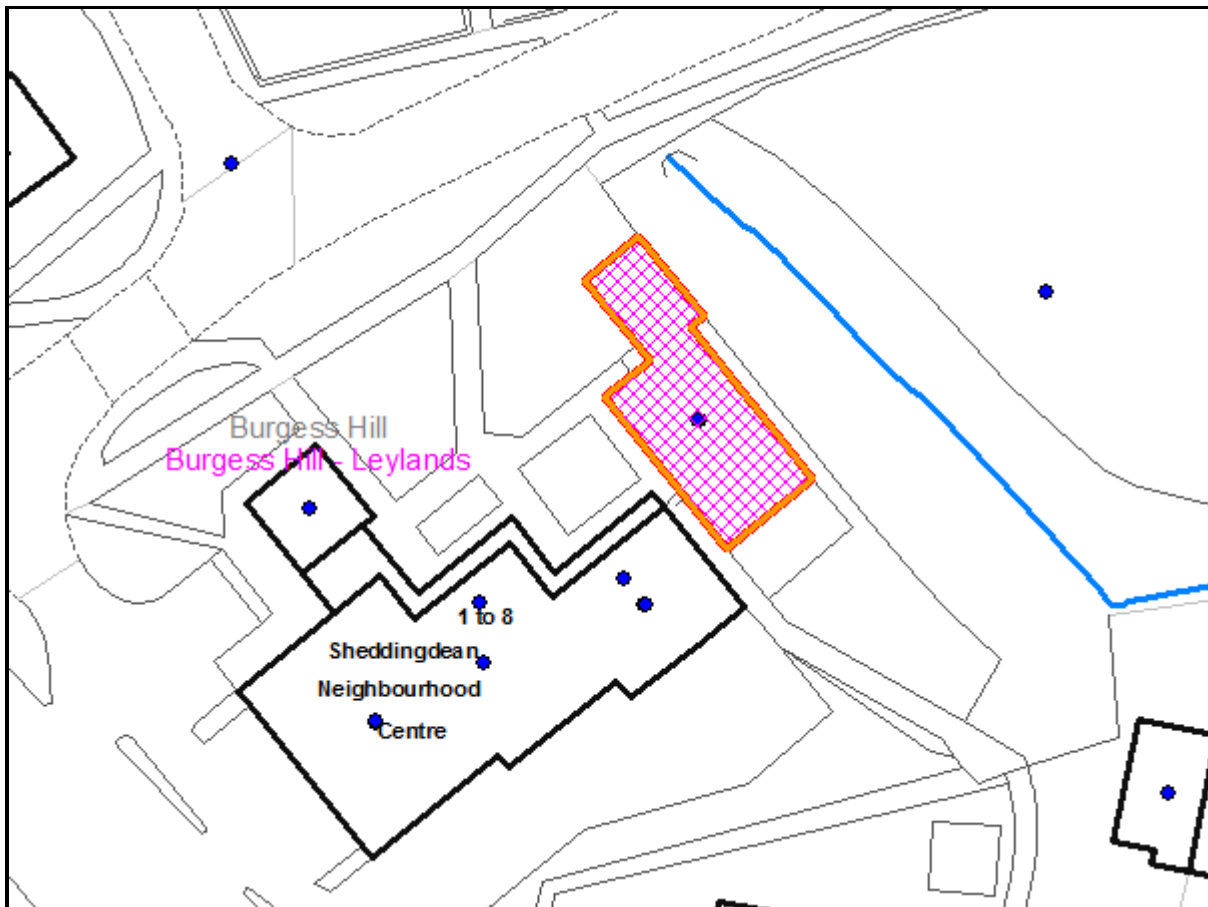
Planning Committee

7 NOV 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/3734



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**SHEDDINGDEAN COMMUNITY CENTRE MAPLE DRIVE BURGESS HILL
WEST SUSSEX**

**REPLACE EXISTING TIMBER WINDOWS AND DOORS WITH NEW
POWDER COATED ALUMINIUM, COLOUR BROWN TO MATCH
EXISTING. (EXISTING ELEVATIONS AND WINDOW DETAILS RECEIVED
22.10.2019)**

MR PAUL WILLIAMS

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

ODPM CODE: Minor Other
8 WEEK DATE: 8th November 2019
WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /
CASE OFFICER: Caroline Grist

Purpose of Report

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

Executive Summary

This application seeks planning permission to replace windows and doors at Sheddingdean Community Centre, Maple Drive, Burgess Hill.

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

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

The proposed changes to the windows and doors are considered to be appropriate for the character of the building, as well as the surrounding area, and would ensure that a community facility remains usable for residents. The proposal is also not considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policies DP25 and DP26 of the Mid Sussex District Plan 2014-2031, policy S3 of the Burgess Hill Neighbourhood Plan as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

Recommendation

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

Summary of Consultations

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

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Burgess Hill Town Council recommend approval.

Introduction

This application seeks planning permission for replacement windows at Sheddingdean Community Centre, Maple Drive, Burgess Hill.

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

Relevant Planning History

BH/072/86 - Sheddingdean Neighbourhood Centre comprising four shops with four flats over. Permitted.

BH/076/86 - Community centre stage 1. Permitted.

BH/155/86 - Community centre - stage 2. Permitted.

Site and Surroundings

Sheddingdean Community Centre is a west facing, detached, single storey building. It is constructed of bricks, with a clay tiled roof and brown timber windows. To the south is an enclosed outside area associated with the building.

The property is located within the built up area of Burgess Hill and is within the Sheddingdean Neighbourhood Centre. To the west of the site is a small parade of shops and services whilst to the east is Sheddingdean Primary School. The highway is located to the north; however the application site is set back by footpaths and grassed areas.

Application Details

Planning permission is sought to replace existing windows within the property. The windows are currently timber and it is proposed to use powder coated aluminium that would be a brown colour to match the existing.

No new openings are proposed and the windows are to remain the same size as existing.

List of Policies

Mid Sussex District Plan 2014-2031

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

DP25 - Community Facilities and Local Services

DP26 - Character and Design

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on 28th January 2016.

S3 - Protect and Enhance Existing Community and Medical / Health Facilities

National Policy

National Planning Policy Framework (NPPF - 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.

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

National Planning Policy Guidance

Assessment (Consideration of Key Issues)

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

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on neighbouring residential amenity.

Principle of development

Mid Sussex District Plan policy DP25 in part states that:

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

Policy S3 of the Burgess Hill Neighbourhood Plan identifies that community facilities within Burgess Hill are an important resource for the local community and should be retained. It supports the improvement of existing community facilities.

The proposal seeks to replace existing timber windows and doors with aluminium units. It is considered that the proposal would not affect the current service that the community centre provides and will ensure that the facility can be used in the future. As such it is considered that the principle of the works is acceptable and in accordance with policy DP25 of the Mid Sussex District Plan and policy S3 of the Burgess Hill Neighbourhood Plan.

Impact on the Character of the Area

Policy DP26 of the District Plan relates to character and design and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

The application property is located within a Neighbourhood Centre, which contains a selection of local services that are of a similar age and design. Brown windows are found across these buildings; however the majority of frames are not timber.

The proposed windows and doors are to be the same size and shape as the existing and will have matching fenestration that is to be brown in colour. Whilst the aluminium frames will provide a different finish to the existing timber units it is considered that the change in material would not result in significant harm to the character and appearance of the application property or the surrounding area. The proposal would therefore accord with policy DP26 of the Mid Sussex District Plan.

Impact on neighbouring amenities

Policy DP26 of the District Plan also relates to amenity and states 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 DP29).'

The proposal would not result in any new openings or existing windows and doors being enlarged. All obscure glazing is to be retained in the same position. As such, it is considered that the proposal would not result in any loss of privacy to neighbouring buildings. The proposal would not result in the enlargement of the property or any alteration that would result in a loss of light or outlook to surrounding premises.

Due to the nature of the proposed development there would not be any significant harm in terms of noise, air or light pollution. It is therefore considered that the proposal would comply with the above mentioned policy requirements.

Conclusions

The proposed changes to the windows and doors are considered to be appropriate for the character of the building, as well as the surrounding area, and would ensure that a community facility remains usable for residents. The proposal is also not considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policies DP285 and DP26 of the Mid Sussex District Plan 2014-2031, policy S3 of the Burgess Hill Neighbourhood Plan, as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

3. The windows and doors hereby approved shall be finished in a brown colour to match the existing units unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

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 Elevations	T002		22.10.2019
General	WW 01		22.10.2019
Location Plan	PL001		06.09.2019
Site Plan	T002		06.09.2019
Proposed Floor Plans	PL003		06.09.2019
Proposed Elevations	PL004		06.09.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

MID SUSSEX DISTRICT COUNCIL

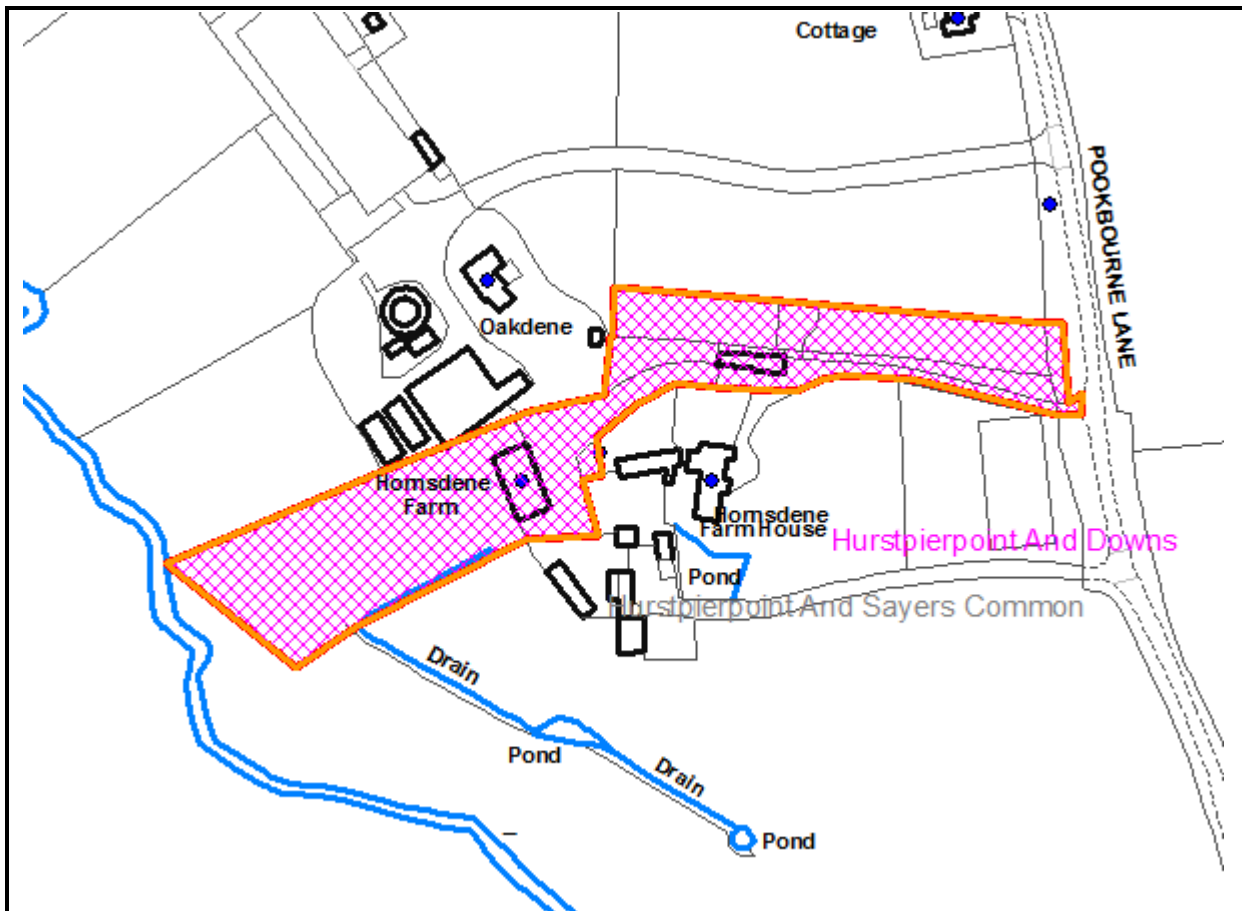
Planning Committee

7 NOV 2019

RECOMMENDED FOR REFUSAL

Hurstpierpoint And Sayers Common

DM/19/1972



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**POOK BARN POOKBOURNE LANE SAYERS COMMON HASSOCKS
RETROSPECTIVE APPLICATION FOR DEMOLITION OF BARN AND
ERECTION OF A FOUR BEDROOM DWELLING.
MR AND MRS MARTIN AND LOU BLAKE**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Flood Map - Zones 2 and 3 / Methane Gas Safeguarding
/ Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 15th November 2019

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

CASE OFFICER: Andrew Clarke

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 to regularise the construction of a new residential dwelling in a rural location. The site previously benefitted from a Prior Notification approval for a rural barn conversion, however, this has now lapsed and by virtue of the barn being demolished cannot be implemented and whilst it provides some context, it is afforded no weight in the determination of the application.

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 a rural area, designated as countryside and is thus subject of policy DP12 of the District Plan which seeks to protect the countryside in recognition of its intrinsic character and beauty. Policy DP15 of the District Plan concerns new homes in the countryside and the new house does not meet any of the 'special justifications' to permit a dwelling in the countryside. It does not accord with policy DP6 of the District Plan which permits the expansion of settlements subject to a number of criteria. Policies C1 and H1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan have similar aims. The site is not well serviced by public transport and lies away from local services and is considered to lie in an unsustainable location. The new house is thus contrary to the provisions of the development plan in principle.

Whilst the design of the dwelling is not objected to and matches closely that

permitted under the Prior Notification approval, it does, as a matter of fact, represent a completely new building and that development in a rural location means that development plan policies should be afforded full weight and there are no other fall back positions or other forms of development, including changes of use, which could be applied to the development.

The planning history of the site, personal circumstances or that the development was carried on in breach of planning control are not considered to be a material considerations to which any significant weight can be attached.

The application should therefore be considered against the policies of the development plan and as the development is not necessary for the purposes of agriculture and lies within an unsustainable location where occupants would be reliant on the use of a private car to gain access to local services, it is considered to conflict with policies DP6, DP12 and DP15 of the Mid Sussex District Plan, policies C1, C3, H1 and H6 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and the contents of the NPPF.. Accordingly the application is recommended for refusal and enforcement action to remedy the breach of planning control be authorised.

RECOMMENDATION

It is recommended that the planning permission be refused and enforcement action be authorised for reason outlined below in Appendix A.

SUMMARY OF REPRESENTATIONS

One letter of support received referring to the creation of a new dwelling and quality of design.

SUMMARY OF CONSULTEES

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

WSSC Highways

No Objection subject to conditions

MSDC Drainage

No objection subject to condition

Hurstpierpoint and Sayers Common Parish Council

Recommendation - Permission is granted

INTRODUCTION

The application seeks permission for demolition of a former agricultural barn and the construction of a new four bed dwelling.

RELEVANT PLANNING HISTORY

Prior approval under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 was granted under reference DM/16/0714 on the 13th April 2016. This permitted the change of use of two agricultural buildings to become two independent residential units. This was permitted subject to two conditions relating to a completion date of the entire development within 3 years of the date of the permission and the submission of information prior to development commencing in relation to contaminated land. The plans contained within the Prior Approval do closely match the dwelling now under construction and the scale of the original barn.

At the time of the issue of the Prior Notification approval in April 2016 the two barns were in the same ownership, however, they were subsequently sold off separately. The current application relates solely to the north-western barn.

In early 2019 work commenced on the north-western barn and resulted in the complete demolition and removal of the former agricultural barn. Condition 2 of the Prior Notification approval was not discharged prior to work commencing. The Prior Notification approval was therefore not lawfully implemented and is considered to have lapsed in April 2019. The barn no longer exists in any case.

A new Prior Notification approval under reference DM/19/2129 has been issued for the south-eastern barn, however, this is now a separate site with separate ownership and has no bearing on the determination of the current application.

SITE AND SURROUNDINGS

The site is a former agricultural holding which has been separated and sold off in independent plots. The site is no longer part of an agricultural holding.

The site is a large rural plot set back from Pookbourne Lane and which falls away in level to the west towards the watercourse at Herrings Stream. The western part of the site therefore lies within a Flood Zone Risk Zone 2. The PROW 19Hu also lies to the west of the site with views across the site and up to the property.

To both the north and south lie previous agricultural units which are now private residential properties and which feature a number of large detached building and residential curtilages.

The site lies within a rural area approximately 1.5km from the nearest village centre of Sayers Common.

APPLICATION DETAILS

The application seeks permission to regularise the construction of a four bed dwelling in place of a recently demolished agricultural barn.

The dwelling is a large two storey rectangular building 18.4m in length, 9.3m in depth and 5.9m in height with a large open plan living area on the ground floor and four bedrooms set upon mezzanine floors on the first floor. Orientated broadly with the ridge line running north to south the building lies in the same location as previous barn at a lower level than the land to the east with the garden area to be laid out to the west. The building has a simple design and finish which seeks to reflect the former agricultural barn and features a grey aluminium roof with brick and timber clad walls. The building has large areas of glazing to the west and east elevations.

Access is via an existing access from Pookbourne Lane approximately 150m to the east with open parking and turning areas located to the east of the building at a higher level.

The development began in early 2019 and is now substantially complete (although the dwelling is not habitable) and therefore application is made under S.73a of the Town and Country Planning Act 1990.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP4 - Housing
DP6 - Settlement Hierarchy
DP12 - Protection and Enhancement of the Countryside
DP15 - New Homes in the Countryside
DP17 - Ashdown Forest SPA and SAC
DP21 - Transport
DP22 - Rights of Way
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP38 - Biodiversity
DP39 - Sustainable Construction
DP41 - Drainage

Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan has been made and is a material planning consideration with full weight attached. The following policies are considered relevant:

C1 - Countryside
C3 - Local Gaps
H1 - Housing
H6 - Housing Infrastructure

National Policy and Other Legislation

National Planning Policy Framework (NPPF) February 2019

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

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.

Assessment

The primary considerations relate to the principle of the development in respect of its rural location together with any other material considerations, of which the planning history of the site is considered to be one, albeit of little weight.

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 this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

The development represents a new unit of residential accommodation within a rural area. The contents of policy DP15 are most relevant and state:

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

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*

- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

Linked to policy DP15 is policy DP12 of the District Plan which states:

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

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

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

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings, and*
2. *The site is contiguous with an existing settlement edge, and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The proposal needs to comply with all of the above mentioned criteria to accord with DP6. The application site is set approximately over 1km outside the built up area therefore is not considered to be contiguous, which is defined within the District Plan as: *'sharing a common border, touching'*. The proposal thus conflicts with policy DP6.

The site is no longer an agricultural holding and the dwelling will not be used to support any agricultural holding or enterprise nor does it represent affordable housing. The quality of the design is noted and no objection on design or character grounds is raised, however, it falls well short of being of exceptional design and whilst is sought to be of a sustainable construction, is not exceptional in this regard (is not carbon neutral etc.) and therefore in all respects the development fails to accord with the criteria of policy DP15.

The dwelling is close to other dwellings and therefore cannot be considered *'isolated'* for the purposes of policy DP15, however, the site is only able to be reached by car and any local services lie at least 1.5km from the site in Sayers Common. There is no bus service along Pookbourne Lane and as such the dwelling is considered to unsustainably located

The applicants have noted the presence of the service station at Hickstead which is within walking distance of the site, however, the value of these services were recently considered by the Planning Inspector when considered an appeal for residential development in Hickstead where the provision of services was described as:

'There is a petrol filling station (PFS) at Hickstead services, which is some 11 to 12 minutes' walk south-east from the site, and offers a variety of food and drinks for purchase. However, the range of products is limited and is clearly aimed at the passing driver using the A23 and not as a destination where one could undertake a weekly shop.'

Therefore these services are not considered to be of such a substantial nature as to consider a site 700m away sustainable. Access would also only be possible along unlit lanes with no footpaths and thus the use of a car is likely to be the main form of transport.

The principle of a new dwelling in this location is therefore contrary to the policies of the District Plan.

With respect to the policies of the Neighbourhood Plan the development may not be in direct conflict with the plan, however, a new residential dwelling is not considered an appropriate countryside use for the purposes of policy C1 and that the aims of policy C1 and H1 seek to ensure residential development is sustainably located within the existing settlement pattern of the villages. The application is therefore also considered contrary to the aims of the policies of the Neighbourhood Plan.

The previous grant of a Prior Notification approval for a residential dwelling upon the site is noted. The barn which was to be converted was demolished by the applicant, and that as the development was not completed within 3 years of the date of the Prior Notification approval, that the Prior Notification approval has now lapsed in any event and cannot be implemented. Whilst it provides some context it is not considered to be material to the determination of the application.

Additionally the applicant has also provided details of his own connection to the area and the circumstances which has led them to undertaking the development in breach of planning control. There no exceptions within the policies of the development plan relating to these matters and again they are not material considerations which can be considered in the planning balance.

For the purposes of the policies of the development plan, in particular the recently adopted District Plan, the development does not accord with the policies and the principle of the development is not supported.

Design and Character

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

The site lies in rural location with views of the site from the west. The dwelling replaces a previous hay barn which was of limited architectural value and therefore its loss is not objected to. The replacement dwelling, whilst larger, seeks to retain some agricultural character in its form and material construction and is sensitively sited at a lower level so as to reduce its impact. From wider views it is seen against the backdrop of the residential developments to the north and south and therefore does not cause harm to the character of the area. The design is of good quality and therefore complies with policy DP26.

It is noted that the plans as originally submitted indicated a residential curtilage which extended far to the west to the watercourse. This large curtilage had the potential to cause harm to the rural character were it to be retained as lawn with the residential paraphernalia which accompanies it. The applicants have therefore reduced the size of the curtilage by approximately 50% to bring it into line with others in the area and whilst would still be visible from the PROW to the west would now not be considered to be of a scale or appearance which would not be detrimental to the character and appearance of the area.

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*'.

Whilst there are residential neighbours to the north and east, the site is well screened and set at a lower level than surrounding properties. Therefore any views from the first floor windows are at distance and do not result in additional overlooking being created.

The development therefore provides acceptable levels of amenity 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 site utilises the previous agricultural access onto the site and WSCC LHA have made comments on the application and have not raised an objection. Their comments are made on the basis of the previous Prior Notification approval remaining, however, this has lapsed and the building demolished and so little weight can be attributed to it. Nevertheless, the access proposals are not changing and the access serves only one property and therefore any increase in traffic would be negligible and would not cause any harm to highway safety. The property will benefit from a substantial level of parking over and above the level expected and the development therefore complies with policy DP21 of the District Plan.

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 9 of the Wildlife and Countryside Act 1981 (as amended), all bats and their roosts are protected and any damage or destruction of any structure or place which a protected species may use as shelter is an offence.

Paragraph 175 of the National Planning Policy Framework also 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.'*

Applications for barn conversion or demolition would normally require the submission of a bat survey or scoping report to ensure any suitable habitats for protected species are not removed or destroyed. Obviously as the development has already commenced and the original barn has been removed, such a survey cannot be carried out and cannot be submitted. It is noted, however, that the Prior Notification procedure under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 does not include within its consideration matters of ecology or species protection and therefore the barn could have lawfully renovated and converted without such matters being considered by the Council. It is also noted that there is no evidence of bats present in the surrounding area and that any harm to protected species is covered by other legislation outside of planning and that these are material considerations in determining the application in respect of its compliance with policy DP38.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Drainage and Flooding

The site lies within a Flood Risk Zone 2 and therefore MSDC Drainage Officers requested further information regarding foul and surface water drainage provision. With respect to surface water it is proposed that the development will manage surface water drainage through the use of attenuation before discharging into an adjacent watercourse. Attenuation has been provided to manage runoff during the 1 in 100 year storm event with an additional 40% allowance for climate change. Discharge to the watercourse shall be restricted to 1l/s.

A land drainage system is proposed to reduce the hydrostatic water pressure to rear of the retaining wall at the front of the property. The land drain has been connected to the adjacent watercourse as a safety precaution. It is therefore considered that subject to installation of the drainage scheme that the development does not pose a flood risk.

With respect to foul drainage it is proposed that the development will manage foul water drainage through the use of a package treatment plant with treated foul effluent discharging to the adjacent watercourse. It has been calculated a maximum of 0.8m³/day treated effluent shall be released into the watercourse. This is again acceptable and subject to installation the development would comply with the policy DP41 of the District Plan.

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.'

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

As previously considered the development is not situated in a sustainable location and that public transport links to the site are poor and sufficient local facilities are not within practicable walking distance of the site. It is therefore considered that the development does not lie 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 has provided information as to the sustainable construction of the dwelling including maximising sunlight into the property to use natural lighting and ventilation and the use of locally sourced materials in the construction. It can therefore be considered the development complies with the aims and contents of policy DP39 in respect of sustainable construction, however, by virtue of its location in a rural area with poor public transport links, the location, and therefore the principle of the development, is not considered to be, or represent, sustainable development.

Other Planning Issues

It is also noted that a mobile home is currently present on site and that this does not form part of the planning application. The mobile home is currently used as residential accommodation by the owners whilst the dwelling is under construction, even though the dwelling is considered unlawful. The lawfulness or otherwise of the mobile home is not, however, a matter for consideration in this application and will be addressed separately. It should be noted that the retrospective nature of the application is also not a consideration in the determination of the application and the development should be considered in accordance with the development plan policies unless material circumstances dictate otherwise.

It should be noted that were the application to be refused that it would represent a breach of planning control where it would be considered expedient to pursue formal enforcement action as the development does not comply with the policies of the development plan. Should planning permission be refused for the development Officers would therefore be recommending that members of the committee resolve to enter into enforcement action to remedy the breach of planning control. The likely remedy would be the requirement to cease the breach of planning control by demolishing the building and ceasing the residential use upon the site.

In considering whether to enter into enforcement action the provisions of The Human Rights Act 1998 and the European Convention on Human Rights should be taken into account an Planning Practice Guidance states that the provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant to a decision to pursue formal enforcement action.

Article 8 (right to private and family life) and Article 1 of the First Protocol state that a person is entitled to the right to respect for private and family life and the peaceful enjoyment of his or her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is considered that the breach of planning control is contrary to

the Development Plan and does unduly affect the amenity of the area by virtue of creating a residential development in an unsustainable location contrary to the explicit policies of the Development Plan. It is not considered that Article 1 or 8 of the First Protocol should prevent the instigation of enforcement action and that the applicants do have the right of appeal against the issue of the Notice.

Planning Balance and Conclusion

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

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

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 application site lies in an unsustainable rural location and is not necessary for the purposes of agricultural unit and is outside the built up area of Sayers Common and otherwise not of exceptional quality and is thus contrary to Policy DP12, DP15, DP21 and DP6 of the District Plan.

With respect to other material considerations, Paragraph: 008 Reference ID: 21b-008-20140306 of the National Planning Practice Guidance (NPPG) provides guidance on what can be considered a material consideration and states:

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.'

The issue of a Prior Notification approval for the conversion of the former barn and the potential personal circumstances of the applicants are promoted by the applicant

as being material considerations which should be attributed weight in the determination of the application.

With respect to the Prior Notification approval this permitted the conversion of two agricultural barns into dwellinghouses subject to compliance with the conditions imposed. In issuing this approval the Council can only take into account the matters outlined in Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 relating transport, contamination, noise, flooding, design, location and siting. All policies of the development plan cannot otherwise be taken into account and the principle of the development of a residential property in a rural location cannot be considered during the Prior Notification determination process.

Officers note the presence of the Prior Notification approval and that it could be considered to carry weight could it be still implemented or else reapplied for (as has occurred on the neighbouring site), however, the barn to which the approval relates no longer exists and has been demolished to allow the construction of the dwelling subject to the application. Therefore it would now not be possible to permit or issue a new Prior Notification approval for the conversion of the barn.

Furthermore the demolition of the previous barn results in the development being considered as a new building rather than any form of rural conversion which again might be viewed differently in respect of compliance with development plan policies. Whilst the design of the dwelling is not objected to and matches closely that permitted under the Prior Notification approval, it does, as a matter of fact, represent a completely new building and that development in a rural location means that the contents of the development plan policies should be afforded full weight and there are no other fall back positions or else other forms of development, including changes of use, which could be applied to the development.

In these circumstances the planning history of the site is not considered to be a material consideration to be taken into account in the determination of the application.

With respect to the personal circumstances of the applicant the NPPG makes it clear that the personal interests of the applicant, or any other party, are not material considerations which can be taken into account in the determination of the application. The application must be considered on its planning merits and the policies of the development plan and these are not affected or can be influenced by the personal circumstances of the applicant or why the development may have been carried on in breach of planning control.

The local history of the applicants is noted, however, there does not appear to be any direct historic relationship to the site itself and whilst their desire to reside in the area close to their upbringing is noted, this is not sufficient to consider that the principled objections to the development be overcome. Additionally the circumstances by which they find themselves in breach of planning control is also noted, but it should have been clear as to the requirements of the Prior Notification approval and the steps required to comply with it. A failure to understand the

planning system or the consequences of not complying with it is therefore not a reason to permit the development in clear conflict with the Development Plan.

The development may result in some employment in relation to its construction and the addition of one new house to both the Council's housing supply and Council Tax base is also noted, however, it is again considered that these are minimal when associated with one single dwelling and therefore very little weight can be attributed to this economic or public benefit.

Therefore taking into all other material considerations, it is not considered that they sufficient to outweigh the principle of the development being contrary to the policies Development Plan and the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

1. The development is not necessary for the purposes of agriculture and lies within an unsustainable location where occupants would be reliant on the use of a private car to gain access to local services and there are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the Development Plan. The development thereby conflicts with policies DP6, DP12 and DP15 of the Mid Sussex District Plan, policies C1, C3, H1 and H6 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and the contents of the NPPF.

INFORMATIVES

1. The development to which this decision relates has commenced and therefore is a breach of planning control where it would be considered expedient to pursue formal enforcement action. The Council will be in contact under separate cover to discuss the matter.
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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Site Plan	A107		12.06.2019
Existing Floor and Elevations Plan	A106		12.06.2019
Location Plan	A101	V2	18.07.2019
Proposed Site Plan	A102	V2	23.05.2019
Proposed Elevations	A103	V2	23.05.2019
Proposed Floor Plans	A104	V2	23.05.2019
Proposed Visual	A105	V2	23.05.2019
Proposed Sections	A106	V2	23.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommendation - Permission is granted

WSCC Highways Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

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

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

The proposal seeks retrospective consent for the demolition of a barn at Pook Barn, Pookbourne Lane, Sayers Common, and the erection of a four bedroom dwelling. Access is to be achieved via an existing point of access onto Pookbourne Lane which is unclassified and subject to the national speed limit. The site had previously benefited from prior approval for conversion to residential under DM/16/0714, however the works were not completed by the 3 year expiry and this application is required to regularise and make amendments to the prior approval scheme.

No material changes are to be made to the access and parking arrangements when compared to the prior approval scheme.

Given the approved planning history of the site 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 Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Vehicle Parking and Turning

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

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle Parking

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

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

MSDC Drainage Engineer

Application Number	DM/19/1972
Planning Officer	Andrew Clarke
Engineering Officer	Natalie James
Date	16 Sep. 19
Location	Pookbourne Lane, Sayers Common
Development Proposal	1 dwelling
Recommendation	No objection subject to conditions

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will manage surface water drainage through the use of attenuation before discharging into an adjacent watercourse. Attenuation has been provided to manage runoff during the 1 in 100 year storm event with an additional 40% allowance for climate change. Discharge to the watercourse shall be restricted to 1l/s.

A land drainage system is proposed to reduce the hydrostatic water pressure to rear of the retaining wall at the front of the property. The land drain has been connected to the adjacent watercourse as a safety precaution.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will manage foul water drainage through the use of a package treatment plant with treated foul effluent discharging to the adjacent watercourse. It has been calculated a maximum of 0.8m³/day treated effluent shall be released into the watercourse.

FLOOD RISK

The redline boundary of the site encompasses flood zones 1, 2 and 3, classified as being at low, medium and high risk of fluvial flood risk by the Environment Agency. The residential development is located within flood zone 1, at low risk of fluvial flooding.

The applicant has confirmed that all surface water drainage attenuation features, and the package treatment plant are to be located within flood zone 1. The applicant has also confirmed that all drainage pipework located within flood zones 2 or 3 shall be sealed and be fitted with non-return valves to prevent flood water surcharging the system.

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

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

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The applicant has provided a detailed drainage design for the site which considers both foul and surface water. It also considers the potential for groundwater emergence at the retaining wall and provides an appropriate means of draining this headwall.

SUGGESTED CONDITION

The drainage should be implemented as per the details provided as part of this application. Specifically as set out on the Drainage Layout plan (Drawing number 56150/10 Rev A).

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MID SUSSEX DISTRICT COUNCIL

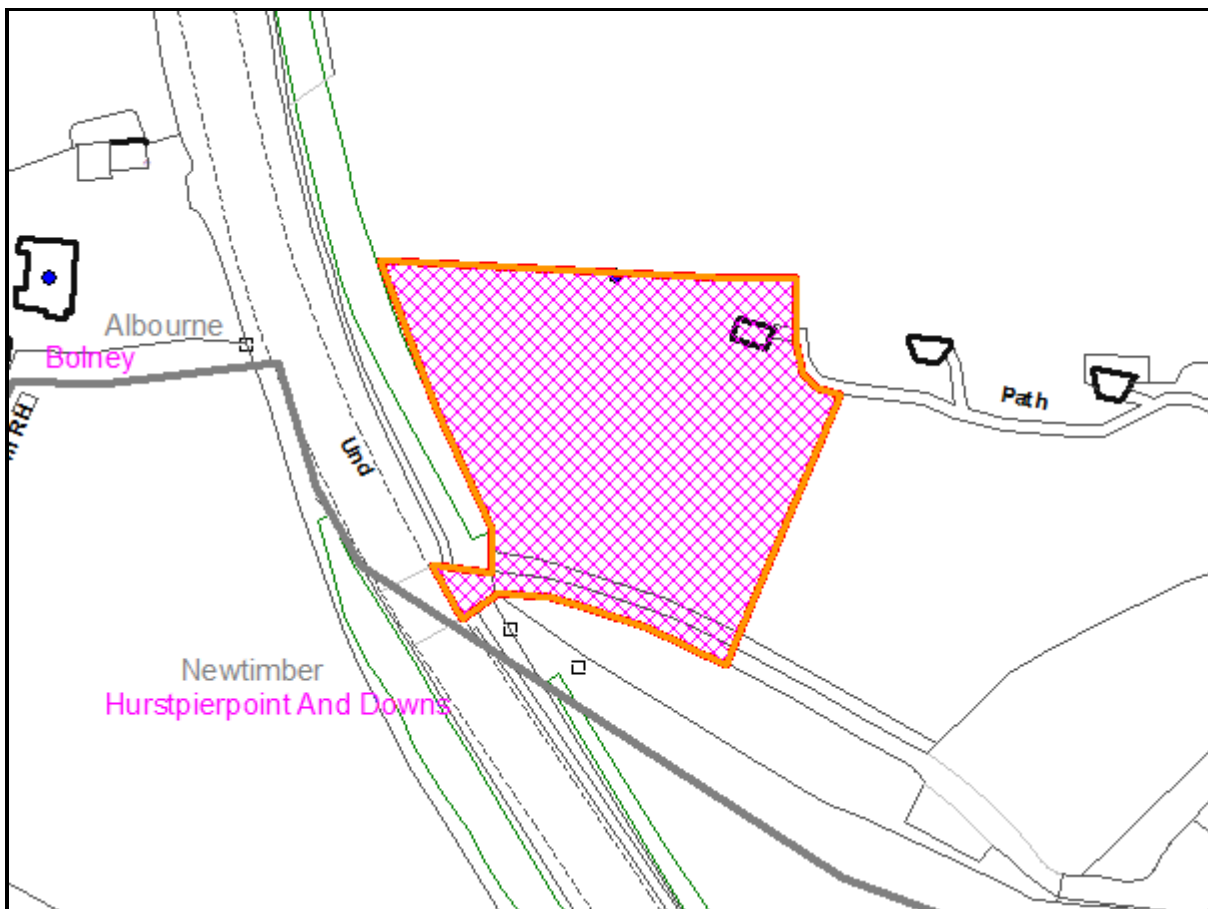
Planning Committee

7 NOV 2019

RECOMMENDED FOR REFUSAL

Albourne

DM/19/3876



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Q LEISURE THE OLD SAND PIT LONDON ROAD ALBOURNE PROPOSED TWO STOREY, PARTIALLY BURIED DWELLING (WARDEN ACCOMMODATION FOR: 1) THE WELLBEING OF OVERNIGHT OCCUPANTS OF 9 ECO PODS AS APPROVED UNDER REF DM/18/1807), NOW EXTANT. 2) ADDITIONAL SECURITY ISSUES IN RESPECT OF APPROVED 50M SHOOTING RANGE AS APPROVED UNDER REF DM/18/4461; AND 3) ADDRESSING EXISTING AND ONGOING SECURITY AND MANAGEMENT ISSUES ASSOCIATED WITH THE EXISTING BUSINESS ACTIVITIES.

MR PEACOCK

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

ODPM CODE: Minor Dwellings

8 WEEK DATE: 25th November 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 planning permission for the following development: Proposed two storey, partially buried dwelling (warden accommodation for: 1) the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807), now extant. 2) additional security issues in respect of approved 50m shooting range as approved under ref DM/18/4461; and 3) addressing existing and ongoing security and management issues associated with the existing business activities.

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 Albourne Neighbourhood Plan (ANP).

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As

such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal. There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

Recommendation

It is recommended that planning permission is refused for the following reason:

The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

To be reported.

Sussex Police

To be reported.

Drainage Engineer

To be reported.

Environmental Health Officer

No objection subject to conditions.

ALBOURNE PARISH COUNCIL COMMENTS

To be reported.

INTRODUCTION

This application seeks planning permission for the following development:

Proposed two storey, partially buried dwelling (warden accommodation for: 1) the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807), now extant. 2) additional security issues in respect of approved 50m shooting range as approved under ref DM/18/4461; and 3) addressing existing and ongoing security and management issues associated with the existing business activities.

RELEVANT PLANNING HISTORY

There have been a number of planning permissions at the site related to the leisure activities that take place here. The site can be used for activities between the hours of 10.00 and 20.00 and between 10.00 and 23.00 for the main building in the site (for functions, post activity entertainment and so on). For 305 days a year the site is limited to a maximum of 90 customers. For the remaining days of the year there is no limit on the number of customers.

The Council refused an application for the erection of a five bedroom subterranean family home at the same site as this application (AE/05/01350/FUL) on 9 August 2005 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

A subsequent application for the erection of a five bedroom subterranean family home at the same site as this application (AE/ 06/01106/FUL) was refused on 18 August 2006 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

These applications were both the subject of appeals that were dismissed by the Planning Inspector on 13 March 2007.

More recently a planning application for a two-storey, partially-buried dwelling, with driveway access and associated hard and soft landscaping (reference DM/17/3123) was refused planning permission on 22 September 2017 for the following reason:

'The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies C1 and T4 of the Mid Sussex Local Plan and policy DP19 of the Mid Sussex District Plan 2014-2031 Submission Version and the guidance in paragraph 55 of the NPPF.'

Most recently an application (reference DM/19/1361) for a proposed two storey, partially buried dwelling (warden accommodation for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807) and new driveway access and associated hard and soft landscaping was made but was withdrawn by the applicants on 23 July 2019 prior to it being determined.

In addition to the above consents, planning permission has also been granted for 9 eco pods at the site (reference DM/18/1807) to be used as temporary holiday accommodation. A subsequent application amended the type of eco pods on the site (reference DM/18/4593). Consent has also been granted at the site for an indoor shooting range (reference DM/17/3002).

SITE AND SURROUNDINGS

Access into the site is via the old A23. There is a driveway into the site that runs along the southern boundary of the site. This leads to the area where the karting track is located. There is a storage building in the site for the applicants quad bikes, karts and other machinery. There is also a building that is used for team building exercises, giving instructions to customers, providing food and so on.

The site of the proposed new dwelling is within a bank in the north-western corner of the site. To the north of this bank the land is laid to grass. To the south of the bank the land is flat and at a lower level and is also laid to grass. To the east there is a group of trees and beyond this is the area where the main activities take place on the site. To the west there is hedge screening to the old A23.

The site is rural in character. The site is within the countryside as defined in the District Plan.

APPLICATION DETAILS

The application seeks consent for the erection of a 3 bedroom dwelling on the western side of the site. This would be designed to take advantage of the change in levels through the site so the north elevation would be cut into the bank. The dwelling would be a contemporary design featuring render, timber boarding and stone with grey colour powder coated frames. The property would be a flat roof building and would feature a roof terrace and roof top lawn area. The dwelling would have undercroft car parking for two cars.

The dwelling would be accessed from the existing access road that serves the business on the site. The design of the proposed dwelling is the same as that which was refused planning permission under reference DM/17/3123.

The applicants have provided a supporting statement with the application. It makes the point that following the last refusal on the site, circumstances have changed as a result of the grant of planning permission for 9 eco pods on the site. The applicants state the *'approval of these eco-pods is considered significant in that it enables up to 24 members of the public to stay on the site overnight. This is considered to represent a significant material change to the business which has not, until now, had permission to host members of the public overnight. In order to effectively manage the pods, and in particular to safeguard the wellbeing of their overnight occupants, it is considered essential to employ an on-site warden and to provide him or her with accommodation suitable to that end.'*

The applicants go on to state that they consider there is a clear management need for the accommodation. They state *'A significant proportion of the occupants of the ecopods are anticipated to be hikers and cyclists, who are likely to turn up late and leave early. It is necessary that upon arrival these potential guests are met, greeted and signed in. They need to be shown where to leave and lock their bikes; how and when to make payment; where the facilities are; they need to be allocated a pod, and generally welcomed and have the protocol explained to them. It would be unreasonable, as well as bad practice, to simply expect members of the public to work all of this out for themselves.'*

The applicants also consider there is a need to safeguard the wellbeing of overnight occupants, stating *'Someone will be required on site to deal with queries or complaints; to deal with any disturbances that might arise; to settle any disputes; to ensure that basic noise, safety and reasonable neighbourly behaviour is in place at all times. In the event of an accident or an emergency, members of the public likewise need to know who to contact.'*

The applicants do not consider that one of the eco pods would be suitable for warden accommodation, stating *'there is now an essential need to build a permanent on-site house for a warden and his or her family to live. Like everyone else, a warden will, in the long term, need to be able to live, house his or her family, and have access to life's essentials such as an adequately sized living room, kitchen, bathroom, bedroom, etc.'*

Finally they also refer to health and safety issues that require an onsite presence in the proposed house. They state *'All pods as approved must be accessed on foot via a path that immediately abuts open water. All of the pods are close to the water; two of them are within 2m and 7m of the water respectively. In the winter months it is anticipated that the footpaths will be slippery. A significant number of users are expected to arrive or leave whilst it is dark, given that the accommodation is expected to appeal to hikers and cyclists. Given the rural nature of the site, and of the location of the pods in particular which are in a recessed hollow and not easily visible, overnight guests will be fairly isolated. It is not considered that the location should be brightly lit at night on account of the impact that this will have on the immediate environment, as has been previously commented upon.'*

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP12 Protection and enhancement of the countryside

DP15 New homes in the countryside

DP18 Setting of the South Downs National Park

DP21 Transport

DP26 Character and Design

DP27 Dwelling space standards

DP29 Noise, air and light pollution

Neighbourhood Plan

Albourne Neighbourhood Plan. Made plan with full weight.

ALC1: Conserving and enhancing character

ALC2: South Downs National Park

ALH1: Housing Development

National Policy and Legislation

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

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

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

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

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development
- The impact of the proposal on the character and appearance of the area
- Transport matters
- Drainage
- Impact on 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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Albourne Neighbourhood Plan (ANP).

As the site is within the countryside, policy DP12 in the DP is the starting point for assessing planning applications. This policy 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.'

As such there is a requirement for development to maintain or enhance the quality of the rural and landscape character and to also be supported by another policy reference in the plan or neighbourhood plan.

In this case policy DP15 is relevant. It states:

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

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

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

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

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

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

Re-use of rural buildings for residential use

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

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

Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

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

The NPPF states in paragraph 79 that *'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

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

The Courts have confirmed that the word isolated in this paragraph should be taken as its ordinary objective meaning, namely a dwelling that is physically separate or remote from a settlement. It is considered that the site of the proposed dwelling would be isolated in terms of paragraph 79 of the NPPF. Therefore paragraph 79 of the NPPF (part a) is relevant to the determination of this application.

The issue in relation to the NPPF is whether it is "essential" for someone to live on the site. There is no further guidance in the NPPF as to what "essential" means: this is left to the judgement of the LPA. Since the refusal of the last planning application for a dwelling on the site, the business has continued to operate and consent has been granted for an indoor shooting range (DM/17/3002) and the eco pods for camping at the site (DM/18/4461). The applicants have stated that the proposed site for the eco pods has been cleared and landscaped and therefore the original consent for the eco pods is now extant.

On the previous application for a dwelling at the site it was argued that there was a need for an onsite presence to deter thefts. It is recognised that there is a considerable amount of high value equipment on the site. In dismissing the appeals for a dwelling on the site back in 2007 the Inspector stated *'Concerns about theft are likely to arise at many rural establishments, and if dwellings were to be allowed exceptionally at them it would have a very damaging effect on national and local policy which seeks to protect the countryside from unnecessary development.'* She went on to state *'The fact that the business has developed and become well-established without a dwelling on the site adds support to my view that there is no need for one.'*

In refusing the application for a dwelling on the site in 2017 the officer's report concluded by stating *'It is considered that in terms of the need for the proposed dwelling, it is your officer's view that it can be categorised as being more "desirable"*

for the business rather than being "essential". Whilst the Council cannot currently demonstrate a 5 year housing land supply and this is a material consideration that merits a modest measure of weight in favour of the appeal proposal, one additional unit would make only a limited contribution to the overall housing supply in the District.

Overall it is considered that the proposal does conflict with policies C1 and T4 of the MSLP and policy DP19 of the MSDP. Whilst there would be benefits to the business from the proposal, it is considered that on balance, the conflict with the development plan and the absence of an essential need to live on the site outweigh the benefits of the scheme and therefore the proposal cannot be supported.'

The applicants are no longer advancing a case based solely on security concerns. They have stated that the approval of the shooting range does raise security issues that lend support to the proposal, together with the ongoing security issues associated with the high value equipment that is stored at the site.

The case for the applicants now is that there is a combination of circumstances that now mean that there is a requirement for on site accommodation; these being the approval of the eco pods and ongoing security concerns.

It is considered by your officers that there is some merit in the case put forward by the applicants. With the potential for 24 campers being on the site overnight and arriving/leaving at different times, having an onsite presence would allow a quick response should an emergency occur on site or events that require an onsite presence to resolve.

By way of comparison, planning permission was granted at the former Geers Nursery, Brighton Road, Hurstpierpoint under reference DM/15/1799 for the 'Demolition of two existing dwellings, barns, plant nursery outbuildings and greenhouses, erection of 4 dwellings, craft workshops and a camp site with 10 tent pitches, 4 log cabins, manager's accommodation and ablution block/cycle hire/washing building.' This site is some 1.2km to the east of Q Leisure, on the eastern side of the A23.

Whilst the site at the former Geers Nursery was different in that it contained a number of redundant buildings from a former use and was also approved under a different policy context prior to the adoption of the District Plan, it is still the case that the principle of on site managers accommodation for a camping business was accepted by the Local Planning Authority. It is well established that each planning application must be dealt with on its individual merits. It is also well established that consistency within the planning system is important and if similar cases are not determined in the same manner then the reasons for this should be clearly explained by the decision maker.

In this case it is considered that there is a clear difference between this site and the site at Geers Nursery: the difference being the fact that the Geers Nursery site contained a number of redundant structures and glasshouses whereas the site of the proposed house at Q Leisure is an undeveloped part of the site. As such the sites themselves are not directly comparable.

For new agricultural units, policy DP15 envisages a temporary dwelling being put on site to allow the new enterprise to become established and to justify the need for on site accommodation. It is considered that in the normal course of events this approach would be more aligned with the planning policy than the applicant's proposal for a new permanent dwelling to serve what would be a new part of the Q Leisure business. It is also considered that it is reasonable to suggest that the likely requirement for a manager to live on the site could have been put forward and considered by the applicants when the original applications were made for the eco pods.

The applicants have advised that they would resist the suggestion of a temporary dwelling/mobile home on the site for the reasons set out below.

Firstly they state that the business is demonstrably viable. They note that it has operated from the site for 20 years, employs 30 staff and operates 7 days a week with an average of 82 operational hours per week. On this basis they feel it is not reasonable to have to offer its workers short term temporary accommodation. Secondly they state that a permanent dwelling would allow them to attract and retain appropriate staff to take on the job as on site warden. Thirdly they state that bringing a mobile home onto the site would be a poor use of resources as it would be a temporary solution and that any mobile home of reasonable quality would cost a considerable sum of money that would be lost through depreciation, together with the costs of disposing of it.

The arguments put forward by the applicants have been carefully considered by your officer. It is the case that the business on the site is now well established. However it is also the case that the eco pods element of the business is a new venture, which has not yet commenced in terms of accommodating guests on site. As such it is felt that it cannot be guaranteed that this element of the business will be economically viable/successful moving forward. On this basis, on balance, it remains your officer's view that at this point in time it has not been demonstrated that it is essential to have this proposed warden's house on site.

Impact on the character of the area

Policy ALC1 of the ANP states:

'Development, including formal sports and recreation areas will be supported in the countryside, defined as the areas outside the Built up Area Boundary shown on the policy map where the following criteria are met:

- 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- 2. It maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area;*
- 3. It is supported by a specific policy reference elsewhere in this Plan.*
- 4. It is necessary for essential infrastructure and it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.'*

Policy DP26 in the DP 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.'*

Due to the location of the dwelling, set within the set and set against the north bank of the site, it is not considered that the proposed dwelling would have any significant impact on the wider character of the countryside. In this respect it is not considered that there would be a conflict with the aims of policy ALC1 or policy ALC2 (which seeks to protect the setting of the South Downs National Park). It is considered that as a piece of architecture the proposed dwelling would be a high quality design as required by policy DP26 in the DP. It should be noted that the design of the proposed dwelling is the same as was proposed under application reference DM/17/3123 and this 2017 application was not refused on matters relating to the design of the building or its impact on the character of the countryside.

The dwelling would meet the national dwelling space standards, thereby complying with policy DP27 in the DP.

It is considered that the proposed dwelling could be appropriately insulated so that there was no adverse impact on future occupiers from road traffic noise from the A23. As such this part of policy DP29 in the DP would be met.

It is not considered that the proposed development would have an adverse impact on local amenity in relation to light pollution. As such this part of policy DP29 in the DP would be met.

Transport matters

Policy DP21 in the DP relates to transport. It seeks to minimise the need for travel, noting there might be circumstances where development needs to be located in the countryside, such as for rural economic uses. It also seeks to ensure that the development protects the safety of road users and pedestrians.

It is considered that in terms of highway safety, there would be no adverse impact from the proposal. The site lines onto the highway are satisfactory and the proposal would add a very limited number of additional movements compared to the comings and goings associated with the business.

The applicants have previously referred to the site being on a bus route. The 100 bus, operated by Compass Travel, departs Burgess Hill station at 6.40am and there after every hour until 6.05pm, travelling all the way to Pulborough via Albourne, Henfield, Small dole, Bramber, Steyning and Washington and returns again. A similar service operates on Saturdays. Whilst this is recognised, it is still the case that it is likely to be more attractive to occupiers of the dwelling to use the private car rather than the limited public transport that is available. Therefore in terms of its sustainability, it would be in a relatively isolated location. Although a number of trips to and from work could be saved, visits to shops, surgeries, schools, entertainment, leisure and other services would still need to be made from the site and these would outweigh the benefits of reduced journeys to and from work. The fact that prospective occupiers of the dwelling would be reliant on the private car does weigh against the proposal.

However policy DP21 does recognise that '...there might be circumstances where development needs to be located in the countryside, such as rural economic uses'. This reflects national advice in the NPPF. If the principle of having a managers dwelling on site is accepted, this element of policy DP21 would be complied with.

The applicants also make the point that given the number of visitors to the site per year (they state 16,000), that the additional movements associated with the proposed house would be negligible. Whilst this point is noted, the existing business on the site is well established and policy DP21 notes that there will be instances where development needs to be located in the countryside. A business that provides noisy outdoor sports, such as go karting is such a business that is suitable to be located in the countryside. However the key point from policy DP21 is whether the proposed development needs to be located in the countryside; for the reasons already set out in this report, on balance, it is not felt that it has been demonstrated that it is necessary to have this proposed new house in the countryside.

Drainage

It is proposed that surface water would be dealt with by a soak away and foul water would be via a packaged sewerage treatment plant. It is considered that the means of satisfactorily draining the site can be secured by a planning condition thereby complying with policy DP41 of the DP.

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 screening report has been undertaken for the proposed development.

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

To summarise 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 ANP.

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal.

There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

APPENDIX A – REASONS FOR REFUSAL

1. It has not been demonstrated that the proposed new dwelling is essential to the operation of the business. In addition the site is in a relatively isolated location and future residents would be reliant on the private car for transportation. The application therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

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			17.09.2019
Block Plan			17.09.2019
Proposed Sections			17.09.2019
Proposed Floor and Elevations Plan	289.PA001	A	17.09.2019
Levels	16/133/01		17.09.2019

APPENDIX B – CONSULTATIONS

Highway Authority

To be reported

Sussex Police

To be reported

Drainage Engineer

To be reported

Environmental Health Officer

LAND CONTAMINATION

The proposed development site was a former quarry and there has been some importation of soils to create earth bunds and for land profiling of the site. The proposal is to introduce a residential use on the site for security purposes. In terms of the source-pathway-receptor found within the "*Model procedures for the management of land contamination - contaminated land report CLR11*", the proposal will be introducing a receptor to a potential source of contamination and it is therefore important that these risks to human health are appropriately assessed and, if necessary, addressed. I therefore recommend a condition

which, in the first instance, requires a desktop study and then requires further assessment and/or remediation if recommended. In accordance with paragraph 179 of the *National Planning Policy Framework*, the information must be prepared by a competent person, i.e. a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

The following conditions are recommended:

1. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on part 1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in part 2) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the historic contamination does not cause an impact to human health, controlled waters and other ecosystems as a result of the proposed development; that any remediation, if deemed necessary, is satisfactorily completed; and to ensure that any contamination identified during the demolition or construction phases of the development is fully characterised and assessed in accordance with the NPPF.

2. Prior to occupation a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

NOISE AND NUISANCE

Where commercial activities occur close to residences, these can have significant adverse impacts on residential amenity on account of noise. Q Leisure offer a number of activities for their customers which are likely to create noise, for example clay pigeon shooting and go-karting. The proposal specifies that the residential use is for a staff presence on site throughout the night to ensure the safety and security of the visitors using the pods. I recommend that this connection between the use of the residential unit and the business is

secured by agreement or condition. If this link ceases, it is conceivable that future residents could complain that noise from commercial activities is causing a statutory nuisance and if the local authority is satisfied that a nuisance is occurring, they are legally obliged to serve an abatement notice. In this case the business would be required to abate the nuisance which could jeopardise the viability of the business. It is therefore important that the business and residential unit remain in the same ownership.

Subject to the above, I have no objection to the proposal.