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20 November 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 28TH 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 7 November 2019           | <b>3 - 8</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |              |

**Items Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/19/2807 - The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ.          | <b>9 - 14</b>  |
| 6. | DM/19/3123 - Bridge Hall, Cuckfield Road, Burgess Hill, West Sussex, RH15 8RE. | <b>15 - 64</b> |
| 7. | DM/19/3969 - Sorrento, Keymer Road, Burgess Hill, West Sussex, RH15 0AN.       | <b>65 - 88</b> |

## Items Recommended for Refusal.

None.

## Other Matters.

None.

8. 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, 7th November, 2019  
from 7.00 - 8.23 pm**

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

G Allen	C Phillips	N Walker
E Coe-	M Pulfer	
Gunnell White	D Sweatman	
A MacNaughton		

**Absent:** Councillors R Cartwright, J Dabell and R Eggleston

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Cartwright, Councillor Dabell, and Councillor Eggleston.

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

Councillor Coe-Gunnell White declared a non-predetermined interest in Item 6 due to prior knowledge of the application through her role as a Town Councillor but confirmed that she played no part in the Town Council decision. Councillor Marsh declared a non-predetermined interest in item 5 as he was a Member of Cabinet when it was decided the Council would sell the piece of land. Since leaving Cabinet in May he has had no involvement and comes to the committee with an open mind.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 17 OCTOBER 2019.**

The Minutes of the meetings of the Planning Committee held on 17 October 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/18/4841 - RED CROSS HALL, 29 PADDOCKHALL ROAD, HAYWARDS HEATH, RH16 1HQ.**

Andrew Morrison, Senior Planning Officer introduced the application for the demolition of existing buildings and erection of 8 dwellings comprising of 5x3 bedroom houses with attached garages and a flat block of 3x2 bedroom flats,

including creation of a cycle store, refuse storage with associated car parking landscaping works and changes to access onto Oaklands Road.

He drew Members attention to the agenda update sheet, noting that condition 7 was to be amended to comply with Policy DP39 of the Mid Sussex District Plan, and as such Members would be provided with more information regarding energy and water conservation before any development takes place. He commented that the existing site is currently a 30 space car park for council staff, and has 2 access points onto Oaklands Road. The western side of the site was previously occupied by the British Red Cross, however, as per the agenda update sheet this had been vacant for 2 years as the British Red Cross had found an alternative location in Haywards Heath. He noted that the current access will be changed, from 3 access points to Oaklands Road, to 6 access points onto Oaklands Road under the application. He noted an oak tree on the site which has a Tree Presentation Order (TPO) attached to it; he informed Members that the oak tree is to be retained alongside the other vegetation on the northern boundary. He noted that the remaining trees and vegetation on the site were to be removed and semi-mature planting was to replace these trees and vegetation. He told the Committee that any resolution to approve this application should be subject to the completion of a Section 106 agreement and the conditions set out in appendix A as updated or amended in the Agenda Update Sheet.

A Member enquired as to the plans within the application for solar panels. Another member suggested that photovoltaic cells may be more efficient in place of solar panels. The Chairman told the Committee this had been addressed in condition 7, and both solar panels and photovoltaic cells would be considered. The Senior Planning Officer further explained that as the application is, solar panels are not addressed; however, these could form a measure of the final design, under condition 7 where the Council is requiring full details of water and energy conservation prior to the developments start.

Members discussed the trees on the site, specifically the oak tree with the TPO attached, and the lime tree on the eastern side of the site. Members queried if the lime tree would be retained given the ecological value, and if there would be sufficient distance from the oak tree to the buildings to avoid the roots of the oak tree either being disrupted, or disrupting the building. The Senior Planning Officer noted that the MSDC Tree Officer had examined this and had not raise any concerns regarding the proximity of the dwellings, and explained that suitable measures will be put in place during construction. He noted that the lime tree would be removed as it is not considered to have public amenity value to warrant a tree preservation order, and were it to be retained it could undermine the landscaping scheme proposed. He also noted that it would also obscure the side elevation of the 1st building and this matter has been considered and on balance, its removal and replacement with planting would be acceptable.

Nick Rogers, Business Unit Leader - Development Management added that the removal of the lime tree would allow the submission of landscaping scheme which would be appropriate to the new housing scheme subject of the application.

Members asked if there were alternative parking places for MSDC staff without the use of this carpark, and for the size of the garages which The Senior Planning Officer and the Chairman explained there were sufficient alternative spaces to park and that garages were 6m by 3.3m.

The Chairman took Members to the recommendation to approve the application, which was proposed by Cllr Coote and seconded by Councillor Coe-Gunnell White. The application was approved unanimously.

#### **RESOLVED**

That planning permission be approved subject to the completion of a S106 Legal Agreement to secure the infrastructure contributions highlighted in the report and the Agenda Update Sheet and the conditions set in Appendix A with the replacement condition 7 in the Agenda Update Sheet.

And

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.

#### **6 DM/19/3734 - SHEDDINGDEAN COMMUNITY CENTRE, MAPLE DRIVE, BURGESS HILL, RH15 8HP.**

The Chairman informed Members that this application was before the Committee as it was owned by the Council. He drew Members attention to the Agenda Update Sheet to identify that the works had now been carried out. He noted there were no speakers or questions and so took Members to the recommendation to approve the application, which was proposed by Cllr MacNaughton and seconded by Councillor Walker. This was approved unanimously.

#### **RESOLVED**

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

#### **7 DM/19/1972 - POOK BARN, POOKBOURNE LANE, SAYERS COMMON, HASSOCKS, BN6 9HD.**

Andrew Clarke, Senior Planning Officer introduced the retrospective application for the demolition of a barn and erection of a four bedroom dwelling. He noted that this was a very complex application, as a barn which had previously existed on this site had previously benefited from a 'prior approval' in 2016, the planning permission for this ran out in April 2019. He noted that the barn had been demolished, and thus the 'prior approval' could not have been implemented anyway. The development has taken place to erect a new dwelling of the same dimensions as the barn. He noted the dwelling was in a rural location, and not sustainable as it is only accessible by car. He also noted that the dwelling does not fulfil criteria for exceptional design. He told the Committee that planning officers would not normally approve an application for a new dwelling which is unsustainable in rural locations. He reminded the Committee that they cannot look negatively on this application because it is retrospective and explained that the recommendation to refuse retrospective planning permission includes action to take enforcement.

Mrs Blake, Mr Blake, and Councillor Colin Trumble as a Ward Member, spoke in favour of the application. Councillor Trumble explained that this was an honest mistake in that the applicants did not fully understand the limits of their planning permission and that as the Parish Council and neighbours had no objections, alongside the fact the dwelling was built to the specifications of the originally approved conversion this recommendation should be overturned in favour of the applicants. He requested that if permission is refused the decision on enforcement action be delegated to the Chairman and Vice-Chairman of the committee.

The Chairman thanked the speakers and told Members that while the speakers had been compelling, the District Plan is in place, and if Members were to overturn the planning officers recommendations this would act against the District Plan and they would need to have strong reasoning for this, so as not to set a precedent.

The Vice Chairman felt that this case appeared to be a genuine mistake and that the Committee should work carefully to resolve this case in a sensitive manner because of the potential financial implications for the applicants.

A Member reminded the Committee that it was required to work within the bounds of legislation, the District Plan, and use only planning related considerations in making a decision. In his opinion there was no planning related reason to overturn the Officer's recommendation. He did note that this was unfortunate, but that to overturn the recommendation would set a precedent and would go against the District Plan.

A Member noted that the Parish Council had recommended that the planning permission be granted, and enquired as to their reasons. Andrew Clarke, Senior Planning Officer, explained that the Parish Council did not offer further comment and the District Council had no requirement to seek further comment from them.

A Member stated that he could not see any valid reason to go against the officers' recommendation.

A Member asked if it would be possible remove the enforcement action from the resolution if the Committee were to refuse the application. Andrew Clarke, Senior Planning Officer, replied that if the application were refused, the unauthorised development would be considered contrary to the policies of the development plan and therefore in line with the Council's own Enforcement Charter and government guidance, enforcement action would be considered expedient.

Another Member queried whether the refusal was recommended due to the time scales, or the fact the dwelling was a new build instead of a conversion. Nick Rogers The Business Unit Leader for Development Management and Andrew Clarke, Senior Planning Officer, advised the Committee that the planning permission originally granted was a central Government scheme at the time, which meant that the Council could only consider certain elements of how the barn would be converted in accordance with the permitted development rights, not the principle.

It was further explained that the permission had lapsed because the development was not completed within the stated timescales, conditions were not discharged and that the barn had been demolished rather than converted.

The Vice Chairman confirmed that it is open to the applicants to appeal any decision to refuse permission.

After the debate the Chairman took Members to the recommendation to refuse the application, which was proposed by Cllr McNaughton and seconded by Councillor

Walker. The application was refused with 6 votes in favour, 2 against and 1 abstention.

## **RESOLVED**

That the planning permission be refused and enforcement action be authorised for the reason outlined in Appendix A.

### **8 DM/19/3876 - Q LEISURE, THE OLD SAND PIT, LONDON ROAD, ALBOURNE, BN6 9BQ.**

Andrew Morrison, Senior Planning Officer, introduced the application for a proposed two storey partially buried dwelling (warden accommodation for 1) for 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.

He noted that the Agenda Update Sheet contained responses of consultations from a number of persons along with the comments of the Parish Council. He informed the committee the application site was within designated countryside, and that the southern park has multiple outside activities including football, clay pigeon shooting, and teambuilding activities. He noted the proposed dwelling is of contemporary design and cut into the north bank, with a flat roof with a garden terrace, parking, and access onto the patio. He noted that the existing shed would be demolished, and existing reception building on the site would remain. He told Members that this application conflicts with the development plan policies detailed in the reason for refusal at Appendix A.

James Smith and Peter Peacock spoke in favour of the application.

Nick Rogers, Business Unit Leader for Development Management explained that in September 2017 an application for exactly the same development was refused by the Council for reasons of being in the countryside and against the District Plan. The only changes since that point are that the shooting range was approved as were the eco pods, but these developments have not been implemented, and therefore nothing has changed since the refusal in 2017. He noted that DP15, considered at pages 81 and 82 of the agenda report, sets out the circumstances in which a permanent agricultural dwelling could be permitted, and noted that in this situation the Council would have expected the applicant to seek permission for a temporary dwelling first..

A Member suggested that as there is a pre-existing building onsite this may be usable for temporary accommodation, and that as the previously approved developments for this site have not been started he agreed with the recommendation that this application should not be allowed.

The Chairman agreed that the need for the dwelling must be demonstrated.

The Chairman took Members to the recommendation to refuse the application, which was proposed by Cllr Coote and seconded by Councillor MacNaughton. The application was refused unanimously.

## **RESOLVED**

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.

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

None.

The meeting finished at 8.23 pm

Chairman



MID SUSSEX DISTRICT COUNCIL

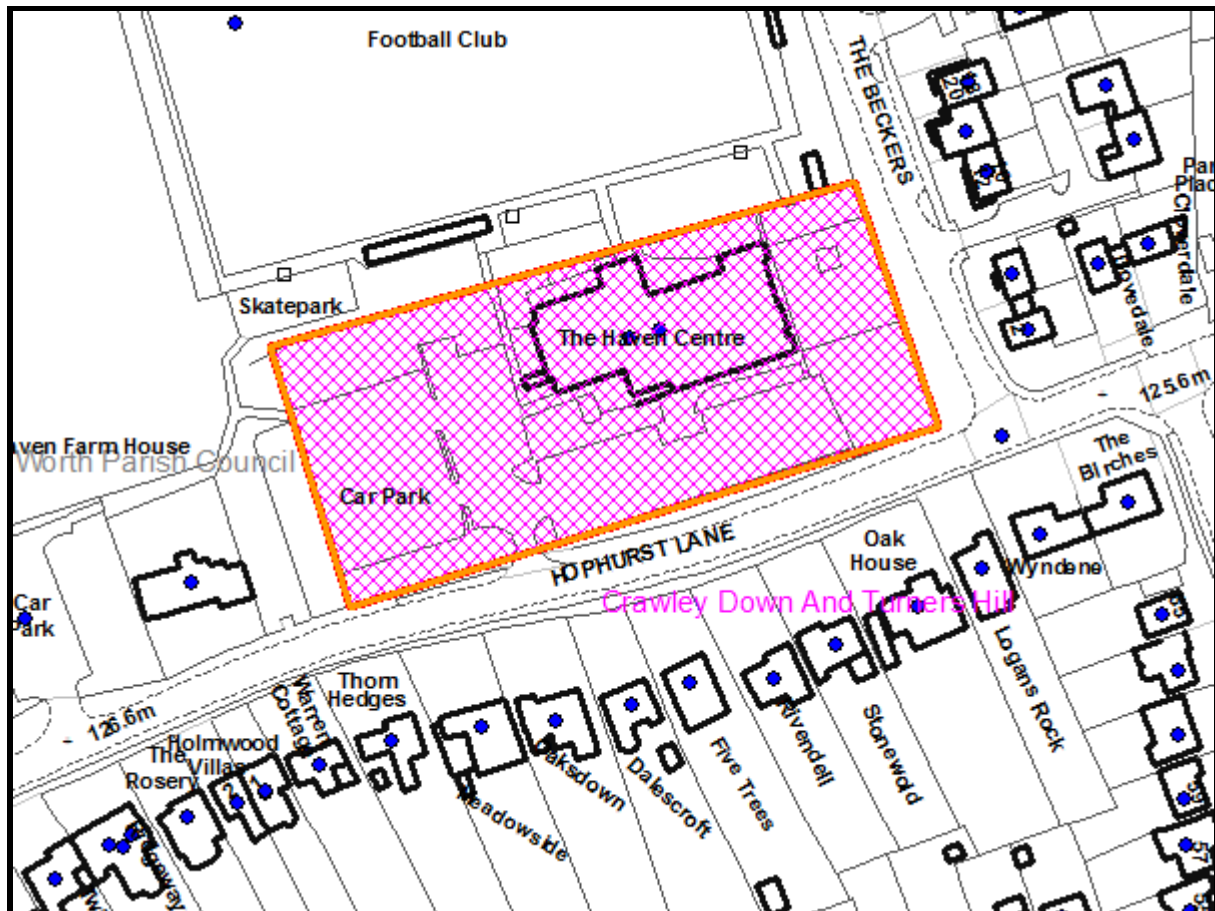
Planning Committee

**28 NOV 2019**

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2807



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**THE HAVEN CENTRE HOPHURST LANE CRAWLEY DOWN CRAWLEY  
CHANGING 2 DOUBLE GLAZED UNITS FROM FIRE EXITS TO ONE  
DOUBLE GLAZED WINDOW UNIT AND ONE DOUBLE GLAZED  
ENTRANCE UNIT.  
MRS LANCASTER**

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

ODPM CODE: Minor Other

8 WEEK DATE: 29th November 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Hamish Evans

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for the replacement of two double glazed doors with one double glazed window and one double glazed door at the Haven Centre Hophurst Lane Crawley Down RH10 4LJ.

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

The application must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The development plan in this part of the Mid Sussex comprises of the Crawley Down Neighbourhood Plan (2016) and Mid Sussex District Plan (2018).

In terms of policy the site falls within the countryside.

The proposed development complies with policy DP26 of the Mid Sussex District Plan, the Crawley Down Neighbourhood Plan and the relevant requirements of the National Planning Policy Framework. The application is therefore recommended for approval subject to the conditions listed in Appendix A.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

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

## **SUMMARY OF CONSULTATIONS (full comments in appendices)**

### **Worth Parish Council comments**

No objection.

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## **INTRODUCTION**

Planning permission is sought for the replacement of two double glazed doors with one double glazed window and one double glazed door at the Haven Centre Hophurst Lane Crawley Down RH10 4LJ.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **SITE AND SURROUNDINGS**

The application site is located north of Hophurst Lane in Crawley Down and runs adjacent to the Crawley Down built up area boundary. It is currently a community centre which is served by a large car park and sited in a predominantly residential area with a mixture of external materials used in the dwellings and a mixture of building designs. The building itself is two storey and the external materials used in the walls a bare brown brick and the roof is brown concrete tiles. There are a mix of white and brown uPVC window frames and doors.

The site falls within the countryside.

## **APPLICATION DETAILS**

The application seeks planning permission for the replacement of two double glazed doors with one double glazed window and one double glazed door at the Haven Centre Hophurst Lane Crawley Down RH10 4LJ. The application is before committee as the application site is located on land owned by Mid Sussex District Council.

The proposed window and door are to be the same size as the existing doors. As such they will measure some 2.9 metres in width and 2.0 metres in height. The proposed window and door frames are to be constructed of aluminium.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

DP26 - Character and Design

## **Crawley Down Neighbourhood Plan**

The Crawley Down Neighbourhood Plan was made in 28th January 2016, therefore it carries full weight. There are no policies considered relevant to this application.

## **National Planning Policy Framework February 2019**

### **ASSESSMENT**

The main issues are considered to be the design and scale of the scheme and the resulting impact on the character and appearance of the area.

### **Scale, design and character impact**

District Plan policy DP26 in part 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."*

Given that the proposed window and door are located in the same position and are the same size as the existing doors it is considered that they are of an appropriate size and scale that is in keeping with the character of the existing site and wider

street scene. Due to the mix in materials used within the existing site and wider street scene it is considered that the proposed materials will be in keeping with the wider street scene and existing building. In accordance with the above assessment the proposal would be of an appropriate design, size and scale that is both in keeping with the character of the wider street scene and the existing site in accordance with above mentioned part of policy DP26 of the Mid Sussex District Plan.

### **Neighbouring Amenities**

DP26 in part states:

*"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 building is set back from the main highway and is screened by an existing hedge row and trees. As such the proposed window and door would not have any direct views into any neighbouring properties amenity space. The resulting relationship between the proposal and any neighbouring properties are not considered to cause a significantly detrimental impact in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook and are considered to comply with the above mentioned part of policy DP26.

### **CONCLUSION**

The proposal would be of an appropriate design, size and scale that is in keeping with the character of the wider street scene and is not considered to cause a significantly detrimental impact in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. As such the proposed development complies with DP26 of the Mid Sussex District Plan, the Crawley Down Neighbourhood Plan and the relevant policies within the NPPF.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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### **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

#### **Approved Plans**

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

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

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

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

#### INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Block Plan	-	-	19.09.2019
Location Plan	-	-	19.09.2019
Existing and Proposed Elevations	-	-	20.09.2019

#### APPENDIX B – CONSULTATIONS

##### Worth Parish Council

No objection.

MID SUSSEX DISTRICT COUNCIL

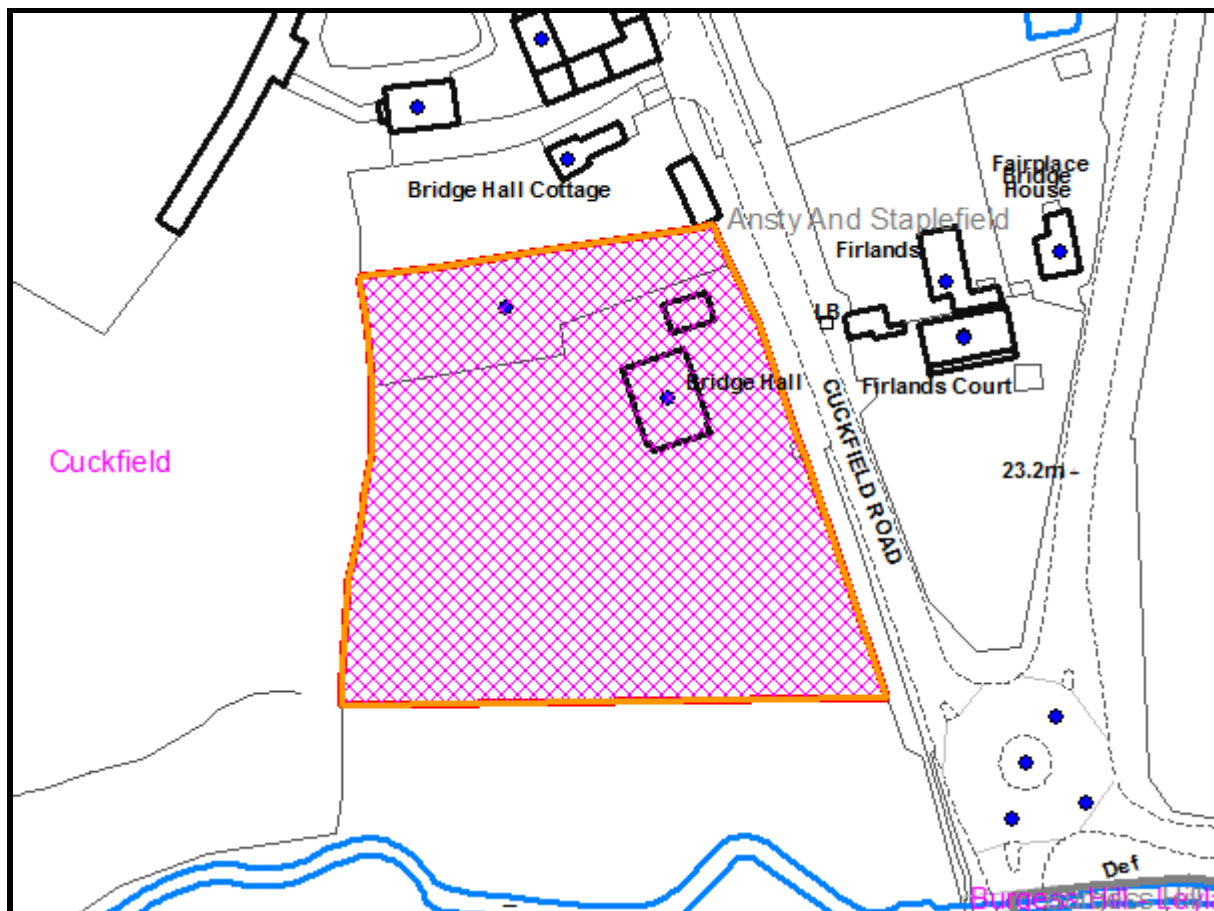
Planning Committee

**28 NOV 2019**

RECOMMENDED FOR PERMISSION

**Ansty And Staplefield**

**DM/19/3123**



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**BRIDGE HALL CUCKFIELD ROAD BURGESS HILL WEST SUSSEX  
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 40 NEW  
DWELLINGS WITH NEW ACCESS CREATED ONTO CUCKFIELD ROAD.  
AMENDED PLANS RECEIVED 2 OCTOBER SHOWING CHANGES TO THE  
ELEVATIONS OF THE PROPOSED DWELLINGS AND REMOVAL OF  
GARAGES TO THE NORTHWEST CORNER OF THE SITE. AMENDED  
PLANS RECEIVED 31 OCTOBER SHOWING REVISED ELEVATIONS TO  
PLOTS 15 TO 26  
BROOKWORTH HOMES LIMITED**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th November 2019

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks full planning permission for the demolition of existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings with new access created onto Cuckfield Road.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP). The National Planning Policy Framework (NPPF) is an important material planning consideration.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site. In relation to planning policy, the principle of developing the site would accord with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make best use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage.

The scheme would deliver 40 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the planning balance.



The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. A planning condition can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 40 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The Councils Ecological Consultant and Tree Officer do not object to the scheme. The boundary screening around the site will be retained to soften the impact of the development on the character of the area.

To summarise, it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above it is recommended that planning permission is granted for this proposal.

### **Recommendation**

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure affordable housing and infrastructure contributions and the conditions set out in appendix A.

## **SUMMARY OF REPRESENTATIONS**

11 letters of objection:

- development is not appropriate opposite a listed building;
- existing house should be retained and not demolished;
- access to the development from the Cuckfield Road is too close to the Sheddingdean roundabouts and will be dangerous;
- the site slopes steeply down to a stream. I cannot see the safety measures put in place for children on the site. Where will these children play?

- there is no space for visiting vehicles; they will inevitably park on the road and its grass verges;
- the development is totally out of keeping with the adjacent environment;
- the mass destruction of trees alarms me;
- the housing density and housing design would cause substantial harm to the listed building and its setting;
- could not find a survey report to show the development complies with wildlife legislation and planning policy objectives;
- will be overbearing and cause a loss of outlook;
- site would be better suited to a social, recreational or community centre;
- 3 storey building will overlook our swimming pool courtyard;
- street elevation has little architectural merit and will be an eyesore

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **County Planning Officer**

Requires infrastructure contributions towards education and library provision.

### **Highway Authority**

No objection subject to conditions.

### **Sussex Police**

Some concerns over open car ports of plot 27. Fencing will need to be conditioned to secure private gardens.

### **Ecological Consultant**

No objection subject to conditions.

### **MSDC Drainage Officer**

TBR

### **Community Facilities Project Officer**

Requires infrastructure contributions.

### **Urban Designer**

TBR

### **Conservation Officer**

I consider that the proposal causes less than substantial harm to the setting of Firlands, contrary to the requirements of District Plan Policy DP34 and so that paragraph 196 of the NPPF would apply.

## **Housing Enabling & Development Officer**

The application is for 40 new dwellings and proposes 12 flats for affordable housing which meets the DP31 obligation of 30%.

The revised site plan, drawing number 6714 040 P3, indicates under the Accommodation Schedule that the affordable flats are located in Block B and consist of 3 x 1 bed flats and 9 x 2 bed flats.

The revised floor plan for Block B (plots 15-26), drawing number 6714 52 P3, shows the 12 flats over three floors with two cores. The 2-bed flats are shown as 2-bed 4-person dwellings and all the flats meet the national space standards required by the AH SPD.

## **Environmental Protection Officer**

No objection subject to conditions.

## **Contaminated Land Officer**

No objection subject to conditions.

## **Tree Officer**

I do not object to the proposed development on arboricultural grounds, however would request that if approved, a full landscaping plan including replacement hedges is submitted and agreed.

## **ANSTY AND STAPLEFIELD PARISH COUNCIL COMMENTS**

The Parish Council object to this application because it was not allocated in the Neighbourhood Plan and is in an area of Countryside restraint. Should the application be granted the Parish Council would like some s106 contributions towards the refurbishment of the storage shed at Ansty Rec.

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## **INTRODUCTION**

This application seeks full planning permission for the demolition of existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings with new access created onto Cuckfield Road.

## **RELEVANT PLANNING HISTORY**

Outline planning permission for the erection of 36 dwellings on the site was granted on appeal by the Planning Inspector on 30th January 2018 (reference DM/15/04667). The means of access to the site was approved at the outline stage.

## **SITE AND SURROUNDINGS**

The site of the application is a large detached house located within a large plot of land on the west side of Cuckfield Road, some 65m to the north of the Fairplace Bridge roundabout.

The house is located at the northeast side of the site. There is a fall in levels from north to south through the site. There are a large number of trees within the site.

To the north of the site is Bridge Hall Cottage. On the opposite side of the road to the east is a collection of dwellings, including Firlands Court, a grade 2 listed building. To the west is the golf driving range.

In terms of planning policy the site lies within the countryside as defined in the District Plan. However the site is bounded to the north, south and west by land that is allocated for major strategic development in the 'Northern Arc' under policy DP9 in the DP. The site is in effect an enclave of land that is surrounded by the wider 'Northern Arc' policy allocation.

## **APPLICATION DETAILS**

This application seeks full planning permission for the demolition of existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings with new access created onto Cuckfield Road.

The scheme would utilise a single point of access that would be located towards the centre of the eastern boundary of the site. The plans show a total of 48 allocated car parking spaces within the site and 13 visitor spaces.

The plans show that there would be 3 blocks of flats. Two of these would be positioned on the eastern side of the site running parallel to the road, with the third block being positioned in the southwestern corner of the site. There would be 8 houses to the western side of the site made up of two pairs of semidetached houses and a terrace of 4 houses.

The site would be laid out with the access road running around the eastern, southern and western sides of the site with the proposed dwellings fronting onto this access road. The plans show a 2m wide pathway to link to the Northern Arc on the western side of the site. Car parking would be provided in front of the proposed blocks of flats and houses and there would also be a car parking courtyard within the centre of the site.

In terms of the elevational treatment, the northern most block of flats on the eastern side of the site would be a mixture of two and three storeys, with the third storey being set back. Materials would comprise Freshfield Lane first quality multi brick, zinc cladding with grey window frames. The block of flats at the southern end of the eastern side of the site would be three storeys in height and would feature brick elevations. The scheme has been designed to have a contemporary appearance.

The block of flats at the southwestern corner of the site are three storeys with the upper storey being set back. This building would feature brick elevations on the first two floors with zinc cladding at the second floor.

The houses on the western side of the site would be two storeys with brick elevations with grey roof tiles. Four of these dwellings would have dormer windows on their front elevations facing westwards. The elevational treatment would follow the same contemporary approach as the blocks of flats.

The accommodation provided would be as follows:

Market Housing

2 x 1 bed flats  
18 x 2 bed flats  
8 x 3 bed houses

Affordable housing

3 x 1 bed flats  
9 x 2 bed flats

**LIST OF POLICIES**

**Mid Sussex District Plan**

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

DP6 Settlement Hierarchy  
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 Securing Infrastructure  
DP21 Transport  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP28 Accessibility  
DP30 Housing Mix  
DP31 Affordable Housing  
DP34 Listed Buildings and Other Heritage Assets  
DP37 Trees, Woodland and Hedgerows  
DP38 Biodiversity  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The District Council is consulting on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Due to it being out at consultation this currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

## **Neighbourhood Plan**

The site is not within the Ansty and Staplefield Neighbourhood Plan (ASNP) area and is not covered by a Neighbourhood Plan.

## **National Policy and Legislation**

### *National Planning Policy Framework (NPPF) (February 2019)*

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

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

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

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

### *National Planning Policy Guidance*

### *National Design Guide*

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

## ASSESSMENT

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

- The principle of development;
- Design/layout
- Noise
- Air quality
- Energy efficiency
- Access and Transport
- Neighbour amenity
- Housing Mix and Affordable Housing
- Impact on heritage assets
- Impact on trees
- Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

### Principle of Development

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

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

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

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

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

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

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

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

Policy DP6 in the District Plan relates to the settlement hierarchy in the District. It states:

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

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

*The developer will need to satisfy the Council that:*

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The site lies within the built up area as defined in the DP. This is because the built up area boundary in the DP has been drawn to include the land proposed for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc. Accordingly the principle of development on the site accords with policy DP6 of the DP.

#### Planning history of the site

In this case it is considered that the planning history of the site is highly relevant to an assessment about the principle of this proposal. The principle of development on the site has been established by virtue of the outline planning permission for 36 dwellings on the site (reference DM/15/04667). The impact of the proposal on the character of the area will be assessed later in this report. It is important to note the comments of the Inspector who allowed the appeal for 36 dwellings on the site. In relation to the impact on the character of the area, the Inspector stated *'It may be that a few of the new houses and vehicles could be glimpsed from the access or between landscaping but overall, I find that the proposal would cause no harm to the character or appearance of the area. In reaching this view I am also mindful that the ELP allocation will eventually result in a significant change to this area of countryside and include significant residential development within this semi-rural setting. For these reasons, the proposal would not cause harm to the character and appearance of the area.'*



In light of the planning history of the site and the fact that it is bounded by the 'Northern Arc', which will result in a complete change in the character of this area over the next 5 years, there is no objection to the principle of redeveloping this site for housing.

## **Design/layout**

Policy DP26 in the District Plan seeks a high standard of design in new development. It 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.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

Whilst currently out at consultation, the Council has a draft design guide which is considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

It is considered that the overall layout of the site is sound. By placing the access road that would serve the development around the eastern, southern and western boundaries of the site it allows the dwellings to face outwards onto the boundary treatment around the site. The plans indicate that the existing boundary treatment to the Cuckfield Road would be retained. Within the centre of the site the plans show a central courtyard providing car parking. It is considered that this central courtyard of car parking will be well overlooked and will therefore be suitable in relation to designing out crime. This courtyard area will also be discreet meaning that it will not overly dominate the site.

Overall it is felt that the design of the car parking has been laid out so that it does not overly dominate the layout of the site. On the eastern road frontage for example, the car parking spaces are broken up by planting. In the south-eastern corner of the site there is extensive planting in the corner of the site that will screen this area of parking.

It is considered that the provision of part two and part three storey buildings along the road frontage will be acceptable in terms of the impact of the scheme on the character of the area. It is worth noting that the overall height of the three story buildings would be similar to the ridge heights of the pitched roof houses proposed on the western side of the site. The block of flats would be set back some 22m from the highway. It is considered that this set back, combined with the retention of the existing boundary treatment along the road frontage, will mean that these proposed buildings will not overly dominate the road frontage.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Sussex Police raised some concerns with the proposed design of plot 27, the Flat above the garage (FOG). Specifically, as submitted the plans show the car parking under the flat being open fronted. The Police were concerned about the security implications of this as potentially anyone could gain access to these car parking spaces that would be underneath the flat. Your officer has discussed this issue with the applicants and they are agreeable to a planning condition to require garage doors to be provided so that these spaces can be secure. With this condition in place this issue will be addressed.

The internal courtyard is reasonably well overlooked by habitable rooms. The FOG on plot 27 has a kitchen and living room window that faces northwards and plots 11 and 14 have kitchen and living room windows that face westwards towards the car parking courtyard. It is therefore felt that the scheme is acceptable in relation to design and crime prevention.

It is considered the design of the proposed buildings is high quality as required by policy DP26. The elevations of the buildings are well ordered and will feature a pallet of materials that are suitable for the contemporary nature of the design of the scheme but will also fit in satisfactorily with the character of the area.

The dwellings would comply with the national dwelling spaces standards in accordance with policy DP27 of the DP.

Policy DP28 of the DP requires new development to meet and maintain high standards of accessibility so all users can access them safely and easily. It is considered that a planning condition can be applied to ensure compliance with the requirements of this policy.

## **Noise**

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

In relation to noise, policy DP29 states:

*"The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development ;'*

The source of noise for prospective occupiers of the properties would be the Cuckfield Road. The Councils Environmental Health Officer (EHO) has advised that it is probable that due to high traffic noise levels, any bedroom windows at the front (East) of the proposed development would need to be kept closed in order to avoid sleep disturbance and to meet World Health Organisation and BS8233 internal noise standards. The EHO has advised that traffic noise can be addressed by a suitable soundproofing condition. There are no reasons to dispute the views of the EHO on this matter and a suitably worded condition is proposed to require the details of a soundproofing scheme to be submitted to and approved by the LPA.

## **Air quality**

In relation to air pollution policy DP29 in the District Plan states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Paragraph 181 of the NPPF states:

*'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic*

*approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

The PPG states:

*'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'*

The Councils EHO has stated:

*'Regarding air quality, more specifically the pollution generated by traffic from the development, there is no official guidance on the assessment of air quality impacts, but there is local guidance produced by Sussex Air, and the Institute of Air Quality Management (IAQM) have produced guidance which is widely accepted and used for assessing the significance of air quality impacts.'*

*Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.'*

The Site Allocations Development Plan Document, which is currently undergoing consultation, contains a proposal to replace policy DP29 in the DP, with a new policy relating to air quality. As this proposal is currently being consulted upon, it can be afforded no weight at present. This planning application must be determined in line with the current policy in the development plan relating to air quality, policy DP29.

In this case there is no evidence that the proposal would result in unacceptable levels of air pollution, or that there is an existing issue with poor air quality in the area. In light of the above it is not felt that there would be a policy justification for a separate planning condition concerning air quality matters in this case.

### **Energy efficiency**

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The policy refers to a number of measures that should be incorporated where appropriate into new development. The application is accompanied by a Sustainability & Energy Statement. In summary the applicants intend to enhance the fabric insulation standards of the buildings above the minimum required by the Building Regulations. The water efficiency standard of the homes will achieve 110 litres per person per day.

It is considered the applicants have addressed policy DP39 of the District Plan.

## Access and Transport

Policy DP21 in the District Plan states:

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

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

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

In assessing the transport matters associated with this development it is important to note the extant permission that exists for 36 dwellings on the site. This provides a baseline for development that already has planning permission.

The Highway Authority has advised that they have no objections to the proposed access point into the site. They consider that this will provide a safe and satisfactory access into the site. The Highway Authority are also satisfied with the internal layout of the site, which provides satisfactory turning for vehicles.

In relation to the impact of the proposal on the capacity of the road network, the Highway Authority have stated that this will not be severe, which is the test in both policy DP21 and the NPPF. This is logical since the proposed scheme only results in an additional four dwelling units compared to the scheme that has been granted planning permission on appeal by the Planning Inspector.

The scheme would provide a total of 61 car parking spaces. Of which 13 would be visitor spaces. Geographically the site lies just outside the Dunstall ward in Burgess Hill. Using the County Councils car parking demand calculator for the Dunstall Ward, the level of car parking provision would accord with this calculator. The site lies within the Cuckfield Ward for the purposes of the County Councils car parking calculator, which is a predominantly rural ward. Using the Cuckfield ward, the level of car parking provision would be below what the calculator sets out. In this case, given the very close proximity of the site to Burgess Hill, it is considered that notwithstanding the fact that the site is within Cuckfield, it is more realistic to use the Dunstall Ward as the basis for assessing the car parking requirements.

The Highway Authority has no objection to the level of car parking provision and it is considered that what is provided will be sufficient to serve the development.

The blocks of flats would feature cycle stores and the houses would have cycle stores in their rear gardens. The details of the internal arrangements for the cycle stores for the flats can be controlled by a condition.

Overall it is considered that the site is in a sustainable location and that access and parking arrangements are satisfactory and policy DP21 of the DP is met.

### **Neighbour amenity**

Policy DP26 seeks to ensure 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 and sunlight, and noise, air and light pollution.

Bridge Hall Cottage is located some 13m to the north of the site. This is a detached dwelling house that has first floor windows facing towards the site. The block of flats on plots 1-14 (known as block A), would be inset 2m from the mutual boundary. The ground and first floor end elevation of Block A would not have any clear glazed windows facing towards Bridge Hall Cottage. The second floor element of Block A would be inset 19m from the northern boundary and there would be a lounge/kitchen window in the north elevation facing towards Bridge Hall Cottage.

It is not considered that the two storey element of Block A would be overly dominant or overbearing. The third floor is inset sufficiently from the mutual boundary to mean that there will not be a loss of amenity from either the built form of the building or the kitchen/lounge window.

Firlands and Firlands Court are detached properties on the opposite of the road to the east of the application site. Block A would be some 50m away from Firlands and 46m away from Firlands Court. The submitted plans state that the existing boundary screening would be retained along the Cuckfield Road frontage. Nonetheless, the upper storey of the proposed flats is likely to be visible from these properties opposite the site. It is considered that the separation distances will mean that they will not be over bearing or overly dominant and there will be no unacceptable overlooking. As such there would be no conflict with this element of policy DP26.

There is a two storey annexe building in the grounds of Firlands Court that is located some 31m away from block A. This was granted a lawful development certificate under reference 14/02559/LDE in 2014 to be used as a separate independent unit of residential accommodation because it was proven that it had been used as a separate dwelling for more than four years. Given the distance between the proposed development and this annexe and the fact that the existing boundary screening would be retained, the proposal would not have a significant adverse impact on this dwelling.

## **Housing Mix and Affordable Housing**

Policy DP30 in the District Plan seeks to ensure that housing development provides a mix of dwelling types and sizes that reflect current and future housing needs. Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix.

The scheme provides a mixture of 1 bed (12.5% of the total), 2 bed (67.5% of the total) and 3 bed units (20% of the total). The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination provided the background information in relation to the future housing needs of the District. The HEDNA states on page 75:

*'Table 31 indicates that over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant*



*proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'*

It is considered that this is a good mix and reflects the need in the District for smaller units of accommodation.

It is considered that the overall mix of dwellings provided is satisfactory and complies with policy DP30 in the District Plan.

The affordable dwellings would be located in block B and would comprise 3 x 1 bed flats and 9 x 2 bed flats. The Council's affordable housing SPD states that affordable housing should be fully integrated into the scheme in clusters of no more than 10 dwellings, unless in high density flatted schemes where clusters of more than 10 units may be allowed.

The percentage of affordable housing complies with policy DP31 and the size of the units would meet the spaces standards set out in the affordable housing SPD. Given the fact that this is a higher density scheme, it is considered that the provision of 12 affordable flats in one block is acceptable in accordance with the SPD. The block of flats will be of the same design standard as the market flats so the scheme will appear tenure blind as it will not be readily apparent which units are the affordable and which are the market.

It is therefore considered that the scheme complies with policies DP30 and DP31 of the DP.

### **Impact on heritage assets**

As the application affects a listed building, on the opposite side of the road to the east, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The NPPF sets out the government's policies for sustainable development. Paragraph 193 of the NPPF states:

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

Paragraph 196 of the NPPF states:

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

The Councils Conservation Officer has assessed the application and her comments are summarised at the start of the committee report. It was accepted on the previous application that the proposal would result in some harm to the setting of the listed building opposite the site as the character of the area would change from the single house occupying the site being replaced with a high density residential development.

It is a material planning consideration that there is an extant planning permission for 36 dwellings on the site. In allowing the appeal for the previous scheme the Inspector stated that *'the public benefits outweigh the less than substantial harm to the setting of Firlands as a Grade II listed building.'*

It is considered that it remains the case that the proposal would result in some harm to the setting of Firlands. It is your officer's view that this would be classified as 'less than substantial' using the terminology of the NPPF. It is therefore necessary to carry out a balancing exercise to weigh the harm caused to the setting of the listed building against the public benefits associated with the proposal.

In this case there would be a number of clear public benefits from the proposal. Firstly, the proposal would make efficient use of the site and provide 40 dwellings, of which 12 would be affordable. Secondly the scheme would result in a greater spend in the economy as a result of the additional population. Thirdly there would be short term economic benefits arising from the construction of the dwellings. Taken together it is your officers view that these public benefits clearly outweigh the less than substantial harm to the setting of Firlands.

Taking all of the above points into account, it is officers view that the less than substantial harm to the setting of Firlands (which has been afforded significant weight to reflect the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990), and therefore by definition, the conflict with policy DP34 of the DP, is outweighed by the public benefits of the proposal.

### **Impact on trees**

Policy DP37 in the District Plan seeks to prevent the loss of trees which are important to the landscape and ensure that sufficient consideration has been given to the spaces around buildings. This policy applies to trees irrespective of whether they do or do not have a Tree Preservation Order (TPO). None of the trees within the site are subject to a TPO.

The proposal will result in the removal of a significant number of trees within the centre of the site. These are mainly Apple trees but also include Silver Birch, Hawthorn, Silver Birch and Purple Leaved Plum. It is not considered that the loss of these trees would conflict with policy DP37 of the DP since these trees do not

contribute significantly to the character of the area since they are within the site and are not widely visible from public vantage points.

On the southern boundary of the site, a variety of trees would be removed, including a Cherry, Sweet Chestnuts, Beech, Yew, Holly, Cherry Laurel and Common Ash. An Oak would be retained. There is a wooded area to the south of the site, which means that the trees to be lost on the southern boundary are again not widely visible from public vantage points. Against it is not felt that their loss would conflict with policy DP37 of the DP.

On the eastern boundary of the site, north of the access, the plans show the existing Beech Hedge and trees within it being retained. To the south of the access the plans show the majority of trees on this boundary being retained. On the western side of the site the boundary trees would be retained, including four Oaks.

The Council's Tree Officer has not objected to the scheme but has expressed some concerns about possible future pressure on trees that are to be retained, in particular those trees with parking spaces underneath their canopies. It is considered that there is a balance to be struck between making efficient use of the site (bearing in mind planning permission exists for 36 dwellings) and seeking to retain the important trees within the site. Overall it is felt the scheme is a reasonable compromise in terms of the impact on trees. Whilst a significant number of trees would be lost within the centre of the site, these have very limited public visibility and none are preserved. The more significant trees on the boundary of the site have been retained. It is therefore felt there are no grounds to resist the application based on trees.

## **Ecology**

Policy DP38 in the DP states:

*'Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation*

*Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

*Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'*

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 of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF 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<sup>6</sup> 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 current application is accompanied by an Ecological Impact Assessment. This states that the majority of the habitats within the Application Site are assessed to be of negligible or site value and thus, their loss does not require mitigation or compensation.

The original application for 36 dwellings on the site was accompanied by a preliminary ecological appraisal which found that Bridge Hall contained a bat roost for a common pipistrelle bat. The Ecological Impact Assessment accompanying the current application confirms that Bridge Hall still has a bat roost within the property. The proposal, through the demolition of the existing building and because it has a known roost would require a licence from Natural England. The European Protected Species licence will include the roosting bat mitigation and compensation measures detailed within this report, such as, the soft stripping under the supervision of a level 2 bat licenced ecologist, the installation of two Schwegler 3FN Bat Boxes on retained trees on-site and four Bat Access Tiles to be installed on the roof of proposed residential properties. Further artificial roosting bat habitat in the form of two Habitat Bat Boxes, are to be installed within the Application Site to compensate for the loss of suitable tree roosting features.

The Councils Ecological Consultant has advised that he has no objection to the proposal and notes that specific bat measures will be subject to Natural England's licensing procedures. It is therefore considered that there are no reasons to resist the application based on the loss of the bat roost within Bridge Hall.

The applicants Ecological Impact Assessment also notes that an inspection of Tree 79 and Tree 80 recorded no evidence in T80 of bats but T79 showed evidence that bats could have been present in the past. The report notes that T80 requires a pre-works check, by a licenced Ecologist prior to felling and that T79 will need to be re-surveyed and that if bats are found, a licence will be obtained from Natural England prior to any felling work. The Councils Ecological Consultant has no objection to this proposal.

The applicants Ecological Impact Assessment notes that the site is assessed to be of negligible value for great crested newts. A 2018 survey did not record any evidence of badger within the application site and no well-worn mammal trails were recorded. There are no reasons to disagree with the applicants report on these matters.

The application is also accompanied by a Landscape & Ecological Management Plan (LEMP) that was produced in relation to condition 8 of the appeal decision for 36 dwellings on the site, which require an Ecological Assessment Report (prepared in accordance with Chartered Institute of Ecology and Environmental Management guidelines and including the appropriate mitigation measures), a Construction Environmental Management Plan and Landscape and Ecological Management Plan to be submitted.

This plan sets out how it was intended that the landscaped areas of the site could be maintained and also how new roosting features for bats would be installed. As this report was prepared in relation to the outline planning permission, it will be necessary for a planning condition to be imposed to require an updated report that relates specifically to this planning application. The Councils Ecological Consultant has advised that the principles contained in the submitted LEMP are acceptable.

Overall it is not considered that there are any ecological grounds to resist this application. The Councils Ecological Consultant does not object to the proposal. It will be necessary to impose a condition relating to a LEMP being provided and a Construction Environmental Management Plan. With these conditions in place the application would comply with policy DP38 of the DP and the requirements of the NPPF.

## **Drainage**

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states:

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

The application is accompanied by a Flood Risk Assessment (FRA) and drainage strategy that is available on file for inspection. The entire site is located within Flood Zone 1: land having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any given year.

## Surface water

It is proposed that surface water runoff will drain to cellular storage tanks located within the open space to the south of the site. Flows will be discharged from the tanks to the river to the south of the site. The proposed on site surface water drainage system is to be designed to accommodate flows from the 1 in 30 year storm event, and all surface water attenuation systems will be designed to accommodate the 1 in 100 year plus 40% climate change storm event.

The Council's Drainage Engineer has no objection to the principle of this method of draining surface water from the site. The details of this can be controlled by a planning condition, thereby complying with policy DP41 of the DP.

### Foul drainage

The proposed system will drain foul flows by gravity to a pumping station located to the south of the site. A rising main will convey flows to the south east and connect to an existing Southern Water Services Ltd pumping station, subject to approval. The applicant's proposal would require the applicants to cross the main river to connect to the existing public foul water system. This proposal could require the Environment Agency and Highway Authority to agree to pipework being installed on the road bridge over the main river. There is no guarantee that consent would be forthcoming for this.

Government guidance on the use of planning conditions is contained in the PPG. It advises that planning conditions can be imposed prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken. The PPG states that:

*'Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.'*

In this case your officer is not able to say that there are no prospects at all of the applicants receiving the agreement of the Environment Agency and Highway Authority to their proposals. As such it would be appropriate for a negatively worded condition to be imposed to control the means of foul drainage of the site. With such a condition in place policy DP41 of the DP would be met.

### **Infrastructure provision**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

*'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning*

*obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

and:

*'56 Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses are available in the appendices.

#### West Sussex County Council Contributions:

Requires the following infrastructure contributions:

- Library provision: £12,162
- Early years contribution £43,000
- Education Primary: £212,000
- Education Secondary: £243,300
- Special Educational needs: £18,000
- Total Access Demand: £91,656

#### District Council Infrastructure Requirements

- Childrens play space: £56,295 towards Stonefield Way Play Area
- Formal Sport: £37,409 toward facilities at the Centre for Community Sport site in Burgess Hill
- Community buildings: £21,455 to make improvements to the Sheddingdean Community Centre
- Local community infrastructure: £25,067

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.



## **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**

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site. In relation to planning policy, the principle of developing the site would accord with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make best use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage.

The scheme would deliver 40 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. A planning condition can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect

the statutory presumption contained within the that the presentation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 40 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The Councils Ecological Consultant and Tree Officer do not object to the scheme. The boundary screening around the site will be retained to soften the impact of the development on the character of the area.

To summarise, it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above it is recommended that planning permission is granted for this proposal.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### **Pre commencement**

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

Reason: To allow the LPA 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 Policy DP21 of the Mid Sussex District Plan 2014 - 2031

3. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031

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

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

5. No development shall be carried out unless and until details of the materials for the access roads, parking areas and footpaths have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

6. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by fencing to be approved by the Local Planning Authority, erected around each tree or group of vegetation at a radius from the bole or boles of 5m of such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

7. No development shall take place unless and until the principle of the proposed means of foul water drainage has been submitted to and approved in writing by the Local Planning Authority, following consultation with Environment Agency and West Sussex Highways. Details should include the means of crossing the Main River to allow connection to the existing public foul water sewer system.

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

8. The development hereby permitted shall not commence unless and until details of the proposed 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 surface water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
- a) 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.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 180 of the National Planning Policy Framework.

## **Pre occupation**

10. Prior to the occupation of plot 27, details shall be submitted to the Local Planning Authority for their written approval of the garage doors for all of the car parking spaces underneath this building. The approved details shall be implemented before unit 27 is occupied.

Reason: To ensure that the building is of an appropriate design that is resistant to crime and to comply with policy DP26 of the District Plan 2014 - 2031.

11. No dwellings shall be occupied until details of the foul drainage of the site have been submitted to and approved in writing by the Local planning Authority. No dwelling shall be occupied until all the approved foul water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

12. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled GENERAL ARRANGEMENT and numbered 18-307/001 Rev C.

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

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

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

14. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

15. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

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

16. The development shall not be occupied until visibility splays of 2.4 metres by 90 metres have been provided at the centre of the proposed site vehicular access onto Cuckfield Road in accordance with plans and details submitted to and approved in writing by the local planning authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

17. No dwellings shall be occupied until a detailed scheme for protecting the residential units from noise generated by traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall be in accordance with the Noise Impact Assessment (ref 402.08979.00001) submitted by SLR as part of the application, particularly section 7.0 Noise Impact on the Proposed development. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

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

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

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

19. The dwellings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

### **Construction phase**

20. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than

between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

### **Post construction**

22. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other 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 accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

23. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Tree Survey	BRO22578-03		13.08.2019
Sections	63	P3	31.10.2019
Landscaping	BRO22578 11		04.10.2019
Landscaping	BRO22578-03		13.08.2019
Location Plan	6714 001		02.08.2019
Proposed Site Plan	6714 040	P3	02.10.2019
Planning Layout	18-307/001		02.08.2019
Site Plan	18-307/002		02.08.2019
Site Plan	18-307/003		02.08.2019
Site Plan	18-307/004		02.08.2019
Levels	18-307/006		02.08.2019
Proposed Floor Plans	50	P2	02.10.2019
Proposed Elevations	51	P3	02.10.2019
Proposed Floor Plans	52	P3	31.10.2019
Proposed Elevations	53	P4	31.10.2019
Proposed Floor and Elevations Plan	54	P3	02.10.2019
Proposed Floor and Elevations Plan	55	P4	02.10.2019



Proposed Floor and Elevations Plan	56	P3	02.10.2019
Proposed Floor and Elevations Plan	5714 57	P3	02.10.2019
Street Scene	6714 60	P3	02.10.2019
Street Scene	6714 61	P4	31.10.2019
Street Scene	6714 62	P5	31.10.2019
Landscaping Details	BRO2212811		02.08.2019
Landscaping Details	BRO2212812B		02.08.2019

## APPENDIX B – CONSULTATIONS

### County Planning Officer

#### Section 106 Contributions

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

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

The site forms part of the Burgess Hill Northern Arc strategic development as described in Policy DP9 of the Mid Sussex District Plan 2014-2031. The obligations required from this site are therefore in accordance with the contents of Policy DP9.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

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

The calculations have been derived on the basis of an increase in 39 Net dwellings and an additional 55 car parking spaces.

The advice is as follows:

#### 1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that early years provision/primary/secondary/further secondary/special education needs and disabilities (SEND) schools and facilities within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal, which forms part of the wider Burgess Hill Northern Arc development of 3,500 homes. Accordingly, contributions would need to be requested as a proportion of the overall contributions for the wider scheme.

#### 1.2 Financial Contribution

The financial contributions sought by the County Council would be based on the housing allocation at the Burgess Hill Northern Arc providing two new primary schools, the provision of early years and SEND places, and a new secondary campus, as set out in Policy DP9 of

the Mid Sussex District Plan 2014-2031. It is calculated that this application represents 1% of the overall scheme and contributions have been calculated accordingly.

- Early Years Contribution of £43,000 to be used towards the provision of two 50 place nurseries/pre-school facilities, one at each of the two primary schools that will serve the Northern Arc Development.
- Primary Education Contribution of £212,000 to be used towards the provision of two 420 place primary schools to serve the Northern Arc Development.
- Secondary Education Contribution of £243,300 to be used towards the provision of one 1500 place secondary school (to include sixth form provision) that will serve the Northern Arc Development.
- Special Educational Needs Contribution of £18,000 to be used towards the provision of two 16 place Special Support Centres, one at the first new primary to serve the Northern Arc Development and one at the new secondary school to serve the Northern Arc Development.

## 2. Library Infrastructure Contribution

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

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

### 2.2 Financial Contribution

The financial contribution sought by the County Council would be based on:

- the estimated additional population that would be generated by the proposed development;
- the County Council's adopted floorspace standard for library provision; and
- the estimated costs of providing additional library floorspace.

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

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

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sq.m] and £5,384 per sqm respectively).

Based on the above formula, the libraries contribution generated by this site will be £12,162. The contributions generated by this proposal shall be spent on expansion of facilities at Burgess Hill Library.

### 3. Fire & Rescue Service Infrastructure

#### 3.1 Fire Stations

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Northern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development.

#### 3.2 Financial Contribution (excluding provision of fire hydrants)

The financial contribution sought by the County Council would be based on:

- the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the fire service provision area;
- the County Council's adopted standards of fire service cover provision; and
- the estimated costs of providing additional fire stations.

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

$Y \times Z = \text{Fire and Rescue Infrastructure Contribution}$  where:

Note: / = divided by, x = multiplied by.

Y = The estimated adjusted increase in population generated by the development using the following figures as a guideline:

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

Z = the estimated costs of providing additional Fire and Rescue Infrastructure per head in the Northern Service Division of West Sussex at the time of payment (which, for information, for 2012/2013 was £50).

3.3 Based on the above formula, the fire and rescue service contribution generated by this site will be £3,750. Fire and Rescue Service Contribution to be used towards the re-development of Burgess Hill Fire Station.

#### 4. Transport (TAD) Contribution

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

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

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

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

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

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

F = Standard multiplier of £1407

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

Based on the above formula, the TAD contribution generated by the reserved matters parcel of this site will be £91,656. The contribution is to be used towards the A2300 Improvement Scheme.

#### General points:

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

As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.

The deed would provide for payment of the financial contribution upon commencement of the development.

In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2020. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

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

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

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

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

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

## **Highway Authority**

### **Background**

WSCC in its role of Local Highway Authority (LHA) provided comments to the Local Planning Authority (LPA) in September 2017 on the proposals for an application for 30 dwellings at the above site. The LHA did not raise an objection to the proposals based on the information provided by the applicant within their supporting information. This included a Stage 1 Road Safety Audit (RSA), Trip Rate Information Computer System (TRICS) data and other supporting information within the Transport Statement (TS). The latest proposals are outlined above and in principle result in the same areas of information provided in support of these latest proposals.

### **Comments and Conclusion**

The proposals will result in a new access onto the B2036 (Cuckfield Road) as previously. The visibility splays of 90 metres as previously agreed and would still be sought. Since the previous application Highways England (HE) have recently launched a new Road Safety Audit Standard (RSA) (GG 119), which has now superseded HD 19/15. In our response from the 2nd September 2019 the LHA advised that the applicant's 2017 RSA was not compliant with the latest government guidance. GG 119 replaces the previous Road Safety Audit Standard DMRB HD 19/15.

The applicant has now subsequently revised the RSA and the Designer has addressed the points raised by the Audit, these have either been satisfactory addressed or can be addressed at the Technical (Stage 2) aspect of the application. The LHA are therefore satisfied with the RSA and the areas covered.

The proposals will result in a small increase in traffic movements over the previous 2017 application. However the increase is not likely to result in a 'severe' residual impact in line with paragraph 109 of the National Planning Policy Framework (NPPF).

Aspects on sustainability and accessibility have been considered previously in 2017 and in principle no changes would be made to the comments. The sites internal layout has been changed but the applicant has provided some additional plans demonstrating that turning can be achieved within the site.

Therefore in principle with the revised RSA now submitted and mindful of the history of the site the LHA would not have any concerns with the latest application subject to the following conditions:

*Access (Access to be provided prior to first occupation)*

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled GENERAL ARRANGEMENT and numbered 18-307/001 Rev C.

Reason: In the interests of road safety.

*Construction Management Plan*

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

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

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

**West Sussex County Council Lead Local Flood Authority**

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding although high risk exists along the southern boundary of the site.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments: The area of the proposed development is shown to be at Low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows the River Adur running just south of the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

**Future development - Sustainable Drainage Systems (SuDS)**

The Drainage Statement included with this application states that below ground attenuation would be used to control the surface water runoff from the site.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, rain gardens, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

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

The EA should also be consulted as the outfall for the surface water system is into a main river.

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

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

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

### **Sussex Police**

Thank you for your correspondence of 19th August 2019, advising me of a planning application for the demolition of existing dwelling and erection of 40 new dwellings with new access created onto Cuckfield Road, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. I direct the applicant to SBD Homes 2019 at [www.securedbydesign.com](http://www.securedbydesign.com) for further security information.

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

The development consists of 40 dwellings: 8 x 3 bed houses, 4x flats adjacent block A, Block A = 10 dwellings, Block B = 12 dwellings, & Block C = 5 dwellings & 1 x flat over garage. The design and layout has created outward facing dwellings that provides good active frontage



with the street but has also created a permeable hollow centre which makes the rear of the properties and vehicles parked within vulnerable. The design also incorporates a few vulnerable rear garden pathways. Parking is provided with on-curtilage, car barns, overlooked bays, a central parking court and a number of visitor on street parking bays.

Access control and door entry requirements for the communal units can be found within SBD Homes 2019. With respects to the mail delivery for the communal blocks, I recommend that the postal arrangements for the flats are through the wall or externally mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. There are only a small amount of dwellings in Block A and the Flat Over Carport (FOC), that meet this criteria.

I have concerns over the FOC given that the parking beneath is open to the elements. This design can encourage loitering and the dumping of rubbish within them to the detriment of the residents above. There is also the potential of arson attack within the carports which puts the residents of the FOC at risk. I recommend that these carports are changed to secure garages. Should these remain as carports, low energy vandal resistant PIR lighting is be installed within them.

Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance such rear garden pathways and gardens overlooking rear parking courts as in this development. Trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

The network of paths that lead behind block A, between plots 33, 34 & 35, adjacent to block C as well as the vehicle access, all provide easy legitimate access into the core parking area. Additionally this also provides easy access to the rear of a large number dwellings. Gating and strong demarcation measures (railings, fencing & defensible planting) will need to be implemented across the development to ensure its security. Any gates to rear garden pathways must be placed at the entrance to the footpaths, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.

You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

## **Ecological Consultant**

### Recommendation

I have reviewed the most recent ecological impact assessment by ACD Environmental, dated 07/08/2019 and am satisfied that there are no fundamental changes in terms of biodiversity impacts. An additional bat roost has been identified but the conservation significant is relatively low and I would expect a licence to be granted by Natural England.

The submitted LEMP covers measures to be taken during construction as well as post construction management and I am content, therefore, that this, along with the ecological impact assessment, satisfies the requirements of condition 8 of the appeal decision. I note that the document lists MSDC and WSCC (highways) amongst the bodies responsible for delivery and specifically MSDC as being responsible for review and monitoring at the 5 year point and annually thereafter. I understand that none of the land is to be adopted by WSCC or MSDC and assume that MSDC would not want to take on the review and monitoring role, but would expect the appointed management company to continue to be responsible for long term management, simply reporting to MSDC at the 5 year point and perhaps each subsequent 5 year point to confirm that the plan is being implemented and kept up to date. Subject to this issue being resolved to the satisfaction of MSDC, I am satisfied that the application is compatible with biodiversity policies, subject to a condition requiring the recommended actions in the LEMP to be implemented in full.

## **MSDC Drainage Officer**

TBR

## **Community Facilities Project Officer**

Thank you for the opportunity to comment on the plans for the development of 40 residential dwellings at Bridge Hall, Cuckfield Road, Burgess Hill RH15 8RE on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

### **CHILDRENS PLAYING SPACE**

Stonefield Way Play Area, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £56,295 is required to make improvements to play equipment (£30,595) and kickabout provision (£25,700). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD.

### **FORMAL SPORT**

In the case of this development, a financial contribution of £37,409 is required toward facilities at the Centre for Community Sport site in Burgess Hill.

### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £21,455 is required to make improvements to the Sheddingdean Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in

the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **Urban Designer**

TBR

### **Conservation Officer – Emily Wade**

Please refer also to my comments on the previous reserve matters application DM/19/0164. I continue to consider that the proposal will cause less than substantial harm to the setting of Firlands and that the submitted site layout and landscaping scheme does not offer sufficient depth of screening to the Cuckfield Road boundary of the site, in contrast with what the appeal Inspector apparently anticipated. Given also the three storey height of some of the buildings facing onto this side of the site, the scheme as shown is likely to be relatively prominent in views from Cuckfield Road, which would be contrary to the Inspector's expectations for the detailed development of the scheme.

I consider that the proposal causes less than substantial harm to the setting of Firlands, contrary to the requirements of District Plan Policy DP34 and so that paragraph 196 of the NPPF would apply.

#### Previous comments on DM/19/0164

I remain of the opinion that the development will cause less than substantial harm to the setting of the nearby listed building at Firlands, however I note that the public benefit arising from the scheme has previously been considered to outweigh this harm, and that this conclusion is supported by the Inspector's findings in relation to application DM/15/4667.

However I also note that although not directly considering the impact on the setting of the listed house, the Inspector comments:

*'... a significant number of trees would be retained thereby protecting the existing tree belt that screens the site from its surroundings... Additional landscaping could also be secured, to which the appellant has agreed and internally and along the boundaries of the site this would further limit any glimpses from Cuckfield Road into the appeal site.'*

Partly based on this assessment that the site would be visible only in glimpsed views from Cuckfield Road, the Inspector concludes that the proposal would not cause harm to the character and appearance of the area. Presumably he includes the setting of Firlands in this assessment, although it is not explicitly stated.

I am concerned in relation to the current detailed site layout and landscaping proposals that the development is placed very close to the boundary of the site onto Cuckfield Road, at the point where it is closest to Firlands, opposite. Furthermore the landscaping plan does not indicate more than a narrow strip of hedgerow planting at this point. This would seem to be at odds with the Inspector's understanding the existing trees and planting along this street edge would be retained and strengthened to prevent all but glimpsed views into the site. The current landscaping plan would appear to allow fairly open views into the northern part of the site at least from Firlands and its immediate setting. This would exacerbate the harm caused by the development to the manner in which the special interest of Firlands as a 19th century villa in a country setting is appreciated, and would appear to conflict with the Inspector's expectations of the way in which the scheme would be detailed.

Therefore whilst the principle of the development has been accepted I would suggest that the detailed site layout and landscaping plan requires reconsideration in terms of the boundary onto Cuckfield Road and the degree to which the development is screened in views from this direction. I note that the applicant's Planning Statement makes no reference to Policy DP34 which considers Listed Buildings and their settings, or how this has been addressed in the current scheme. A passing reference to the presence of Firlands as a listed building is made in the Design and Access Statement but again there is no indication that any consideration has been given to reducing the impact of the proposal on this nearby heritage asset. This would be contrary both the requirements of Policy DP34 and the NPPF. The scheme therefore requires amendment.

### **Housing Enabling & Development Officer**

The application is for 40 new dwellings and proposes 12 flats for affordable housing which meets the DP31 obligation of 30%.

The revised site plan, drawing number 6714 040 P3, indicates under the Accommodation Schedule that the affordable flats are located in Block B and consist of 3 x 1 bed flats and 9 x 2 bed flats.

The revised floor plan for Block B (plots 15-26), drawing number 6714 52 P3, shows the 12 flats over three floors with two cores. The 2-bed flats are shown as 2-bed 4-person dwellings and all the flats meet the national space standards required by the AH SPD.

The application is silent on the tenure split of the flats which would need to be 75% rented:25% shared ownership and located in separate cores to meet policy requirements. This would be achieved by delivering plots 15, 19 and 23 (3 x 2 bed flats) for shared ownership.

### **Environmental Protection Officer**

The site is adjacent to the B road, so noise impacts upon future residents must be considered. It is probable that due to high traffic noise levels, any bedroom windows at the front (East) of the proposed development would need to be kept closed in order to avoid sleep disturbance and to meet World Health Organisation and BS8233 internal noise standards.

This in turn would mean that additional ventilation may be required, with adequate air flow to allow thermal comfort.

Accordingly, there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development sleeping all year round in a windows closed environment?
- 2) If acceptable, what type of ventilation would be deemed appropriate for these residents?

In our view the traffic noise issue can be addressed by a suitable soundproofing condition.

Regarding air quality, more specifically the pollution generated by traffic from the development, there is no official guidance on the assessment of air quality impacts, but there is local guidance produced by Sussex Air, and the Institute of Air Quality Management (IAQM) have produced guidance which is widely accepted and used for assessing the significance of air quality impacts.

Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.

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

Conditions:

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- Dust: Demolition/Construction work shall not commence until a scheme of measures for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

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

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

- Air Quality - Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in accordance with the Air quality and emissions mitigation guidance for Sussex (2019) available at <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>

Reason: To preserve the amenity of local residents regarding air quality and emissions.

- Soundproofing (Road Noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall be in accordance with the *Noise Impact Assessment* (ref 402.08979.00001) submitted by SLR as part of the application, particularly section 7.0 *Noise Impact on the Proposed development*. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

- Plant & Machinery (if applicable): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (e.g. extract or intake fans, condenser units etc.) shall be no higher than 42 dBA at the nearest residential facade. All measurements shall be defined and derived in accordance with BS 4142:2014+A1:2019. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents.

## **Contaminated Land Officer**

### **Main Comments:**

The application looks to build 40 dwellings.

Having looked at historical mapping for the site, there is an area of made ground. Mapping indicates this was created in the 1880's. Given the unknowns of the fill, there is the potential for it to contain contaminants.

Additionally roughly 150m to the East of the site there is former sewage treatment works, including landfill. This site was subject to planning permission (ref: 08/01644/OUT), and a site investigation submitted as part of that application found there were elevated levels of methane gas (maximum concentration of 45.5 v/v) and carbon dioxide (maximum concentration of 27.1 % v/v), although with low flow pressure, towards the north and western boundaries of the site.

Given the above it is appropriate in this instance to attach a full contaminated land condition to ensure that the above risks are looked at prior to construction, specifically with regards to gas. This is to ensure the safety of future occupants.

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

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### **Recommendation:**

#### **Approve with conditions**

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
  - a) 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.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

### **Tree Officer**

Comments:

1. A substantial number of trees are to be removed in order to accommodate the proposed development. There appears little space for replacement planting to mitigate this loss.
2. The loss of the yew hedge has been noted and due to the lack of space for any great number of replacement trees it is requested replacement native hedges are incorporated into the landscaping scheme.
3. There is concern over future pressure on the trees that are to be retained, particularly in respect of the boundary trees with parking spaces underneath their canopies.
4. It is noted that the impressive Blue Cedar is to be retained as suggested at the site meeting.

Consequently I do not object to the proposed development on arboricultural grounds, however would request that if approved, a full landscaping plan including replacement hedges is submitted and agreed.

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MID SUSSEX DISTRICT COUNCIL

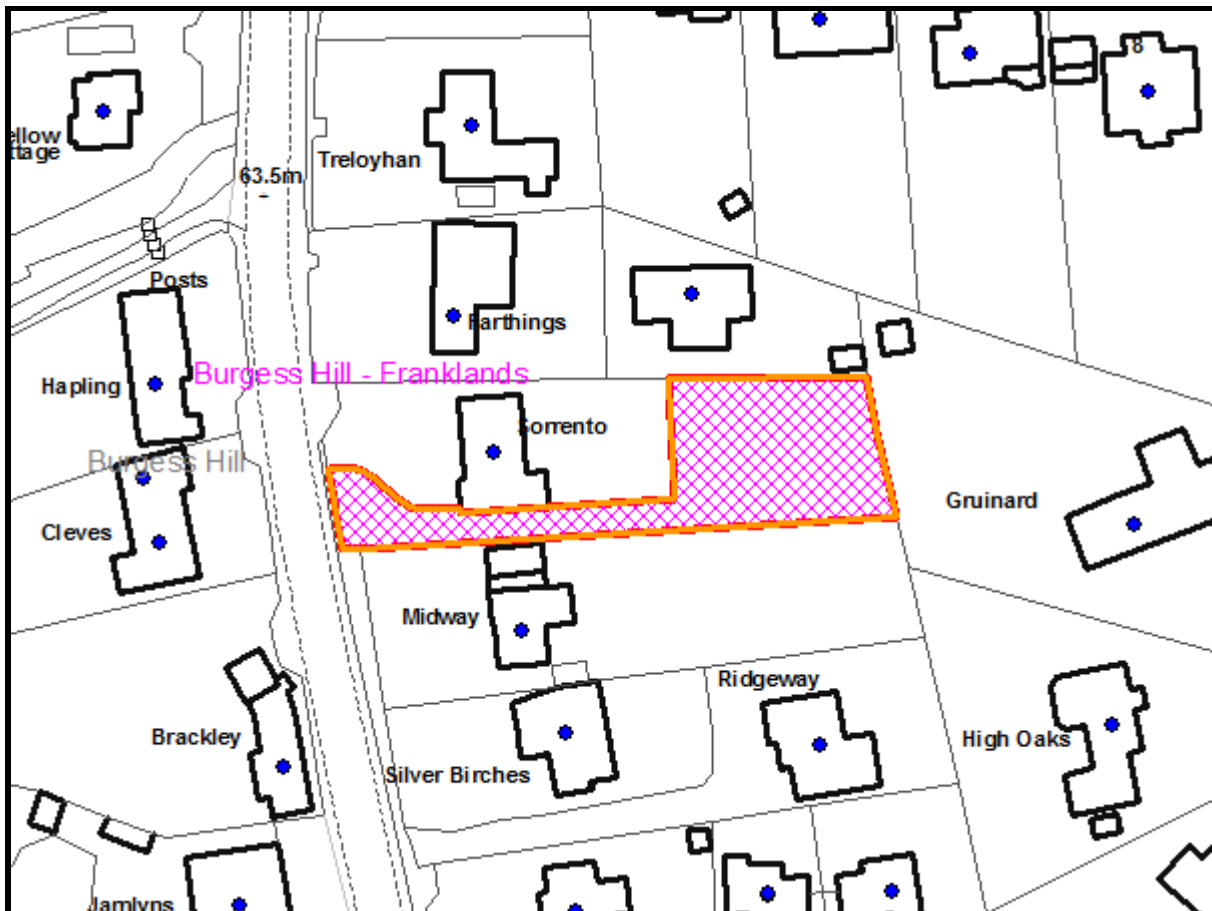
Planning Committee

28 NOV 2019

RECOMMENDED FOR PERMISSION

## Burgess Hill

DM/19/3969



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**SORRENTO KEYMER ROAD BURGESS HILL WEST SUSSEX  
ERECTION OF 2 STOREY, 4 BEDROOM DETACHED DWELLING WITH  
ASSOCIATED CAR PORT AND NEW ACCESS VIA KEYMER ROAD.  
MS CATHERINE CRISP**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 2nd December 2019

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Andrew Watt

## **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**

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application has been called-in for determination at committee by Cllr Henwood (and seconded by Cllr Allen) for the reasons set out in the report below.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Weighing in favour of the scheme is that the development will provide 1 additional residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highway safety, parking, landscaping, drainage and sustainability.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP28, DP29, and DP41 of the Mid Sussex District Plan, Policies S4, H2 and H3 of the Burgess Hill Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be

granted.

## **RECOMMENDATION**

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

## **CONSULTATIONS**

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

### **MSDC Drainage Engineer**

No objection, subject to condition.

### **MSDC Street Naming and Numbering Officer**

Informative requested.

### **WSCC Highways**

No objection, subject to conditions.

## **TOWN COUNCIL OBSERVATIONS**

To be reported.

## **LETTERS OF REPRESENTATIONS**

3 letters of objection: Contrary to Neighbourhood Plan which discourages backyard developments, overbearing, unneighbourly, out of keeping with neighbouring properties, drainage problems, cramped building, narrow access, overcrowded, road accidents in vicinity, inappropriate design, loss of privacy and outlook, noise and disruption, loss of security to rear of neighbouring property, surface water run-off not mitigated.

1 letter of support: Everything that has been asked for has now been achieved, hopefully this will now be approved.

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## **INTRODUCTION**

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application has been called-in for determination at committee by Cllr Henwood (and seconded by Cllr Allen) for the reasons set out below:

*Cllr. Allen and myself want this application DM/19/3969 to go to committee for consideration. It convenes BH Neighborhood Plan H2 and H3; and MSDC DP 26. It is over development, detrimental to any future occupants with little garden, issues with surface water run-off, the entrance track decreases to as little as 3 m wide, access onto Keymer Rd, is hazardous.*

## **RELEVANT PLANNING HISTORY**

In September 2019, a planning application for the erection of a 4-bed detached dwelling and car port and formation of a new access was withdrawn (DM/17/3973), in order to resolve a highway safety objection regarding the location of the access.

## **SITE AND SURROUNDINGS**

The site consists of a detached single-storey dwelling set within a good-sized plot on the eastern side of Keymer Road within the built up area of Burgess Hill. The site and its surroundings are designated as an Area of Townscape Value in the Burgess Hill Neighbourhood Plan.

The character of this side of Keymer Road is defined by good-sized detached houses set back from the highway in well planted and fairly substantial plots. Some have been subdivided with backland developments (notably Farthings immediately north, Silver Birches two properties to the south (Ridgeway), Parkwood and Tryfan to the south of that (1, 2 and 3 Keymer Place), and Charmouth Oaks adjacent to that (Southfields). The houses along this part of Keymer Road are mainly two storeys in height with a variety of designs.

## **APPLICATION DETAILS**

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application is identical to the final negotiated iteration of the previously submitted application, apart from the access being located more centrally within the existing front garden at the junction with Keymer Road. This allows the requisite visibility splays to be provided across the frontage in both directions and across highways land or land owned by the applicant.

The proposed internal access will run along the southern boundary of the site (apart from at the junction with Keymer Road), directly adjoining the host property, terminating in a turning area in front of the car port and dwelling to the rear.

The dwelling will be L-shaped and arranged over 2 storeys, with the upper floor set predominantly within the roofspace. Materials will be brick elevations, dark grey powder coated aluminium windows and doors and slate roof tiles.

## **POLICY CONTEXT**

### **Mid Sussex District Plan (Mar 2018)**

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP4: Housing  
Policy DP6: Settlement Hierarchy  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP21: Transport  
Policy DP26: Character and Design  
Policy DP27: Dwelling Space Standards  
Policy DP28: Accessibility  
Policy DP29: Noise, Air and Light Pollution  
Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Dormer Window and Rooflight Design Guidance (Aug 2018)

### **Burgess Hill Neighbourhood Plan (Jan 2016)**

Mid Sussex District Council formally 'made' the Burgess Hill Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Burgess Hill as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Burgess Hill Neighbourhood Plan area.

Relevant policies include:

Policy S4: Parking Standards for new developments  
Policy H2: Back Garden Development  
Policy H3: Protect Areas of Townscape Value

## **National Policy and Other Documents**

### **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 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; 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 (in part):

*'For **decision-taking** this means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *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:*
  - *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*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

However, paragraph 12 makes clear that:

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

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

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

## **Planning Practice Guidance**

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

**West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)**

## ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and visual impact on the character of the area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- Habitats Regulations;
- Standard of accommodation; and
- 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:*

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

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018) together with the Burgess Hill 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.

Policy DP6 of the Mid Sussex District Plan states (in part):

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

The site falls within the built-up area of Burgess Hill as designated in the Mid Sussex District Plan and Burgess Hill Neighbourhood Plan. The site is considered suitably sustainable in location and therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, Policies H2 and H3 are relevant. Respectively they state:

Policy H2: Back Garden Development

*'Development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.'*

*Where back garden development is proposed; special regard must be paid to:*

- i. The density and height of the proposal;*
- ii. The privacy and outlook from existing dwellings and, in particular, gardens;*
- iii. Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- iv. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- v. Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- vi. The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- vii. The effect and cumulative impact of the development on the loss of garden habitat/biodiversity.'*

Policy H3: Protect Areas of Townscape Value

*'Proposals for development and redevelopment within Areas of Townscape Value will require special attention to be paid to preserving and enhancing the existing character of the area in terms of spaciousness, building heights, building size and site coverage, building lines, boundary treatments, trees and landscaping.'*

*The areas of townscape value are identified on the Proposals Map and are:*

*1. Folders Lane*



2. Keymer Road
3. Gatehouse Lane
4. Malthouse Lane (south side) - area around Grasmere
5. Oakwood Road
6. Janes Lane
7. Leylands Road (from Marle Place to St John's Avenue)

The site is located specifically within a private residential garden, which is classified as "previously developed land" in the NPPF. Paragraph 117 states:

*"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*

Thus there is some inconsistency between this paragraph (which is more permissive) and Neighbourhood Plan Policy H2 (which is relatively restrictive in this regard). It is important to note that this Policy does not prohibit development within rear gardens; rather, care must be taken to ensure that such proposals do not harm the prevailing character of the area or amenity. Policy H3 is similar in its aim.

The planning history of the immediately surrounding area shows new dwellings permitted within the rear gardens of Farthings (adjacent to the north - known as Lansdown), Silver Birches (2 properties to the south - known as Ridgeway), Parkwood and Tryfan (3 to the rear, next along - known as 1-3 Keymer Place), and Charmouth Oaks (next along - known as Southfields). Assessed within this context, it cannot be said that the proposed development would be out of keeping with this backland character.

So in detail, it is considered that the proposed dwelling would be of an appropriate height in relation to surrounding dwellings. It is not considered that the proposal would result in a loss of privacy to neighbouring occupiers, or be overbearing to neighbouring amenity. There would not be an unattractive breach in this street frontage as a result of the proposed access and nor would it cause nuisance to neighbouring properties. The resultant garden area would be in keeping with the scale of the proposed dwelling and the immediate surroundings. The scale of the proposed building would be in keeping with that of other housing on this street. The proposal would retain a garden area so would not result in a loss of garden habitat or biodiversity.

In terms of the proposed design, the development would be consistent with the surrounding area in its spaciousness, building height, size and site coverage, building lines, boundary treatments, trees and landscaping.

Overall, therefore, it is considered that the principle of development is acceptable.

## **Design and visual impact on the character of the area**

Policy DP26 of the Mid Sussex District Plan states (in part):

*'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;*
- *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;*
- *positively addresses sustainability considerations in the layout and the building design.'*

The proposed dwelling will be sited a minimum distance of 1.9m from the boundary with Lansdown and 3.6m from the boundary with Midway to the south. The depth of the garden will range from 7.1m to 15m. The site coverage of this development is consistent with that of Lansdown, Ridgeway and 1-3 Keymer Place, so the layout is deemed to be acceptable on its own merits. The building will be visible from Keymer Road to the west, as the other backland developments are, so again, it would not be harmful to the street scene. The design and scale of the proposed dwelling is deemed appropriate in this area and overall, the application is deemed to comply with the above policy.

## **Impact on neighbouring amenity**

Policy DP26 of the Mid Sussex District Plan states (in part):

*'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 main properties affected by the proposal would be Lansdown to the north, Midway to the south, Gruinard to the east and the host dwelling, Sorrento, to the west.

The proposed development would be sited a minimum distance of 5.9m from Lansdown. The approved layout of this property shows that a pair of double doors are located on the ground floor facing the site, together with a rooflight serving a bedroom above. The entrance door and shower room window on the ground floor are the only other windows facing the site. Both the living area and the principal

bedroom are lit predominantly from the east, thus the fenestration facing south is secondary and therefore the proposed dwelling would not be considered to be overbearing to the amenity of these neighbouring occupants. The proposed dwelling includes two first floor rooflights facing towards Lansdown, but it is not considered that these would result in a loss of privacy to this neighbouring property.

The proposed dwelling would be located some 28m obliquely to Midway (although 3.6m to the rear garden boundary); 26m to the side elevation of Ridgeway and 33m obliquely to Gruinard. It is considered that these distances are acceptable in a built-up area location not to result in a significant loss of privacy or overbearing impact.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

### **Highways matters**

Policy DP21 of the Mid Sussex District Plan states (in part):

*'... 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.'*

Policy S4 of the Neighbourhood Plan states:

*'New housing developments that include the provision of garage space must be of the minimum size for cars - 7.0m x 3.0m (internal dimension) for this to be counted as a parking space. All new housing developments must comply with the new parking standards for Burgess Hill contained in Appendix D. If a garage is proposed then the drive way must be of sufficient length to allow a second car to park clear of the pavement whilst providing space for the garage door to open.'*

*In cases where planning permission is necessary for alterations and extensions to properties, support will not be given for the conversion of garage space to habitable rooms / residential use unless there is adequate space to park cars off street in line with the parking standards.'*

*Design and layout of off-site parking areas, on street parking areas, garage/parking blocks will be designed to allow ease of access from driveways and accessibility to parking areas without causing obstruction.'*

The Highway Authority has raised no objection to the application, in terms of the achievable visibility splays in respect of the access. The car parking provision is deemed acceptable and cycle spaces can be provided in the garage. All these matters can be secured by condition and accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy S4 of the Burgess Hill Neighbourhood Plan.

## **Drainage**

Policy DP41 of the Mid Sussex District Plan states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.'*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

The means of drainage to serve the proposed development could be controlled by condition, as confirmed by the council's Drainage Engineer, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

## **Sustainability**

Policy DP39 of the Mid Sussex District Plan states:

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The building has been oriented east -west such that the north aspect is secondary and levels of natural light are maximised, thus reducing the demand for artificial lighting. A low carbon, multi-vent system and energy efficient fan will complement window openings, to strike a balance between daylight and excessive solar gains. Air tightness in the fabric of the building will be used to help reduce the size of the heating system for the property.

Energy efficient lighting/controls and other energy efficient measures will ensure that the relevant carbon and energy efficient targets are met through more passive measures.

Water usage will be managed by way of a water meter for future occupants and hot and cold water systems will be designed to restrict water usage to 110 litres per person per day. Rainwater harvesting measures include downpipes/filters and permeable surfaces.

These sustainability measures would meet Building Regulations can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

### **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.

## **Standard of accommodation**

Policy DP27 of the Mid Sussex District Plan states:

*'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'*

The proposed dwelling would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

## **Accessibility**

Policy DP28 of the Mid Sussex District Plan states (in part):

*'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'*

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

## **PLANNING BALANCE AND CONCLUSION**

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

National planning policy states that planning should be genuinely plan-led. 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.

Weighing in favour of the scheme is that the development will provide 1 additional residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highway safety, parking, landscaping, drainage and sustainability.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP28, DP29, and DP41 of the Mid Sussex District Plan, Policies S4, H2 and H3 of the Burgess Hill Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### Approved Plans

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

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

### Pre-commencement conditions

3. No development above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building(s) 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 in writing with the Local Planning Authority.

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

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

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

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of highway safety and to accord with Policy DP21 of the Mid Sussex District Plan.

### Construction phase

6. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other

than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

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

#### **Pre-occupation conditions**

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

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

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 42.4 metres have been provided at the proposed site vehicular access onto Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

9. No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

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

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan.

11. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

12. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

#### **Post-occupation monitoring / management conditions**

13. The proposed first-floor window (Bed 1) on the south elevation of the dwelling hereby permitted shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan.

14. 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 dwellinghouse, 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 dwellinghouse) without the specific grant of planning permission from the Local Planning Authority.

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

#### **INFORMATIVES**

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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.
3. 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](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

4. 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.

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

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

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

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

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	FD16-1439-200		24.09.2019
Existing Site Plan	FD16-1439-201		24.09.2019
Existing Sections	FD16-1439-202		24.09.2019
Proposed Site Plan	FD16-1439-300		24.09.2019
Site Plan	FD16-1439-301		24.09.2019
Proposed Floor Plans	FD16-1439-350		24.09.2019
Proposed Elevations	FD16-1439-351		24.09.2019
Proposed Elevations	FD16-1439-352		24.09.2019

Proposed Sections	FD16-1439-360	24.09.2019
Proposed Floor and Elevations Plan	FD16-1439-370	24.09.2019
Drainage Details	2018/D1457/SK201	24.09.2019
Access Plan	2018/D1457/SK202	24.09.2019
Visibility Plans	2018/D1457/SK203	24.09.2019

## **APPENDIX B – CONSULTATIONS**

### **MSDC Drainage Engineer**

#### **SURFACE WATER DRAINAGE PROPOSAL**

It is proposed that the development will positively drain surface water from all impermeable surfaces associated with the development, including driveway, patio and roof.

Tanked permeable paving shall be provided within the parking area, and the access road to store surface water before discharging at 0.2l/s into the public foul sewer.

A letter from Southern Water dated 9th may 2018 confirms capacity of the foul sewer to accommodate this 0.2l/s of surface water.

#### **FOUL WATER DRAINAGE PROPOSAL**

It is proposed that the development will connect to the foul sewer which presently serves the dwelling known as Sorrento. This will result in the existing foul sewer becoming a main public foul sewer.

#### **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 officially reported.

As part of a previous planning application on the site local residents surrounding the site have raised concerns regarding increased ground saturation / waterlogging / external flooding within their gardens. The increased ground saturation has been recorded by the residents during both summer and winter months.

#### **FLOOD RISK AND DRAINAGE TEAM CONSULTATION**

We acknowledge concern has been raised in relation to increased flood risk in the surrounding area following the proposed development, and that appropriate drainage is not achievable on the site.

Surface water drainage is proposed to discharge into the surface water sewer. This would not usually be acceptable is infiltration into the ground, or discharge into a watercourse was possible.

A percolation test submitted as part of the application confirms infiltration on the site is not possible and there are no watercourses available adjacent to the site. Therefore, discharge into the surface water sewer follows the drainage hierarchy and is acceptable in principle.

Foul water drainage is proposed to discharge into the existing foul water sewer network which ultimately connects to the main foul sewer. Capacity and suitability of the existing

private system which serves Sorrento will need to be confirmed. However, the principle of how foul water drainage shall be managed is acceptable.

Concern has been raised in relation to the proposed development increasing flood risk in the surrounding area. The site is presently garden and is therefore not actively drained. At present some water that falls on the site would infiltrate into the ground. However, the poor infiltration rates suggest that during heavy rainfall it is likely overland surface water flows would occur from the site and collect at topographically low points within the area.

Following development surface water which falls on the impermeable areas shall be positively drained and discharged to the surface water sewer. As such, following development flood risk from overland flow could be reduced from the existing uncontrolled situation.

## **SUGGESTED CONDITIONS**

### ***C18D - SINGLE DWELLING***

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The **extension/building** shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

## **MSDC Street Naming and Numbering Officer**

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

### **Informative (Info29)**

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

## **Planning applications requiring SNN informative**

DM/19/3343  
DM/19/3938  
DM/19/3969  
DM/19/4233  
DM/19/4227  
DM/19/4276  
DM/19/4269

## **WSCC Highways**

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

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/17/3973 which was withdrawn. In comments dated 28th June 2019 LHA commented on demonstrated visibility splays of 2.4m by 42.4m which demonstrated part of a car could be observed to the south in the scenario of overtaking along Keymer Road. A small section of the splay passed through third party land and thus it was considered these splays should not be secured via condition. Further comments on 4th July 2019 advised the applicant to demonstrate whether the proportion of hedge outside control of Sorrento fully obscures a car. This should be demonstrated by showing visibility in the horizontal plane and include a written justification for any small obscuring of visibility.

The latest plans show the new access point to be located slightly further north. The previous splays of 2.4m by 42.4m are now achievable entirely within applicant land and publicly maintained highway and thus LHA would advise these secured via suitably worded condition. Visibility in the horizontal plane has also been assessed and the LHA are satisfied that existing hedge to be cut back is within applicant land/ public highway.

As per previous comments it is acknowledged that similar neighbouring accesses have been operating without evidence of highway safety concern and that the proposed single dwelling is not anticipated to give rise to a 'severe' increase in vehicle trips, over what could currently be supported by the existing access. Furthermore, cutting back/ setting back of the hedgerow fronting Sorrento will allow for improved visibility in the trailing direction for the existing access point also.

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.

## **CONDITIONS**

*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.*

*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.*

*No part of the development shall be first occupied until visibility splays of 2.4 metres by 42.4 metres have been provided at the proposed site vehicular access onto Keymer Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.*

*Reason: In the interests of road safety.*

*Pedestrian Visibility (details required)*

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

*Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.*

*Reason: In the interests of road safety.*

## INFORMATIVES

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

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