
29 January 2020

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 6TH FEBRUARY, 2020 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 16 January 2020. | 3 - 6 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |
| Items Recommended for Approval. | | |
| 5. | DM/19/3123 - Bridge Hall, Cuckfield Road, Burgess Hill, West Sussex, RH15 8RE. | 7 - 70 |
| 6. | DM/19/4538 - Land at Long Meadow, Station Road, Sharpthorne, East Grinstead, RH19 4NY. | 71 - 102 |
| 7. | DM/19/3292 - St Francis Sports and Social Club, Colwell Road, Haywards Heath, West Sussex, RH16 4EX. | 103 - 146 |

8. DM/19/5083 - 63 Church Lane, Copthorne, Crawley, West Sussex, RH10 3QQ.

147 - 154

Items Recommended for Refusal.

None.

Other Matters.

None.

9. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

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

Minutes of a meeting of Planning Committee held on Thursday, 16th January, 2020 from 7.00 - 8.24 pm

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

G Allen	R Eggleston	C Phillips
R Cartwright	A MacNaughton	N Walker

Absent: Councillors E Coe-Gunnell White, J Dabell, M Pulfer and D Sweatman.

Also Present: Councillor Webster

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Coe-Gunnell White, Dabell, Pulfer and Sweatman.

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

Councillor Eggleston declared a prejudicial interest in both DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is the Leader of Burgess Hill Town Council (BHTC) as well as being the Chair of the BHTC Arts Quarter Steering Group. He also declared that he runs a live arts programme and is likely to hire the venue if it is completed. He confirmed that he would remove himself from the voting and discussion on the item and instead speak as Ward Member on the application.

Councillor Cartwright declared a predetermined interest DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is a member of Burgess Hill Town Council. He noted that he was not involved personally in the application however upon advice from the Chairman he resolved to remove himself from the discussion and voting on the items.

Councillor Allen declared a predetermined interest DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is a member of Burgess Hill Town Council. He noted that he was not involved personally in the application however upon advice from the Chairman he resolved to remove himself from the discussion and voting on the items.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 19 DECEMBER 2019

The Minutes of the meeting of the Planning Committee held on 19 December 2019 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

5 DM/19/3138 – ROYAL BRITISH LEGION, 30 CYPRUS ROAD, BURGESS HILL, RH15 8DX.

Andy Watt, Senior Planning Officer, introduced the application which sought full planning permission for the demolition of the former Royal British Legion Club building (use class D1) and the erection of an entertainment and community venue (D2 use) in its place. This will comprise a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms, dressing room/support spaces, foyer spaces and associated café/bar. The proposal also includes landscaping works to the north (rear) and south (front) of the new building and to the alleyway to the east (alongside Cyprus Hall). He drew attention to the Agenda Update Sheet which provided an additional representation from the Council's Consultant Ecologist and Southern Water, revision to the text of the application details in relation to the car parking and amended conditions 3, 6 and 18.

The Chairman requested that the Solicitor clarify the legal position relating to the ownership of the car park with respect to the application's removal of five car parking spaces in the public car park.

Jennifer Bale, Solicitor, stated that land ownership issues have no relevance to the decision of the committee and therefore only usual planning considerations can be discussed and taken into account.

Councillor Robert Eggleston, Ward Member, spoke in favour of the application. He drew attention to the extensive public engagement that was carried out to produce a name for what will be a contemporary, modern arts venue. He noted that the loss of the Martlets Hall created a void of a community facility to which the proposed venue is looking to fill. He added that the design of the building will create an attraction to draw people to the town and that the building is acoustically secure to ensure that the neighbouring properties are not affected by its activities.

Members commended the design of the building.

A Member raised concerns that a waste collection freighter would use the public car park instead of the side access road to collect the waste as he believes that a large freighter would not be able to travel down the road due to its small size.

The Chairman confirmed that when the Council leased the land it was widened to ensure that a waste collection freighter would be able to travel down it.

The Member also raised concerns over the alleyway stairs as it prevents wheelchair users and those who are mobility impaired and suggested that the alleyway be a gentle slope rather than stairs. He also enquired whether an exception can be made to extend the closing time of the venue on New Year's Eve as he noted that the specified hours of use is 9:00 to 23:00 and on only 6 calendar days of the year until 00:00.

The Senior Planning Officer confirmed that a sloped alleyway was considered during the design stage however the designers took a view that it was not practical to push a wheelchair up the steep slope. He noted that wheelchair and those who have

mobility impairments can access the venue via the rear entrance and take the lift to their desired floor. With regard to hours of use, he confirmed that those hours are there to provide flexibility. The Senior Planning Officer also advised that the opening hours would also be subject to separate licencing legislation when the building is opened.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor MacNaughton and seconded by Councillor Philips, which was agreed unanimously.

RESOLVED

That the application be approved subject to the conditions set out in Appendix A and the revised conditions set out in the Agenda Update Sheet.

6 DM/19/3148 – ROYAL BRITISH LEGION, 30 CYPRUS ROAD, BURGESS HILL, RH15 8DX

Andy Watt, Senior Planning Officer, introduced the application which sought advertisement consent for various signage on a new entertainment and community venue building.

A Member enquired whether it is the intention to keep the alleyway illuminated when the building is not in use.

The Senior Planning Officer confirmed that whilst the remainder of the building's lighting will be turned off when the building is closed, the alleyway lighting will remain on.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor Walker and seconded by Councillor MacNaughton, which was agreed unanimously.

RESOLVED

That the application be approved subject to the conditions set out in Appendix A.

7 DM/19/3357 – HIGH TREES, 41 HICKMANS LANE LINDFIELD, RH16 2BZ

Steve King, Planning Applications Team Leader, introduced the report which sought retrospective planning permission for a replacement dwelling at 41 Hickmans Lane, Lindfield. He drew Member's attention to the Agenda Update Sheet which detailed an additional letter of objection, revision to the application details, a minor amendment to the details of a consultation and an additional condition. The Planning Applications Team Leader highlighted the minimal differences between the scheme before Members and what would have been constructed on site if the previous consent had been implemented.

Ben Dempster, local resident, spoke against the application.

Martin Kenward, local resident, spoke against the application.

Jeff Borrows, applicant, spoke in favour of the application.

Graham Middle, local resident, spoke in favour of the application.

The Chairman requested that the Officer clarify the comments made by the public speakers in relation to the retrospective change to the garden facing window for it to become a door and in relation to planning enforcement's involvement in the application.

In response to the Chairman's query the Planning Applications Team Leader showed the difference between the approved plan on the previous consent which showed a ground floor window on the side elevation facing the neighbour to the north and the scheme now before Members which showed a door on the ground floor side elevation facing the neighbour to the north. The Planning Applications Team Leader advised that he did not consider that this change caused any harm. He added that the Council does not condone work being carried out without the required planning permission being in place however legislation does allow for retrospective applications to be made and retrospective applications had to be considered on their own merits. The fact that an application was retrospective was not a reason to refuse it.

The Planning Applications Team Leader explained the timeline for events on the site. The Council's records showed that a complaint was received on 8 August 2019 that the house that was on the site had been completely demolished. No site visit was required at this point in time as the house had been demolished. A site visit on 27 August 2019 established that works were taking place to erect a replacement dwelling. The retrospective application was validated on 9 September 2019.

The Chairman also noted that a condition ensures that the Juliet balcony is actually constructed.

A Member noted that the application is similar to the one previously approved and felt it would be irrational to reject the application.

A Member stated that he could not see any demonstrable harm and that changing the ground floor garden window to a door would not cause any harm. He believed that there were no substantial planning reasons to refuse the application.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor Coote and seconded by Councillor Walker, which was agreed unanimously.

RESOLVED

That permission be granted subject to the conditions outlined at Appendix A and the additional condition set out in the Agenda Update Sheet.

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

None.

The meeting finished at 8.24 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

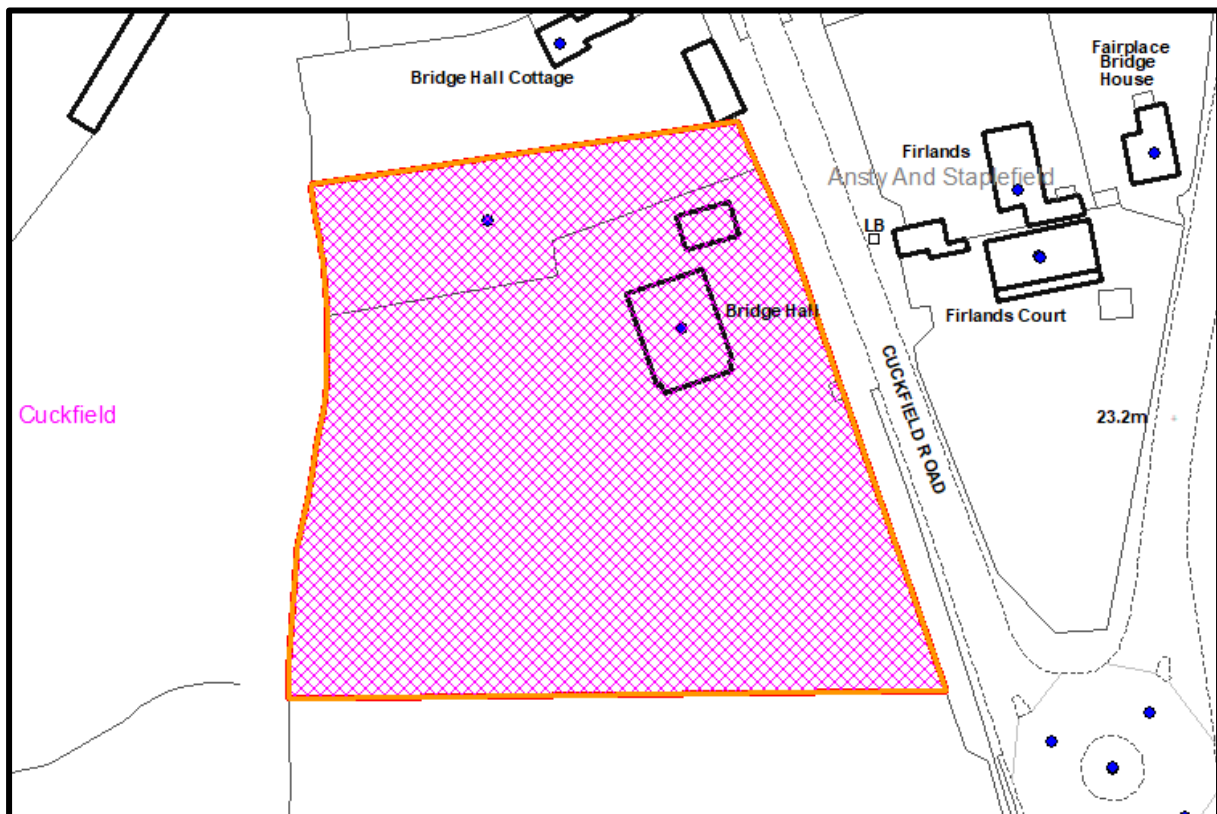
Planning Committee

6 FEB 2020

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: 7th February 2020

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.

This application was reported to the planning committee on 28th November 2019 where Members resolved to approve the application subject to the completion of a satisfactory section 106 legal agreement to secure the required affordable housing and infrastructure contributions. The planning permission has not been issued because the section 106 legal agreement had not been completed. An issue was raised by the applicants after the planning committee meeting in November 2019 regarding the infrastructure requirements of the County Council. The application is being reported back to committee as there has been a change in relation to the infrastructure contributions that are being sought by the County Council. Having reassessed the application and having regard to the outline consent that exists on the site, the County Council have reduced the infrastructure monies that they are seeking. All other aspects of the planning application remain the same as was presented to Members on 28th November 2019.

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

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

The principle of the proposed surface water drainage method is acceptable, although further details and confirmations will be required as part of a drainage condition. The principle of the proposed foul water drainage is acceptable, although further details and confirmations will be required as part of the drainage conditions.

Community Facilities Project Officer

Requires infrastructure contributions

Urban Designer

The layout works well with the proposed buildings fronting the attractive tree-lined boundaries on the east and west side as well as the green corridor/escarpment to the south. It is nevertheless unfortunate the open space to the south, which featured in the outline consent, has been omitted as a large proportion of the dwellings are flats although most of them at least benefit from balconies or patio spaces. The further revised drawings have sufficiently addressed my concerns over the design of the blocks of flats. In particular, the three storey part of block A now feature a set-back zinc clad top/second floor; this generates a greater level of articulation providing the necessary visual interest in this prominent façade at the site entrance. Overall the street elevations in particular can now be commended for their contemporary approach that benefits from architectural integrity and order. For this reason I withdraw my objection to the planning application. I would nevertheless recommend conditions requiring the approval drawings / material in respect of the following:

- Hard and soft landscaping including boundary treatment and pergola design.
- Facing materials
- A 1:20 scale section and elevation (vignette) of block A's three storey façade

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.

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.

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.

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 is 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 space 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 reasons⁶ 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 Councils 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:

Since the application was reported to the planning committee on 28th November 2019, the applicants have been in discussion with the County Council about their infrastructure requirements. As reported to committee in November the County Council were seeking 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
- Fire service: £3,750

The applicants were concerned that what had been requested was considerably more than had been secured on the previous planning permission for 36 dwellings on the site and that the increase in contributions that had been requested was disproportionate as the new scheme only resulted in a net increase of 4 dwellings compared to what has already been approved on the site. The applicants have indicated to your officer that the difference in contributions that was being sought between the approved 36-unit scheme and this 40-unit scheme was so substantial that it would not have been economically viable to bring forward the 40-unit scheme.

In light of the above the County Council have reassessed their requirements and are now requesting the following infrastructure contributions:

- Library provision: £12,082
- Education Primary: £59,960
- Education Secondary: £64,532
- Education 6th form: £15,117
- Early years £43,000
- Special educational needs £18,000

- Total Access Demand: £91,304
- Fire service: £3,740

This represents a reduction of £316,133 compared to the County Councils requirements as reported to the November committee. The County Council have taken account of the extant planning permission for 36 dwellings on the site and the legal agreement that was secured with that planning permission. The 36-unit scheme is an outline consent so the infrastructure monies for the County Council are based on a formula. Without knowing the proposed mix in a reserved matters application, it is not possible to confirm what the contributions would have been for the extant 36-unit scheme. However, it is clear that the figure would have been substantially less than the County Council were requesting in their original consultation response for this 40-unit scheme.

It is not considered that the reduction in the County Council requirements will set any sort of precedent for contributions elsewhere. This is a unique site within the Northern Arc policy area where an extant planning permission exists; there are no comparable sites within the Northern Arc policy area. As such the County Council's revisions to their infrastructure contributions on this site will not impact on what the County Council will be seeking on other sites within the Northern Arc.

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

Members resolved to approve this application at the planning committee meeting on 28th November 2019 subject to the completion of a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions. The application is being reported back to committee as the County Council have revised their infrastructure requirements. All other aspects of the development remain the same as was considered at the committee meeting in November 2019. There have been no changes on the ground since the application was reported to committee in November 2019 and there have been no changes to planning policy or any other material considerations (other than the change in the County Council infrastructure requirements). Accordingly, the conclusion of the officer's report in November 2019 remains the same now.

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 there are considered to be no reasons to come to a different decision on this application to the one that was made in November 2019 and it is recommended that planning permission is granted for this proposal.

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 above ground level 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 above ground level 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.

10. No development shall take place until an updated 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 (prepared in accordance with BS42020:2013 Biodiversity-- Code of Practice for Planning and Development) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

Reason: To safeguard the ecology of the area, and in the interests of bats to ensure that a habitat remains for them during and after development and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

Pre occupation

11. 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.

12. 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

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

14. 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

15. 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

16. 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

17. 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.

18. 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.

19. 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.

20. 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

21. 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

22. 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

23. 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.

24. 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.

25. The proposed windows on the first floor of the north elevation of Block A 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 District Plan 2014 - 2031.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	58	P1	27.11.2019
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	P4	30.10.2019
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	P4	30.10.2019
Proposed Elevations	51	P4	30.10.2019
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

Parks And Landscapes Team

Please see my comments below regarding the Soft landscapes proposed plans for application DM/19/3123:

Hedges -Good choice of plants for the hedges

Planting plan:

Berberis wilsoniae- very strong thorny plant. I do not agree that this is an appropriate plant to be planted on a flower bed adjacent to an entrance as it is hard to maintain and is dangerous for the residents. I would suggest to change this with a different plant such as Pittosporum.

Lavandula stoechas- nice small lavender known for its short life. It is very likely that these plants will not survive more than 3 to 5 years. I would suggest a different small shrub

Hypericum calycinum- known plant as being invasive. Very likely that the plant will take over a flower bed if not constrained. Suggest a different shrub.

Flower beds around household numbers 1 to 8. - Geranium Grandiflorum should be planted in front of the flower bed and not behind the lavender. The geranium is the only perennial in this planting scheme so I wondered if this can be changed with a small shrub in order to have a more consistent planting plan.

Overall the communal garden area is not sufficiently large to serve 40 households.

I hope the above helps. If you have any other questions please let me know.

Trees And Landscape

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.

Parish Consultation

The Parish Council commented on this application at the September and October meeting and the revised plans do not change their comment i.e. 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.

Architect / Urban Designer - Will Dorman

Summary and Overall Assessment

The layout works well with the proposed buildings fronting the attractive tree-lined boundaries on the east and west side as well as the green corridor/escarpment to the south. It is nevertheless unfortunate the open space to the south, which featured in the outline consent, has been omitted as a large proportion of the dwellings are flats although most of them at least benefit from balconies or patio spaces. The further revised drawings have sufficiently addressed my concerns over the design of the blocks of flats. In particular, the three storey part of block A now feature a set-back zinc clad top/second floor; this generates a greater level of articulation providing the necessary visual interest in this prominent façade at the site entrance. Overall the street elevations in particular can now be commended for their contemporary approach that benefits from architectural integrity and order. For this reason I withdraw my objection to the planning application. I would nevertheless recommend conditions requiring the approval drawings / material in respect of the following:

- Hard and soft landscaping including boundary treatment and pergola design.

- Facing materials
- A 1:20 scale section and elevation (vignette) of block A's three storey façade.

Layout

The layout is loosely based on the illustrated outline arrangement (DM/17/3034) with the access road running adjacent to the south, east and west boundaries of the site. This provides for a perimeter block arrangement that gives the building frontages a positive relationship with the boundaries that face Cuckfield Road as well as the attractive tree-belts on the east and west side and the escarpment/open space/green corridor to the south. Unfortunately most of the latter is now excluded from the red line boundary and consequently there is little public open space provision which is a deficiency especially given the high proportion of flats without a private garden. However most of the flats benefit from balconies or patios with a small communal garden associated with block A.

The scheme requires the removal of a significant number of trees, and more than envisaged at the outline stage. I defer to Irene Fletcher / Sarah Nelson's response to this. However, I understand that the additional loss is because most of the trees along the escarpment now need to be removed to underpin the access road and facilitate drainage. Furthermore, the layout can be commended for the positive changes that have been made since the previous withdrawn application that have resulted from: (i) pulling the buildings away from the southern boundary; (ii) permitting a consistent green-edged boundary while retaining the well-established and attractive Blue Cedar (by setting back plot 27) and more satisfactorily safeguarding the existing trees on the Cuckfield Road frontage.

The provision of a 2 metre wide link to the Northern Arc development is welcomed and when the latter is completed, it should provide access to the open space and neighbourhood centre facilities that compensate to some extent for the lack of provision within the site.

The revised drawings include the following additional layout improvements to the original application submission:

- The parking area in front of plot 39/40 are now articulated with pergola-type structure in place of garages, that has a less imposing relationship with the adjacent building frontages.
- The rear alleys serving the houses have been designed-out by giving them all a semi-detached configuration that permits narrower gaps between them facilitating more direct access to the rear gardens.
- The threshold areas / defensible spaces, serving block B, have been marginally extended and softened through landscaping that has been facilitated by the removal of an unnecessary pathway to the south and re-positioning the parking to the north.
- The ground floor flats on block C now benefit from dedicated rear gardens that also secure their privacy (previously shown as communal).

Section drawings have been provided that show the relationship of the building frontages, retained trees and new access road in relation to the escarpment. The sections show a natural slope that (I assume) disguises the retaining measures within it.

As the access road is nearly all shared space, it should signal this in terms of the surface treatment by extending the block paving in place of tarmac.

Elevations

As well as the latest changes to block A, the revised drawings also incorporate the following improvements:

- The frontages of the houses now have more order and rhythm generated from their consistent gaps and articulation.
- Blocks B and C are better ordered and the fenestration has been organised so that it reinforces the natural symmetry of block C's south and west elevations and creates a more open façade on block B's east elevation.
- The brick detailing on blocks A-C benefits from being more consistently applied as a grouping material for the lower floor windows. With the omission of the first floor brick banding, this appropriately allows the vertical articulation to dominate.
- The south elevation of block B better integrated balconies.
- The re-positioning of the rainwater downpipes from the front to the rear also provides a less cluttered appearance on blocks B and C.

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.

Sussex County Council Lead Local Flood Authority

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO: Steven King
FROM:	WSSC – Lead Local Flood Authority
DATE:	10 th September 2019
LOCATION:	Bridge Hall Cuckfield Road Burgess Hill West Sussex RH15 8RE
SUBJECT:	DM/19/3123 Demolition of existing dwelling and erection of 40 new dwellings with new access created onto Cuckfield Road
RECOMMENDATION:	Advice – No objection

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

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

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments:</p> <p>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:</p> <p>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:</p> <p>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:</p> <p>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.

Kevin Brook
Flood Risk Management Team

County Planning Officer

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.

Contributions for Primary, Secondary and Sixth Form education, Libraries, Fire & Rescue and Total Access Demand (TAD) have been derived using the WSCC Calculator. Contributions for Early Years and SEND have been calculated using a pro-rata cost of the provision of Early Years and SEND facilities at the Northern Arc Development.

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.

Summary of Contributions for Primary, Secondary, and Sixth Form Education, Libraries, Fire & Rescue and TAD:

Education			
School Planning Area	0		
Population Adjustment	74.8		
	Primary	Secondary	6th Form
Child Product	0.4663	0.4663	0.2518
Total Places Required	3.2640	2.3314	0.5036
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/Hurstpierpoint/Steyping			
Contribution towards Burgess Hill	£12,082		
Contribution towards East Grinstead/Haywards Heath			
Population Adjustment	74.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	39		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	74.8		
Net Parking Spaces	55		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£59,960
Education - Secondary	£64,532
Education - 6th Form	£15,117
Libraries	£12,082
Waste	No contribution
Fire & Rescue	£3,740
No. of Hydrants	secured under Condition
TAD	£91,304
Total Contribution	£246,734

NB this does not include
Early Years or SEND
contributions

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

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2020. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The primary contributions generated by this proposal shall be used towards the provision of two 420 place primary schools to serve the Northern Arc Development.

The secondary contributions generated by this proposal shall be used towards the provision of one 1500 place secondary school that will serve the Northern Arc Development.

The sixth form contributions generated by this proposal shall be used towards the provision of the sixth form which forms part of the 1500 place secondary school (to include sixth form provision) that will serve the Northern Arc Development.

The library contributions generated by this proposal shall be spent on expansion of the facilities at Burgess Hill Library.

The fire & rescue contributions generated by this proposal shall be used towards the re-development of Burgess Hill Fire Station.

The TAD contributions generated by this proposal shall be used towards the A2300 Improvement Scheme.

Summary of Contributions for Early Years and SEND:

The financial contributions sought by the County Council would be based on the housing allocation at the Burgess Hill Northern Arc the provision of early years and SEND places 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 for Early Years and SEND 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.

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.

General Points

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

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

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2019/2020, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £18,370 per child
- Secondary Schools- £27,679 per child
- Sixth Form Schools- £30,019 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,384 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2019/2020 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2019/2020 is £1,407 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£703).

Sustainable transport contribution = (net car parking - occupancy) x 703

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

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 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.

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.

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.

- 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.

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.

Drainage Engineer

SURFACE WATER DRAINAGE

A Drainage Statement and Maintenance and Management Plan Report completed in August 2019 have been submitted in support of the application. This statement has been produced to support a previous application's reserve matters stage. The current application is for a greater number of properties than the drainage statement allows for and as such does not directly correlate with the application. However, the principle of the surface water drainage scheme on site can be understood from this report.

It is proposed that surface water would be attenuated within buried attenuation tanks across the development beneath areas of public realm such as car parking. Surface water would then discharge into the watercourse south of the site from a single outfall. The combined discharge rate is shown to be 4.3l/s up to the 1 in 100 year storm event with an additional 40% allowance for climate change.

The landowner south of the site has provided evidence that they would allow the site to lay drainage across the land to reach the watercourse.

The principle of the proposed surface water drainage method is acceptable, although further details and confirmations will be required as part of a drainage condition.

FOUL WATER DRAINAGE

A Drainage Statement and Maintenance and Management Plan Report completed in August 2019 have been submitted in support of the application. This statement has been produced to support a previous application's reserve matters stage. The current application is for a greater number of properties than the drainage statement allows for and as such does not directly correlate with the application. However, the principle of the foul water drainage scheme on site can be understood from this report.

It is proposed that foul water drainage shall flow via gravity to a pumping station to the south of the site. A new rising main is then proposed to convey flows south east before connecting to an existing Southern Water pumping station. The proposed new rising main will cross the watercourse, which at this location is considered to be Main River.

It is unknown whether third parties would allow a new foul water rising main to cross the Main River. However the principle of the proposed foul water drainage is acceptable, although further details and confirmations will be required as part of the drainage conditions.

FLOOD RISK

The proposed development is located within flood zone 1 and would be considered to be at low fluvial flood risk. However, the site is located in close proximity to the watercourse and areas of Flood Zone 2 and 3, at medium and high risk respectively.

The proposed development is located within an area of very low surface water flood risk. However, an area of increased surface water flood risk is located adjacent to the watercourse and is located in proximity to the site.

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

SUGGESTED CONDITIONS

For the principle of foul water drainage:

"The development hereby permitted shall not commence unless and until the proposed means of foul water drainage has been submitted too and approved in principle by the 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."

For surface water we could modify the C18F multiple dwellings wording:

"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."

For the foul water we could also modify the C18F multiple dwelling wording:

"The development hereby permitted shall not commence unless and until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and local sewerage provider. No building 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."

FURTHER ADVICE

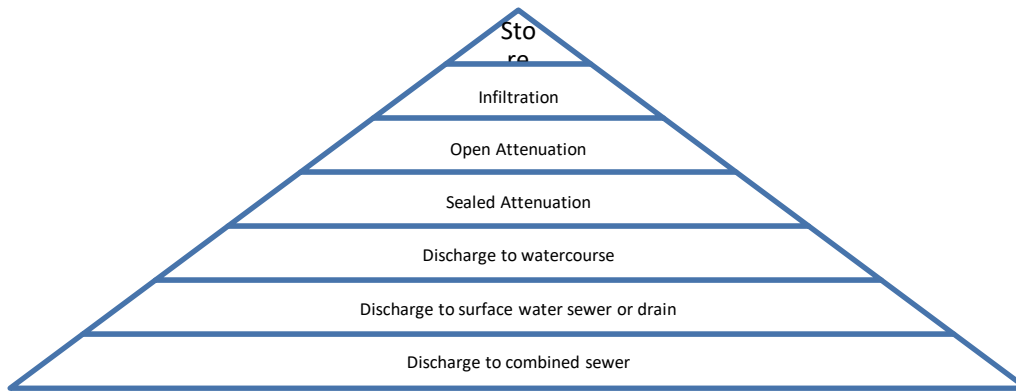
SURFACE WATER DRAINAGE

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

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

The proposed development drainage will need to:

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



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

FOUL WATER DRAINAGE

THIS PROPOSED DEVELOPMENT WILL NEED TO FULLY CONSIDER HOW IT WILL MANAGE FOUL WATER DRAINAGE. THE PREFERENCE WILL ALWAYS BE TO CONNECT TO A PUBLIC FOUL SEWER. HOWEVER, WHERE A FOUL SEWER IS NOT AVAILABLE THEN THE USE OF A PACKAGE TREATMENT PLANT OR SEPTIC TANK SHOULD BE INVESTIGATED.

THE USE OF NON-MAINS FOUL DRAINAGE SHOULD CONSIDER THE ENVIRONMENT AGENCY'S GENERAL BINDING RULES. WE WOULD ADVISE APPLICANTS THAT 'GENERAL BINDING RULES 2020' COME INTO FORCE AS OF 1ST JANUARY 2020. THE ENVIRONMENT AGENCY HAVE ADVISED THAT ANY EXISTING SEPTIC TANK FOUL DRAINAGE SYSTEMS THAT ARE FOUND TO NOT COMPLY WITH THE 2020 BINDING RULES WILL NEED TO BE REPLACED OR UPGRADED. AS SUCH ANY FOUL DRAINAGE SYSTEM WHICH PROPOSED TO UTILISE A SEPTIC TANK WILL NEED TO COMPLY WITH THE NEW 2020 RULES. GUIDANCE INTO THE GENERAL BINDING RULES CAN BE FOUND ON THE GOVERNMENT WEBSITE ([HTTPS://WWW.GOV.UK/GUIDANCE/GENERAL-BINDING-RULES-SMALL-SEWAGE-DISCHARGE-TO-A-SURFACE-WATER](https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water))

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

[Planning Practice Guidance](#) – Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) – Environment Agency Guidance

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

INFORMATION REQUIREMENTS

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

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
<p>Public sewer under or adjacent to site</p>	<p>Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<p>Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<p>A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS – SURFACE WATER DRAINAGE

<p>PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p>INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<p>Any proposed run-off to a sewer will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a sewer.</p> <p>Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.</p>
<p>Outfall to watercourse</p>	<p>Any proposed run-off to a watercourse will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a watercourse.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Soakaways</p>	<p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>
<p>SuDS and attenuation</p>	<p>Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.</p> <p>A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

MID SUSSEX DISTRICT COUNCIL

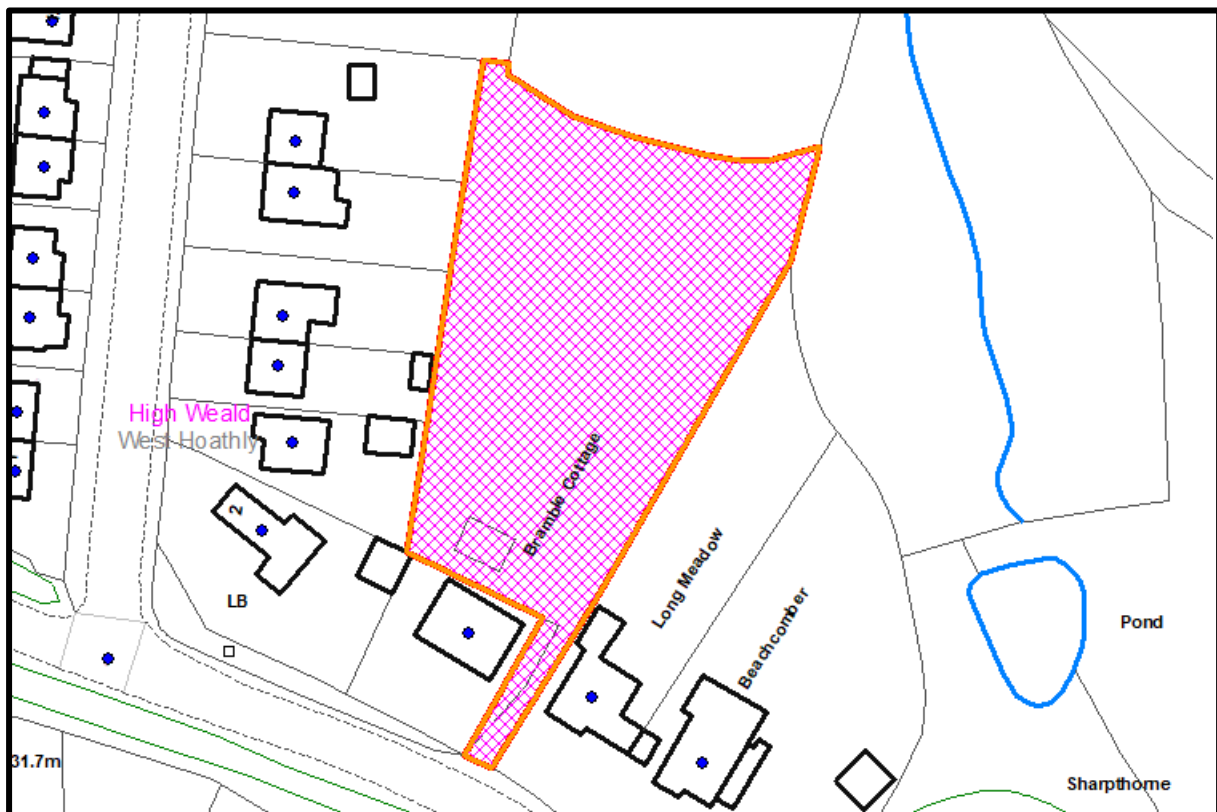
Planning Committee

6 FEB 2020

RECOMMENDED FOR PERMISSION

West Hoathly

DM/19/4538



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LAND AT LONG MEADOW STATION ROAD SHARPTHORNE EAST GRINSTEAD

ERECTION OF 2NO. DETACHED DWELLINGS WITH GARAGES, WITH ACCESS VIA STATION ROAD (RESUBMISSION OF DM/17/5213).

MR IAN ELDRED

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Minerals Local Plan Site (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 27th February 2020

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road (resubmission of DM/17/5213).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. However, also a material consideration is that an identical application to the current scheme was considered by the Planning Inspectorate in March 2019 (DM/17/5213). While that application was dismissed on appeal, this was due solely to a technicality regarding how mitigation of the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) was to be achieved. A new method of mitigation is now in place. The Inspector considered that the impact of the development on the character of the locality and neighbouring amenity were acceptable.

No development plan policy conflict has been identified to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups. However it is noted that the Planning Inspectorate did not raise this as an issue in allowing the recent appeal.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and there will be no likely significant effect on the Ashdown Forest SPA and SAC' Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

RECOMMENDATIONS

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory signed planning obligation to secure the required level of SAMM and SANG contributions and the conditions listed in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing secure the required level of SAMM contributions by 7 May 2020, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP17 of the Mid Sussex District Plan 2014-2031 in respect of the required mitigation by way of a financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.'

SUMMARY OF REPRESENTATIONS

7 letters of objection, raising the following points:

- Increase in roadside parking;
- Increase in road traffic
- Noise and disturbance from traffic
- Refuse collection will also cause disruption as well as bins being left on the station road from the 2 houses that are already at Long Meadow entrance. So therefore could potentially have 4 or more bins left out on the roadside.
- Noise and disturbance from construction works.
- who will maintain access road
- No turning space within the site so any large vehicles
- Any proposed changes in this reapplication are minor and cosmetic and do not address the conclusion in the previous appeal which
- Significant harm to neighbouring amenity: loss of privacy / overlooking, overbearing impact, loss of outlook, loss of light, disturbance from use of access;
- The height and close proximity of the development would be such that unreasonable overshadowing would occur .
- Another plan, which has been approved, to build 14 dwellings at the bottom of station road (in Bluebell Lane) which would add to the traffic in Station Road, and more problematically, on Top Road (Sharpthorne Road).
- The houses will be visually overbearing to all the houses at the top end of Hamsey Road
- There have been many applications for the Long Meadow site, for four and three dwellings. - All applications have been refused despite going to appeal. There would be no justification for approving this application, as this application still has not addressed the reasons for the previous refusals.
- The size and character of these dwellings are not in keeping with the properties in this part of the village.
- Out of character with established pattern of road fronting development.
- overlooking
- Surface water runoff;
- -Increase in flood risk
- No streetlights, as per the rest of the village these are not required and will shine in to the houses behind if installed and will affect the wildlife in the Ancient Woodland
- Loss of wildlife
- Approval would lead to further tree felling;
- There is no information on how the houses will be powered. As per the rest of the village, we would assume that the houses would require oil. There are no oil tanks shown in the designs of the proposed development. A completely electric powered house is not only inefficient but also extremely expensive to maintain for a house of that size
- occupants of the proposed dwellings WILL be reliant upon the use of a car. One small corner shop and a two hourly bus service confirms this.
- Site is outside of the built-up area boundary and not included in the West Hoathly Neighbourhood Plan.

- Insufficient sunlight to the property. The sun will rise in front of the proposed houses, being blocked by the trees and the property itself
- Will be years before tree planting grow to become a screen to the new houses.
- The site is within the designated Countryside Area of Development Restraint and also within the designated High Weald Area of Outstanding Beauty
- Site Notice not displayed;

SUMMARY OF CONSULTATIONS

Natural England: No objection

Drainage Engineer: No objection

West Sussex County Council: No objection

Street Naming and Numbering Officer: comment

Parish Council

The Parish Council object to this application.

The site is outside the development boundary and even if it was within the development boundary it does not satisfy policy WHP7 of the West Hoathly Neighbourhood Plan that development would generally be permitted provided it had a range of dwelling sizes, in particular 2 and 3 bedroom dwellings. Whilst this is proposed as a 2no 3 bedroom dwellings they are of a size and could be laid out as 4 bedroomed houses.

The site was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan.

The application is for a cramped backland development which would result in loss of both outlook and privacy of adjacent houses in Station Road as well as houses in Hamsey Road.

The site is wholly within the High Weald Area of Outstanding Natural Beauty and adjacent to an area of Ancient Woodland.

Introduction

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road. It is a resubmission of a previous application for an identical development which was refused and dismissed on appeal. The sole ground for dismissal related to a technical point regarding how mitigation to the Ashdown Forest was to be achieved (DM/17/5213). This point has now been overcome.

The application site consists of a driveway leading north from Station Road between two bungalows, through to a hardstanding area with a small garage, a swimming pool with decking, a semi improved grassland area and a collection of woodland-edge trees towards the northern, lower end. The site measures approximately 0.21 hectares.

Relevant Planning History

DM/17/5213 Planning application for the erection of 2 No. detached dwellings with garages. Refused 26.06.2018. Refused for the following reason:

The proposed development would lack the spaciousness of surrounding properties and be at odds with the prevailing pattern of development, such that it would be harmful to the character and appearance of the area, including the High Weald AONB. The proposed development would be unsustainable in environmental terms and the application is therefore contrary to Policies DP6, DP16 and DP26 of the Mid Sussex District Plan 2014-2031.

Subsequently dismissed on appeal (AP/18/0078).

DM/16/4274 Outline application to consider the erection of up to 3 no. detached dwellings with garages - REFUSED

DM/16/1491 The erection of 4 no. four bedroom detached dwellings - REFUSED
08/00839/FUL - Static 35 foot caravan, for the sole ancillary use of parents in connection with Long Meadow - REFUSED

Appeals against these refusals were dismissed in a conjoined decision in August 2017. The appeal references are APP/D3830/W17/3170474 and APP/D3830/W17/3170965

HO.7.86 - Detached bungalow - REFUSED

HO.35.78 - Double garage - PERMITTED

F73/1277 - Outline application for two or three dwellings - REFUSED

F64/263 - Outline application for one or two dwellings - REFUSED

Site and Surroundings

The application site consists of a driveway leading north from Station Road between two bungalows, through to a hardstanding area with a small garage, a swimming pool with decking, a semi improved grassland area and a collection of woodland-edge trees towards the northern, lower end. The site measures approximately 0.21 hectares.

There is a conifer screen along part of the western and southern boundaries; otherwise there is boundary close boarded fencing to neighbouring houses. There is a chain link fence to the boundary with adjoining Ancient Woodland. The land slopes down significantly to the northeast.

Medium-density two storey and detached and semi-detached housing fronting onto Hamsey Road and Station Road is located to the west and south and an area of Ancient Woodland adjoins to the north and northeast. The lawful garden curtilage of

Long Meadow adjoins to the east; the site is the extended curtilage of Long Meadow outside of the built up area, without planning permission. The initial part of the site's access is within the built up area boundary; this demarcation is placed along the rear boundary of adjoining Bramble Cottage to the south and then along the western boundary of the lawful garden curtilage of Long Meadow.

The entire site lies within the High Weald Area of Outstanding Natural Beauty and the majority of the site other than the initial part of the access lies within the countryside as defined by the development plan.

Application details

The proposed plans show the erection of 2 no. large 3 bedroom detached houses with side attached single garages. Access is proposed from an existing dropped kerb and access drive onto Station Road between Long Meadow and Bramble Cottage. Plans indicate this would be widened where adjoining the highway. The houses are of matching form and scale, and are aligned parallel with Bramble Cottage to the south. The existing access is to be extended northwards close to the eastern boundary.

Each house is arranged over two storeys and is 8.2 metres in height with reference to adjoining ground level. The buildings measure 12.4 metres at greatest depth and 12.3 metres at greatest width.

The northern building drops with the slope and so has a ridge height of 1.5 metres lower than the southern building, as seen in the Site Section.

The houses have a front and rear gabled roof design, with a subordinate side gable to the south side. The southern plot shows clay roof riles above timber cladding and brickwork walls and white timber windows. The brickwork for both dwellings features dentil and soldier course detailing.

There is a 4 metres gap between the buildings and an 8.5 metres gap between the full two storey elevations. Rear garden areas vary in depth as the buildings are sited at an angle to the western boundary; measured at the midpoint on the rear elevations the depths are 12.5 metres and 13 metres. The two storey parts are at least 22 metres away from neighbouring dwellings on Hamsey Road.

The proposed development is all located at least 15 metres away from the adjoining Ancient Woodland, with a partially tree covered buffer zone located in between.

Each dwelling has two driveway parking spaces and a garage. A refuse collection area is shown in front of plot 1's driveway; collection lorries would need to reverse into the site in order to access this.

LIST OF POLICIES

District Plan

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

Relevant policies include;

DP4: Housing

DP6: Settlement Hierarchy

DP12: Protection and Enhancement of Countryside

DP15: New Homes in the Countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP17: Ashdown Forest Special Protection Area and Special Area of Conservation

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

Development Infrastructure and Contributions SPD (Consultation Draft - April 2018)

West Hoathly Neighbourhood Plan

Adopted as part of the development plan.

WHP7: Infill Housing

WHP8: Sites for New Homes

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 overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "*significantly boosting the supply of homes*".

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

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Planning Practice Guidance

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

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

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

ASSESSMENT

Principle

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

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

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

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

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

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

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

Using this as the starting point the Development Plan in this part of Mid Sussex consists of the District Plan (2018) and West Hoathly 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 MSDP relates to Settlement Hierarchy and designates Sharpthorne as a Category 3 Settlement (medium sized villages). 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 settlement edge, and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The application site is contiguous with the Sharpthorne built up area boundary, the proposal is for 2 dwellings and Sharpthorne has been recognised in the Neighbourhood Plan and Settlement Hierarchy as a sustainable location for a limited amount of residential development. Whilst an Inspector concluded that the earlier applications on the site for 3 and 4 dwellings would be unsustainable due a combination of harm to character and appearance of the area including AONB, harm to neighbouring amenity and potential harm to Ashdown Forest SPA/SAC (paragraph 30 of appeal decisions APP/D3830/W17/3170474 and APP/D3830/W17/3170965), for the reasons set out within this report, the current proposal is not deemed to be unsustainable.

Furthermore, in dismissing the most recent appeal decision on the site in March 2019 for two dwellings (DM/17/5213) and it is relevant that the plans have been submitted for this current application, the Planning Inspector considered that the principle of the development was acceptable stating that:

*I conclude that the proposed development would not harm the character and appearance of the surrounding area, including the landscape and scenic beauty of the High Weald AONB. As such, it would not conflict with Policies **DP6**, **DP16** and **DP26** of the DP that seek well designed development that reflects the distinctive character of the towns and villages, including the growth of settlements, where it is contiguous with an existing built up area of the settlement. These policies also state*

that development should conserve or enhance natural beauty and the character and local distinctiveness, settlement pattern and setting of the AONB.

While the appeal was dismissed this was due solely to the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) which the Inspector considered to be the main issue in the appeal. This issue is addressed in more detail under the Ashdown Forest section of the report.

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

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

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

The special justification requirement is met by the proposal as a result of compliance with policy DP6.

Linked to policy DP15 is policy DP12 of the MSDP which states:

'The countryside will be protected in recognition of its intrinsic character and beauty.

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

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

The proposal is supported by a specific policy reference in the MSDP (policy DP6) and thus the principle of residential development on this site is acceptable. Consideration of the proposal's impact on the quality of the rural landscape and character follows below.

The principle must also be considered against the WHNP. This plan seeks to contain housing development within Built Up Area boundaries (Policy WHP7 Infill Housing) and to three allocated sites outside of, but adjoining onto the Built Up Area boundary

of Sharpthorne (Policy WHP8 Sites for New Homes). The principle of residential development on the site is therefore not supported by the WHNP.

In such circumstances it is important to take account of the law and section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan which supports the principle of development. Therefore only limited weight can be given to Neighbourhood Plan.

The principle of development is therefore accepted as it is in accordance with District Plan policy and as set out above has also been accepted by a Planning Inspector in considering the most recent appeal decision on the site for the same development.

Design and impact on the character of the area including AONB

Policy DP26 of the MSDP states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

Policy DP16 of the MSDP states:

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

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

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

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

Paragraph 115 of the NPPF similarly provides that great weight should be given to conserving landscape and scenic beauty in AONBs.

Objective 2 of the High Weald AONB Management Plan seeks to protect the historic pattern of settlement, for the reason of protecting the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity.

Sharpthorne is a small village within a protected landscape with a traditional mixed housing stock, and the prevailing character of the locality is of single and two storey buildings with road frontages.

In respect of Policy DP26, the back land situation of the site is such that a development upon it can never fully reflect the character of the locality in terms of the general pattern of development. This fact must be weighed into the overall planning balance. The policy does not however expressly prohibit back land type development.

It is appropriate to assess the proposal against the criteria of DP26.

Adjoining detached dwellings to the site 4A and 2 Hamsey Road, Bramble Cottage and Long Meadow are of varying positioning, scale and appearance. 4A was an infill in the late 1980s which has a contrasting front gabled form and recessed positioning, itself inconsistent with those opposing and adjacent semi-detached dwellings on Hamsey Road. It is therefore not the case that there is dominant dwelling type

surrounding the site which the proposed dwellings would contrast with. Whilst the dwellings with attached garages would be of a different design to surrounding properties, they are of a traditional form, are not considered to be excessive in scale and use materials which are compatible with those observed in the locality. The design can therefore be deemed to be of an appropriate quality and the layout is not considered to be unduly cramped, with sufficient space for suitable landscaping and green amenity space.

The second criterion is not applicable to the proposal. The complementary design of the dwellings would provide the small development with a sense of place and it is further considered that the scale of the buildings is not inappropriate to those neighbouring dwellings and the woodland backdrop. The buildings are comfortably spaced away from all boundaries and the Ancient Woodland buffer zone. The falling ground level to the northeast, away from Station Road, further assists the scheme in this respect; views of the development from Station and Hamsey Roads would be only limited. Character impact considerations have been covered above in terms of the back land setting. It can however also be noted that the southern dwelling is now spaced 11.5 metres away from the nearest neighbouring property Bramble Cottage and that there is a 4 metre gap between the dwellings. There is a wide variety of building gap distances surrounding the site and so the scheme is not incongruous in this respect.

The site has some existing development upon it and is not an open space which is considered to contribute in a significant way to the character of the area. The townscape has no special policy designations and there is no issue of settlement coalescence. Impact upon neighbouring amenity is considered later in the report. The parking layout is appropriate for a small development and the scheme could not be described as pedestrian unfriendly. A Sustainability Statement sets out an appropriate approach to sustainability and energy efficiency considerations. Community interaction is not relevant and it is considered that the current two dwelling scheme would be the most suitable intensity of development.

It is therefore considered in an overall sense that the proposal complies with the criteria laid out under policy DP26.

The central aim of policy DP12 is to protect the countryside in recognition of its intrinsic character and beauty. As set out above however, the principle of development on this site is supported by District Plan Policies DP6, DP12 and DP15 and there is no automatic exemption for sites in the AONB.

Development of any countryside site on the edge of a built up area boundary inevitably leads to a change to its character and generally some degree of harm to the landscape; this approach is however part of the spatial growth management strategy of the District Plan and Neighbourhood Plan to meet housing need.

The scheme has been reduced in intensity from earlier proposals and the houses would again be built in response to the site's falling ground level to the northeast. This site is well contained from the wider landscape, being surrounded by existing housing and woodland. The setting is relatively discreet from the public realm. The site is already partially developed at its southern end and its current condition is not

considered to positively contribute in an important way to the character and appearance of the area and AONB landscape.

Appeal decisions APP/D3830/W/17/3170474 and APP/D3830/W/17/3170965 are a material consideration. Paragraphs 8-15 of the decision letter for the conjoined appeals for the previous two applications concern considerations of character and appearance, including AONB. The Inspector noted that both schemes would be at odds with the prevailing pattern of road fronting development (paragraph 9), that both schemes would lack the spaciousness of those dwellings adjoining the site (paragraphs 10 and 11) and that both schemes would fail to enhance the appearance of the AONB, with the northern section's verdant appearance compromised by the northernmost dwellings (paragraph 12). At paragraph 14 the Inspector notes that the schemes would have limited public visibility, yet that this does not provide a justification for development that is not respectful of its surroundings. The Inspector concludes at paragraph 15 that the development would be harmful to the character and appearance of the area, in conflict with saved Local Plan policies B1 and C4 and applicable paragraphs of the NPPF.

When considering the current proposal against the appeal decision assessment, a number of points should be made. Firstly, there is no statutory or policy requirement for development to enhance the appearance of the AONB. The requirement is to conserve or enhance.

Due to the site's positioning, it is clear that the current proposal would again be at odds with the prevailing pattern of road fronting development. Whilst already only limited, public visibility of the scheme would be only further reduced as a result of the reduction to two dwellings. It is now considered that the dwellings would have a similar degree of spaciousness within their plots to those adjoining, with garden depths of 12.5 and 13 metres as measured from the midpoint on the rear elevation, a 4 metre gap between the buildings and more comfortable spacing to the southern boundary. The northern dwelling is also now positioned 5 metres away from edge of the ancient woodland buffer zone, whereas the appeal schemes both positioned the northern dwellings approximately 1 metre from this.

It is therefore considered that the Inspector's conclusion on this issue for the conjoined 2017 appeals should not be simply deemed to equally apply to the current proposal. A number of changes have been made which improve / soften the relationship of the development to its surroundings.

Furthermore there has now been a more recent appeal decision in March 2019 on the site following the refusal of DM/17/5213, which proposed the same scheme as that now under consideration in this current application. The inspector raised no objection to the impact on the AONB stating:

The proposed dwellings would extend built development beyond the rear gardens of houses fronting Station Road and Hamsley Road and into the countryside surrounding Sharpthorne. The site is bounded to the rear by ancient woodland, such that it is well contained within the landscape, but the proposed dwellings would be separated from it by a small buffer. This means that the proposed dwellings would not affect the landscape and scenic beauty of the AONB.

For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, including the landscape and scenic beauty of the High Weald AONB. As such, it would not conflict with Policies DP6, DP16 and DP26 of the DP that seek well designed development that reflects the distinctive character of the towns and villages, including the growth of settlements, where it is contiguous with an existing built up area of the settlement. These policies also state that development should conserve or enhance natural beauty and the character and local distinctiveness, settlement pattern and setting of the AONB.

In summary, whilst the proposal would result in a change in the character of the land and cannot be seen as fully in keeping with the character and appearance of the area, on an overall assessment officers do not consider there to be compelling conflict with countryside protection and design and character policies of such to justify a reason for refusal. It is further considered that the landscape and scenic beauty of the AONB will be suitably conserved and this was also the conclusion of the Planning Inspectorate in the recent 2019 appeal decision.

Residential Amenity

Policy DP26 of the Mid Sussex District Plan stipulates 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.

APP/D3830/W/17/3170474 considered the impact of the 4 dwelling proposal on the living condition of neighbours. The appeal did not consider the impact of the 3 dwelling proposal, given this was in outline form. The Inspector noted that the amount of use of the access would have the potential to generate unacceptable noise and disturbance to occupiers of Long Meadow (paragraph 16 and that the potential loss of conifer trees would unacceptable effect the outlook of occupiers of Bramble Cottage together with actual or perceived loss of privacy (paragraph 17). Unacceptable impacts were however not identified to any other neighbouring properties.

The current proposal is now half of the intensity, and it is no longer considered that the likely amount of coming and goings associated with such a development would amount to a significantly harmful degree of noise and disturbance.

The southern dwelling is now sited at a much greater distance away from and at a different angle to Bramble Cottage than that of the appeal scheme. In addition, plans indicate that the existing southern boundary conifer tree screen would be enhanced as part approved landscaping details. The positioning and massing of the dwellings and placement of windows within is considered to be more favourable to neighbouring dwellings on Hamsey Road than the appeal scheme. As a result, it is considered that no neighbouring properties would experience any unacceptable loss of outlook or privacy.

The previous refusal for two houses on the site (DM/17/5213) was not refused on residential amenity grounds and the Planning Inspectorate in the subsequent appeal decision also did not raise this as an issue.

The application therefore complies with Policy DP26 of the Mid Sussex District Plan.

Standard of accommodation

Policy DP26 of MSDP stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. In this case, the standard for a 3 bedroom 6 bedspace dwelling is 102 sq metres. The proposed dwelling would provide a floor area and storage space well in excess of the required standard.

The application therefore complies with Policy DP26 and DP27 of the Mid Sussex District Plan

Parking and Highways issues

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

The Inspector raised no highways, access and parking concerns in the appeal decisions.

Whilst in designated countryside, the site's location is not conflict with policy DP21 in so far as the desire to minimise travel for residential development. The site is a short walking distance from the village's services and is thus more sustainably located than surrounding dwellings to the north.

The Local Highway Authority (LHA) has been consulted and as with previous applications, they raise no highway safety, capacity or parking provision concerns, subject to a series of conditions. The LHA's comments are appended in full.

Concern has been expressed in third party representations over the impact of the development (including during its implementation period) on the safety of highway users. The LHA have however raised no such concerns. Planning officers have no evidence to come to any other conclusion than the LHA and so there are not

considered to be any reasons to refuse the scheme in regard to the impact on highway safety, access or parking.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

Impact on trees, ancient woodland and ecology

The Inspector raised no issues in respect of these matters in the preceding appeal decisions.

Policy DP37 of the MSDP states:

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

Policy DP38 of the MSDP 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...'*

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. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

As with preceding proposals, the current application is accompanied by an Arboricultural Method Statement, including Tree Protection Plan, together with a Preliminary Ecological Appraisal.

The Tree Report identifies that the buffer zone trees comprise a mix of mainly Class C, with two Class B's both sited comfortably away from any proposed development.

The trees in the buffer zone identified for retention are not considered to be worthy of a Preservation Order. Methods of protection for retained trees and hedges are detailed in the Tree Report and the applicant has indicated that they would be willing to accept a detailed management condition concerning the buffer zone, to include a defensible boundary treatment to prevent the encroachment of development.

The Council's Tree Officer has not commented on this current application but raised no objection to the previous applications.

The Council's Ecological Consultant has not commented on this application but again did not object to previous applications, subject to a detailed Ancient Woodland Buffer Zone management condition.

In summary therefore, subject to suitably worded conditions and Habitats Regulations Assessment in respect of the Ashdown Forest (see below), it is considered that the application can be deemed compliant with Policies DP37 and DP38.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of two dwellings, and as such, mitigation is required. An appropriate scale of SAMM mitigation for the proposed development is £5,256. and if the approved scheme provides for a strategic SANG contribution, this would be £3,382.

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

The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The completion of the Planning Obligation securing the SAMM and SANG contributions will secure the mitigation of the recreational impact to the Ashdown Forest. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing the appropriate mitigation.

At the time the last planning application (DM/17/5213) was determined the SANG contribution was secured by attaching a planning condition to an approval to secure the financial contributions required for SANG mitigation. This method was used due to pooling restrictions at that time. Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) previously restricted the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure had been entered into since 6 April 2010 and it is was a type of infrastructure that is capable of being funded by CIL, no more contributions could be collected toward that project. Since SANG was considered to constitute 'infrastructure' for the purposes of Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and because Mid Sussex District Council does not have the Community Infrastructure Levy (CIL) in place, the SANG Condition has been used to collect financial contributions towards SANG since a s106 planning obligation was unable to be used due to the pooling restrictions.

However in considering the appeal the Inspector was of the view that the SANG contribution could not be secured through the use of a condition stating:

It is likely that the SANG provision would be provided by a financial contribution, but the PPG indicates that no payment of money can be positively required when

granting planning permission. Negatively worded conditions may be used to limit the development that can take place until a planning obligation or other agreement has been entered into, but is unlikely to be appropriate in the majority of cases. In exceptional circumstances such a condition may be appropriate in the case of more complex and strategically important development. However, the proposed development could not be considered complex or strategically important and, as a result, I do not consider a condition would be appropriate.

The provision of, or contribution toward, a SANG would require a legal agreement to ensure that it is related to the development. As such, it would not be possible to require a SANG contribution by condition.

A legal agreement would not have complied with the pooling restrictions in place at the time and therefore the inspector also stated:

A legal agreement may not comply with Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) that restricts the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure have been entered into since 6 April 2010 and it is a type of infrastructure that is capable of being funded by CIL, no more contributions may be collected toward that project. The Council indicate that more than five contributions have been received and do not consider that a legal agreement would comply with Regulation 123(3) of the CIL Regulations.

Therefore given that the Inspector concluded that the SANG could not be secured by condition or through a legal agreement the Inspector stated:

I note that Natural England have stated that there would be no adverse effect on the integrity of the site subject to contributions to the SAMM Strategy and SANG measures. For the above reasons, I conclude that the inability to contribute toward SANG provision means that the proposed development would harm the integrity of the SPA.

The appeal was therefore dismissed as the Inspector concluded that there was no mechanism for the SANG to be paid and therefore while finding that the application:

would not result in harm to the character and appearance of the area, including the landscape and scenic beauty of the High Weald AONB, that is not sufficient to outweigh the harmful effect the works would have on the integrity of the SPA.

However, on the 1st September 2019 amendments to the CIL Regulations came into force. One of the changes made was that the pooling restrictions have been lifted. As such, the Council can now use a s106 planning obligation to collect financial contributions towards SANG. This means that both SANG and SAMM mitigation are now secured by way of a s106 planning obligation. Therefore, the Planning Inspectorate consideration as of how the SANG payment could be secured under the previous application is no longer an issue and there is no reason to withhold planning permission on the grounds that the impact on the SPA cannot be mitigated against.

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Drainage

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

The Drainage Engineer has considered the drainage information and flood risk assessment that has been submitted with the application and has raised no objection and considers that this matter can be suitably dealt with by condition.

In light of the above it is considered that the application complies with Policy DP41 of the Mid Sussex District Plan.

Energy and water conservation (sustainability)

A Sustainability and Energy Statement accompanies the application. It is considered that the measures proposed, to include energy efficient insulation, lighting, windows and boilers are acceptable and that the proposal is in compliance with the requirements of Policy DP39 of the MSDP.

Other issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work form part of the recommendation.

It should be noted that in accordance with Paragraph: 029 Reference ID: 15-029-20170728 of the Government's Planning Practice Guidance, there was no statutory requirement to display a site notice for the application, given that following the adoption of the Mid Sussex District Plan on 28 March 2018, the principle of the proposed development is no longer not in accordance with the development plan (see Policy DP6).

Planning Balance and Conclusion

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road (resubmission of DM/17/5213).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. However, also a material consideration is that an identical application to the current scheme was considered by the Planning Inspectorate in March 2019 (DM/17/5213). While that application was dismissed on appeal, this was due solely to a technicality regarding how mitigation of the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of

Conservation (SAC) was to be achieved. A new method of mitigation is now in place. The Inspector considered that the impact of the development on the character of the locality and neighbouring amenity were acceptable.

No development plan policy conflict has been identified to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups. However it is noted that the Planning Inspectorate did not raise this as an issue in allowing the recent appeal.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and there will be no likely significant effect on the Ashdown Forest SPA and SAC' Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

Subject to the completion of a S106 Obligation relating to the Ashdown Forest planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 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 and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

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

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

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

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

6. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

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

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

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

Reason: To protect the amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

8. 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 and 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 and 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 demolition and construction upon the public highway (including the details of public engagement both prior to and during construction works)
- Scheme to minimise dust emissions from the site

Reason: To ensure safe and neighbourly demolition and construction in the interests of amenity and road safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

9. No development shall be carried out above ground slab level unless and until an enhancement and management plan for the ancient woodland buffer zone has been submitted to, and approved by, the local planning authority. The plan shall include the following:

- proposals for any enhancement planting, including origin and provenance of plants;
- silvicultural management methods;
- baseline survey and monitoring methods;
- provision for dealing with any dumped garden rubbish or other fly-tipping;
- details of who will be responsible for the ongoing management of the area;
- details of how ongoing management will be funded; and
- details of a barrier to prevent encroachment of parked cars.

The approved management plan shall be implemented in full in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect and promote biodiversity, protected species and the adjoining Ancient Woodland and to accord with Policies DP37 and DP38 of the Mid Sussex District Plan 2014-2031.

10. The development shall only proceed in accordance with the full recommendations set out in "Preliminary Ecological Appraisal", March 2018.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and to comply with Policy DP38 of the Mid Sussex District Plan 2014-2031.

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

Reason: To secure satisfactory standards of access for the proposed development and to comply with Policy DP21 of the Mid Sussex District Plan 2014-2031.

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

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, 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 2014-2031

13. The development shall not be occupied until the vehicle parking and turning spaces serving have been constructed in accordance with the approved plan. These areas shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking and manoeuvring provision is provided and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

14. No development shall be carried out above ground slab level unless and until details of proposed screen walls or fences have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: In the interests of visual amenity and the amenity of future occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays, 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- No burning of materials shall take place on site at any time

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this

application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. **Minor Highway Works**
The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Site Plan	229/P2		31.10.2019
Location and Block Plan	229/P1		31.10.2019
Proposed Site Plan	266-P1		31.10.2019
Proposed Floor Plans	266-P2		31.10.2019
Proposed Elevations	266-P3		31.10.2019
Proposed Floor Plans	266-P4		31.10.2019
Proposed Elevations	266-P5		31.10.2019
Proposed Site Plan	266-P6		31.10.2019
Proposed Sections	266-P7		31.10.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council object to this application.

The site is outside the development boundary and even if it was within the development boundary it does not satisfy policy WHP7 of the West Hoathly Neighbourhood Plan that development would generally be permitted provided it had a range of dwelling sizes, in particular 2 and 3 bedroom dwellings. Whilst this is proposed as a 2no 3 bedroom dwellings they are of a size and could be laid out as 4 bedroomed houses.

The site was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan.

The application is for a cramped backland development which would result in loss of both outlook and privacy of adjacent houses in Station Road as well as houses in Hamsey Road. The site is wholly within the High Weald Area of Outstanding Natural Beauty and adjacent to an area of Ancient Woodland.

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.

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

Summary

West Sussex County Council was previously consulted on Highway Matters for this location under several planning applications of which the most recent is DM/17/5213 for the erection of 2 No. detached dwellings with garages. The LHA provided its final comments on 19/01/2018 where no highway objections were raised. The application was refused by the Local Planning Authority for other policy reasons; this application was also subject to a Dismissed Appeal. This proposal is for erection of 2no. detached dwellings with garages, with access via Station Road. This application is resubmission of DM/17/5213 and refers to alterations to the interior design. I note that the each garage is now proposed to be attached to the proposed dwellings. The land subject to this application was previously used as curtilage of the adjoining property 'Long Meadow'. The site is situated on Station Road which is an unclassified road subject to 30mph speed limit.

Access

Vehicular access to the proposed dwellings will be utilised through the existing access. Proposed site plan 266-P1 appears to show some widening works on the existing crossover. The applicant is advised that any access works onto the public highway must be implemented under a licence to a specification obtained from WSCC Highways. Comments provided on 19/01/2018 regarding visibility splays are still considered relevant and no visibility concerns have previously been raised at this point of access.

Drainage Engineer

SURFACE WATER DRAINAGE

It is proposed that the development will attenuate surface water drainage on site before discharging it at 2l/s into a ditch located at the NW corner of the site.

The principle of attenuation and discharge into a watercourse is likely to be acceptable on the site. However, details shall need to be provided as part of a discharge of conditions application, including photographic evidence of the ditch. Areas of the site are within an Ancient Woodland buffer zone. We would advise the applicant to investigate any implications this could have on a proposed drainage scheme prior to detail design.

FOUL WATER DRAINAGE

It is proposed that the development will discharge to the main foul sewer located on Station Road.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The proposed development is within an area identified by the Environment Agency's surface water flood map as having possible surface water (pluvial) flood risk. There are historic records of flooding occurring along Hamsey Road, north of the site.

The applicant has provided a Flood Risk Assessment (FRA) which has further investigated the potential flood risk on the site. This FRA states that a Groundsure Flood report for the site states surface water flood risk is negligible and concludes that the site's flood risk is low.

SUGGESTED CONDITIONS C18F - MULTIPLE DWELLINGS

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

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

Natural England

Planning consultation: HRA - Erection of 2 detached dwellings with garages
Location: Land at Long Meadow Station Road, Sharpthorne, East Grinstead RH19 4NY
Thank you for your consultation on the above dated and received by Natural England on 02 January 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Street Naming and Numbering Officer

Date 31/10/19 - 6/11/19

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

Informative (Info29)

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

Planning applications requiring SNN informative

DM/19/1256
DM/19/4180
DM/19/4175
DM/19/3401
DM/19/0260
DM/19/4538
DM/19/4414

MID SUSSEX DISTRICT COUNCIL

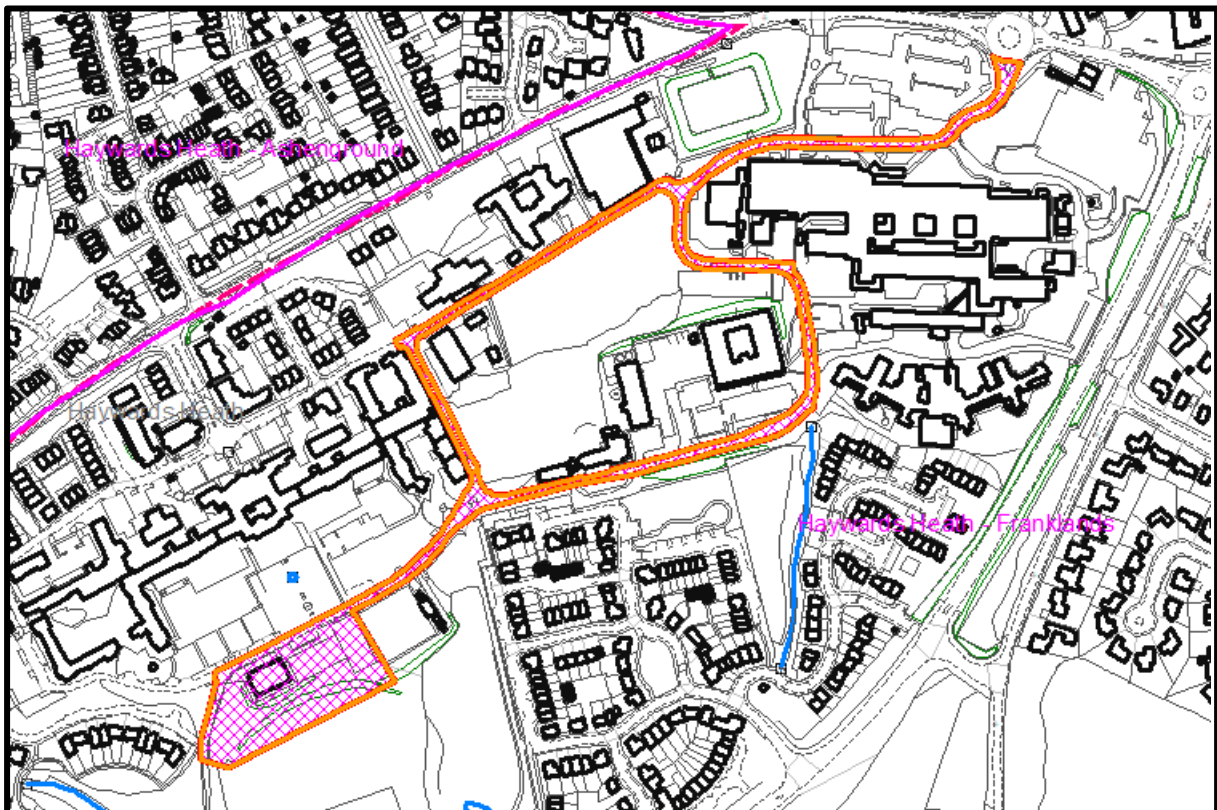
Planning Committee

6 FEB 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/19/3292



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ST FRANCIS SPORTS AND SOCIAL CLUB COLWELL ROAD HAYWARDS HEATH WEST SUSSEX

ADDITIONS TO EXISTING BUILDING TO CREATE NEW SINGLE-STOREY COMMUNITY HALL WITH ANCILLARY MEETING ROOM FACILITIES, SITE MUSEUM, WC FACILITIES PLUS PARKING AND EXTERNAL WORKS (AMENDED SCHEME TO THAT APPROVED UNDER DM/17/0852). AMENDED PLANS RECEIVED 30 OCTOBER 2019 AND 18 NOVEMBER 2019 SHOWING REDUCTION IN ROOF HEIGHT AND ADDITIONAL LANDSCAPING.

ST FRANCIS SPORTS AND SOCIAL CLUB COMMUNITY INTEREST COMPANY

POLICY: Areas of Special Control for Adverts / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Supplemental Planning Agreement / Road Improvement Act Agreement / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order / Highways Agreement (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 7th February 2020

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for erection of an extension to an existing building to form a new community hall, with ancillary facilities and parking, on land owned by the St Francis Sport and Social Club to the south of Southdowns Park, Haywards Heath. The site presently consists of a swimming pool building, tennis courts and sports pitches.

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

Policy DP25 of the Mid Sussex District Plan supports the provision or improvement of community facilities and local services that contribute to creating sustainable communities, while Policy L8 of the Haywards Heath Neighbourhood Plan relates specifically to enhancing facilities at St Francis Sports Site. As such the principle of development accords with the Development Plan.

On the positive side the development would provide improved community and recreational facilities that would be of benefit to local residents and the town as a whole. The proposed design and scale of the building is considered acceptable and while it does fall within the setting of Southdowns Park, a Grade II Listed Building, it is not considered that the proposal will cause harm to this heritage asset.

The proposal will however, result in some additional noise and disturbance to nearby residents in both Southdowns Park and Bowden Way. This will be generated by both the use of the building, in terms of the hosting of recorded amplified music events and people leaving late at night, and through additional traffic passing close to existing properties. While some elements can be mitigated to a degree through the use of planning conditions, there is likely to be a noticeable increase in noise and disturbance.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

Permission has previously been approved for a larger scheme under application DM/17/0752, as such it is considered un-reasonable to take a different view with this application.

On balance, it is considered that the proposal is unlikely to give rise to significant impacts on existing residential amenity by virtue of noise and disturbance and as such the application complies with the relevant Development Plan policies. Moreover, the benefits of the proposed facility to the local community and town as whole (the encouragement and contribution towards the health and wellbeing of users as well as complementing the existing sporting facilities at the site) would outweigh the residential harm identified in this instance.

The application complies with Policies L8 and E9 of the Neighbourhood Plan and Policies DP21, DP25, DP26, DP29, DP34, DP37, DP39 and DP41 of the District Plan. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

7 Letters of OBJECTION received, making the following comments:

- Traffic volume/construction traffic
- Air and noise pollution - for residents and wildlife
- Loss of Tennis courts
- Already have sufficient parking/exceeds peak occupancy
- Hours of opening
- Out of character/design
- No tree screening
- Un-authorised parking
- Light pollution
- Illegal parking

- Loss of a view
- Highway safety/ Private Roads
- Councillors links to St Francis Sports and Social Club

1 Third party letter has been received that does not object to the proposal subject to:

- Cars only being able to exit right (not through Southdowns Park)
- Planting of tree screen

SUMMARY OF CONSULTEES

WSCC Highways

Advisory comments - recommended conditions on car parking and construction management.

MSDC Conservation Officer

No objection subject to condition

MSDC Environmental Protection Officer

No objection subject to conditions

MSDC Community and Leisure Officer

The Council has offered grant funding toward this facility, subject to planning approval and a number of other special conditions, and is supportive of the proposal to provide a replacement for the Norman Hay Hall which was demolished to make way for additional housing at this site.

MSDC Drainage

No objection subject to condition

MSDC Tree Officer

No objection subject to condition

Haywards Heath Town Council

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 30/10/2019 and 18/11/2019) and supports the proposed amendments to reduce the height of the roof of the Community Hall and to add some further hedgerow/tree planting. In addition to reiterating the comments and observations that have already been submitted for this application (see below), the Town Council cannot emphasise strongly enough that a traffic management plan is essential for the private road network serving the site (i.e. within the Princess Royal Hospital/Southdowns Park complex) and that the NHS Trust (Princess Royal

Hospital) in particular must acknowledge that it has been consulted on the proposals and is fully aware of what is going on.

Original comments/observations submitted for this application on 19/09/2019

The Town Council fully supports this application which, like the earlier proposal approved under Mid Sussex District Council (MSDC) reference DM/17/0852, ties in with Policy L8 of the Haywards Heath Neighbourhood Plan. The provision of additional and enhanced facilities for use by the local community is to be welcomed.

Whilst the representations made by members of the public are duly noted, most of the concerns raised have already been addressed during the consideration and determination of the extant approved scheme. However, the Town Council concurs with the correspondence dated 13 June 2019 from MSDC's Team Leader (Major Development and Enforcement) to the architects, particularly where he comments 'in the submission of any revised application, very careful consideration is given to the matters that arise through the determination of the previous application, particularly in respect of the representations received.'

The Town Council also wishes to highlight the conclusions of RF Environmental regarding the noise impact of this new proposal, which state 'it can be concluded that the noise impact from the newly proposed building will be less than originally assessed at the properties to the west of the site, while there would no increase in noise at properties to the north of the site. Noise impact at properties to the east of the site would also be low due to distance. The noise control conditions included on the original planning consent would be adequate in controlling noise from the newly proposed development and no further assessment of noise impact is deemed to be necessary.'

The Town Council requests that all apposite comments and observations that it submitted in respect of application DM/17/0852 are taken into account when considering this latest proposal. For the record, these are laid out below.

INTRODUCTION

Planning permission is sought for erection of an extension to an existing building to form a new community hall, with ancillary facilities and parking, on land owned by the St Francis Sport and Social Club to the south of Southdowns Park, Haywards Heath. The site presently consists of a swimming pool building, tennis courts and sports pitches.

RELEVANT PLANNING HISTORY

DM/17/0852: Additions to existing building to create new community hall with ancillary meeting room facilities, site museum, wc, shower and changing facilities, plus parking and external works. Amended drawings and supporting documents received, dated the 5th June 2017. PERMISSION

SITE AND SURROUNDINGS

The application site consists of an existing swimming pool facility that is housed within a single storey brick built building, which lies on land to the south of Southdowns Park, a Grade II listed building. Immediately to the north is the part of the perimeter road serving Southdowns Park, with private parking spaces and landscaped gardens belonging to the development beyond.

To the east of the swimming pool building, and forming part of the application site, are two tennis courts, beyond which is the bowling green (not in the application site).

To west, beyond the existing entrance to the sports field, are a group established trees beyond which Bowden Way that forms part of the development of St Francis Park.

The swimming pool building site sites on top of an embankment that runs down towards the sports field to the south.

APPLICATION DETAILS

This application seeks planning permission for additions to existing building to create new single-storey Community Hall with ancillary meeting room facilities, site museum, WC facilities plus parking and external works.

The proposed main eastern addition to the building will utilise an area currently used as a tennis court. The proposed building extension would measure approximately 35 metres in width, by some 21 metres in depth, with a maximum eaves height of some 4.5 metres and a maximum height of approximately 6.35 metres.

The proposal is also seeking to construct a single storey addition, the same as approved under DM/17/0852 to the northern (front) elevation of the existing swimming pool building to provide a ladies changing room, men's changing room and ladies and men's WC's. The changing facilities extension would measure some 3.8 metres in depth, by some 16.1 metres in width, with an overall height of 3 metres.

The proposed community hall is of a fairly simple contemporary design, it has been shown that the proposal is to be constructed of stock facing brickwork and white render finished walls, profiled steel cladding roof in merlin grey and powder coated aluminium windows and doors.

The proposal is to include two parking areas, the second tennis court to the eastern (side) of the proposed community hall is to be converted into a total of 22 car parking spaces, 4 of which will be disabled parking spaces together with a bin store to the southern (rear) of the car park.

A second car park is also proposed to the western (side) of the existing swimming pool building which would provide 6 car parking spaces together with a cycle store. The existing 8 parking spaces to the northern (front) of the application site are to be

retained and users will also have access to a pay and display carpark to the east of the bowls club.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP29 - Noise, Air and Light Pollution
DP34 - Listed Building and Other Heritage Assets
DP37 - Trees woodlands and Hedgerows
DP39 - Sustainable Design & Construction
DP41 - Flood risk and Drainage

Neighbourhood Plan

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

E9 (local character)
L8 (St Francis)

National Policy and Other Legislation

National Planning Policy Framework (NPPF) February 2019

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

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

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Para 12 states:

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

Para 38 states:

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

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Practice Guidance

ASSESSMENT

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

- The principle of development;
- Access and Transport
- Design and Appearance
- Impact of Setting of Listed Building
- Impact on Residential Amenities
- Trees
- Ecology
- Ashdown Forest
- Drainage and Flooding
- Sustainability
- Other Matters
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

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

Policy DP25 of the Mid Sussex District Plan supports the provision or improvement of community facilities and local services that contribute to creating sustainable communities.

Within the Neighbourhood Plan, Policy L8 relates specifically to enhancing facilities at St Francis Sports Site and states the following;

Land is allocated at the St. Francis Sports Site for the enhancement of the existing facilities. Proposals will have to demonstrate:

- that the height, scale, design and materials of any proposed buildings are appropriate to the site and its location;
- the height, scale, design and materials of the development will not harm the setting of the adjacent listed building;
- there is no harm arising to the adjoining ancient woodland;
- that satisfactory vehicular arrangements and servicing are secured;
- that there will be no unacceptable levels of light, noise, air or water pollution to the nearby residential properties;
- that adequate car and cycle parking can be provided on site;
- that the development will safeguard the amenities of the neighbouring properties.

Having regard for the above policies, the principle of development on this site is supported and as such careful consideration needs to be given to potential impacts arising from the proposal. This assessment will be undertaken in the following sections of the report.

Access and Transport

MSDP Policy DP21 states:

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

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

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

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

The application is supported by a traffic report that has sought to consider the impact of the proposal on the local highway network. The comments made within the representations regarding the appropriateness of the traffic are noted.

Paragraph 109 of the NPPF 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.'

While Policy L8 of the Neighbourhood Plan requires proposals for the development of the site to demonstrate that satisfactory vehicular arrangements and servicing are secured. Full weight can be attached to this Neighbourhood Plan policy.

The site has no direct access onto the public highway network, the primary route (as advocated by the applicants) is via the main hospital access from the Lewes Road, utilising the largely one way perimeter service road round the hospital grounds. There is a secondary access point from Colwell Road that utilises the perimeter road around the Southdowns Park which while narrow, its flow is not restricted in any one direction. Both routes from the public highway utilise private roads, which are not in the ownership of the applicant.

It is acknowledged that it is the applicants desire to ensure users of the proposed development utilise the primary route through the hospital grounds, however, given that fact that this itself is outside the control of the applicants, as any user would have a choice of either route, and there is no physical barrier preventing one over the other (this is not in the gift of the applicants due to land ownership restrictions), the application, and the implications of the traffic generation, need to be determined on the basis that either route could be used.

Within the applicants Traffic Report it sets out:

New signage will be installed at the hospital site to direct visitors to and from the CiC hall avoiding any residential areas where possible.

Issues regarding the applicants legal right to utilise either access route and potential damage to these routes have been raised through representations.

As members will be aware, these issues are not material planning considerations and should not be taken into account in reaching a decision on this application. It will be a matter for the relevant parties to resolve outside the planning system should this prove to be necessary.

The Local Highway Authority have been consulted and given the fact that access is taken through private roads, their comments are advisory only however, they have

not raised any formal objection in relation to the connections to the public highway. They state;

'The proposal to create the above facilities and associated car parking has been considered by WSCC as the County Highway Authority previously in planning application DM-17-0852. As this is a proposal not within the public highway all comments are advisory.'

Access

Access to the site is taken from Southdowns Park, a private residential link road on part of the former Princess Royal Hospital site in Haywards Heath. There will be two car parks each with an access onto Southdowns Park. This links into the public highway network at Colwell Road and the B2272 roundabout into the Hospital.

Visibility Splays

There are two access points from Southdowns Park. The western access is already in situ and the eastern access will be created as part of the new car parking area. It is advised these splays are in line with MFS guidance of 2.4m x 43m for a 30mph speed limit in both directions.

Car Parking

It is envisaged most residents will have no need to drive to the site and will walk or come by bike. As such the provision of spaces in the car park reflects this. 36 car parking spaces will be provided.

This is slightly under the 43 spaces recommended in the revised parking guidance for new developments. A 10% reduction; in spaces can be used in scenarios where expected parking levels may be lower.

Alternative parking areas have been identified by the applicant to cover this shortfall of 3 spaces. There is an existing pay and display car park located near to the site; which can be used during the day time and will be available for use free of charge during the evening and at weekends, offering an additional 50 spaces.

Within the new car parking areas there are 4 disabled spaces, in line with MFS guidance for a minimum 5% of spaces. Recent changes to our car parking standards now require new developments to provide 1% of its spaces for electric vehicle charging, or to supply ducting ready for any future demand as this is set to rise over the next 10 years.

Cycle Parking

Recommended cycle parking for a D2 use of this size is 1 space per 4 staff plus visitor/customer cycle parking.

11 cycle spaces are provided with a shelter over.

Trip Impact

As the club is a replacement for the Norman Hay Hall it is likely the trips to and from the site will not be any different to what was already occurring.

A TRICS analysis for a leisure and community centre with 958 sqm predicts an additional traffic generation of 127 trips per day with peaks occurring in the morning, lunchtime, and late afternoon. Weekends are not included in the analysis; but it is envisaged the trip rates may be higher but not in any way significant in highway capacity terms. Access can be made in and out of the site from both the east and the west which distributes the traffic around different parts of the network.

Local Issues

Local views from residents have highlighted there are issues with the width of the private access roads but these are not within the public highway. We advise where roads are narrow that passing places are provided. This will be the responsibility of the land owner to provide solutions to any road issues.'

With regard to the public highway, no objections have been raised with regard to local capacity issues or highway safety.

The alternative route (not proposed or encouraged by the applicant) via the Southdowns Park perimeter road is much more constrained, with narrow carriageways and in one spot, a 90 degree bend. The road carries two-way traffic flows although space for passing is limited. The Local Highway Authority that additional passing places should be provided is noted, although this is outside the control of the applicants.

Given the lack of any clear advice or evidence from the Local Highway Authority it is considered difficult to forward an objection on highway matters associated with the use of the private road network. In allocating the site within the Neighbourhood Plan the sub text to Policy L8 recognises that access is via network of private roads and that a balance needs to be struck between a number of sensitive issues. While it is clear that the possible use of the Southdowns Park perimeter road may give rise to amenity issues, these will be considered separately. Moreover, paragraph 109 of the NPPF states that proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is not considered that there is evidence to support such a stance in this instance.

Concern has been expressed regard the level of proposed car parking. The submitted drawings show that the existing tennis courts will be turned over to a car park with a total of 36 spaces provided, 4 of which would be for disabled users. The existing 8 spaces utilised by swimming pool users would also be retained in addition. The applicants control a nearby pay and display car park to the east of the existing bowling green that will be available as overflow, which can hold circa 50 vehicles. The Local Highway Authority have commented that under their existing standards a development like this would command a total of 43 spaces and as such it is

considered that the proposed level is sufficient. It would not be reasonable to forward an objection to the proposal on the basis of insufficient parking.

These issues have already been considered and approved under application DM/17/0752, as such it is considered un-reasonable to take a different view with this application. Furthermore, the applicants have confirmed that they will be installing the ducting for future proofing the car park for electric vehicle charging, details of which can be secured by a suitably worded condition.

In light of the above it is considered that the application complies with paragraph 109 of the NPPF, Policy DP21 of the Mid Sussex District Plan and Neighbourhood Plan policy L8.

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

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

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

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

With regard to the Neighbourhood Plan policy L8, the height, scale and design of any proposed building should be appropriate to the site and location, while the more general policy E9 requires proposal, amongst other things, to protect and reinforce the local character within the locality of the site.

The existing pool building that occupies the site is single storey, with little architectural merit. The proposed small addition to its front, forming the changing room extension, will not appear intrusive and is appropriate in scale and size to the existing.

The proposed community hall to the eastern side of the existing swimming pool building would remain single storey in height, combined with the change in levels the size and scale of the proposal is appropriate to the locality and will not appear visually intrusive within the wider area. The simply contemporary design of the community hall is considered to be an improvement over the existing swimming pool building as such the general character and appearance of the area will be protected and reinforced.

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

Impact on setting of Listed Building

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Policy DP34 of the Mid Sussex District Plan in part states:

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*

- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

The Council's Conservations Officer has comments on the application and has stated the following:

'Further to my previous comments I note that a revised plan has been submitted showing only very limited additional planting to the front of the building, facing towards the listed building. It has not been made clear why this planting cannot be more extensive than the very limited areas shown (for example underplanting around the base of the trees shown, or planting in place of the hard surfacing to the front of the swimming pool building where there are no entrances with the exception of doors to the plant room at the western end), and I would therefore suggest a landscaping condition and informative requiring further details of a scheme for the area to the north front of the building showing more extensive soft landscaping and ideally additional tree planting, to soften the appearance of the building and mitigate the impact of the development on views from Southdowns Park. I would be happy to discuss this with the applicant prior to submission (subject also of course to the Tree Officer's involvement or agreement as appropriate).

Subject to the above, I am satisfied that the development will preserve the setting of and views from the adjacent listed building, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.'

Your officer concurs with the assessment of the Conservation Officer in respect of this issue and subject to a landscaping condition to secure additional screening to the northern (front) of the application site the proposal is considered to comply with Policy DP34 of the Mid Sussex District Plan, the LBCA 1990 and the requirements of the NPPF.

Impact on Residential Amenity

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

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

There are two distinct groups of residents that could potentially be impacted by the proposals, those within Southdowns Park and those within Bowden Way. The following section of the report will look at both groups separately.

Southdowns Park

There are two main ways that the amenity of these residents could be impacted upon, firstly the building itself (including its use) and secondly by the traffic generated by the users of the proposed facility.

Given the distance, approximately 80m at its closest point, and the fact the application site is set at a lower level than the main Southdowns Park building, it is not considered that the proposed completed building would have a physical impact on current residential amenities through either loss of light or loss of outlook. The fact that a building can be seen, does not in itself make a proposal unacceptable and separate consideration has been given to any impact on the setting of Southdowns Park as a Listed Building, which has been addressed elsewhere in this report.

In terms of the intended use of the building itself, the main impact will arise from any noise generated and most likely source of unacceptable noise disturbance will arise through the holding of events utilising amplified music. These are more likely to represent private bookings (i.e. wedding receptions), rather than community hiring's, and will look to finish late in the evening. In respect of this aspect of the proposal the applicant will maintain a similar relationship as the previously approved community building, further to this we would be seeking to attach the same conditions as recommended by the Council's Environmental Protection Officer for the previous approval.

It is clear that conditions could be used to control noise levels from events to the point where the impact on adjacent residential amenity is acceptable. In addition, conditions are suggested by your officer to restrict the overall number of recorded amplified music events, while also preventing the use of live amplified music.

In terms of traffic generation, the main impact on amenity arises from increased noise and disturbance, particularly at night following any well attended events. This is a particular issue given the proximity of some dwellings to perimeter road.

The use of the primary traffic route, as promoted by the applicant, would see all users of the facility utilising the main hospital access. However, users would drive past the existing properties in Assisi Court and Kendall Court where a number of properties have a series of habitable windows facing the road at close proximity. This includes at ground floor level. While these properties are currently affected by the traffic movements of the hospital, occupiers of Southdowns Park and users of the current sports facilities, the increase in traffic generated from events held at the proposed facility, particularly at night when there would be a concentrated flow of movements once an event has finished, will be noticeable. The proposed restrictive conditions on the number of events that are most likely to generate a large amount of concentrated movements (i.e. recorded amplified music events like wedding receptions etc) will limit the potential impact, however, there will be an impact.

In the event that users of the proposed facility use the over optional route from the site, via the Southdowns Park perimeter road, then again you have properties in Wheeler Court, Lockhart Court, The Crescent The Willows and The Birches with windows serving habitable rooms in close proximity to the road. These properties currently have a much quieter relationship with the road, as they are not affected by the current hospital traffic. Again, the increase in traffic generated from events held at the proposed facility, particularly at night when there would be a concentrated flow of movements once an event has finished, will be noticeable. The proposed restrictive conditions on the number of events that are most likely to generate a large amount of concentrated movements (i.e. recorded amplified music events will limit the potential impact, however, there will be an impact.

Bowden Way

Bowden Way forms part of the St Francis Park development is located to the west of the application site. It is separated from the application site by an existing access track to sport fields and a mature vegetation belt, that lopes round to the north and forms the boundary to Southdowns Park perimeter road. Bowden Way is set at a significantly lower level than Southdowns Park.

No.23 Bowden Way is the closest property to the proposal, at a distance of approximately 90m. The current proposal has moved the community building from the western (side) of the swimming pool to the eastern side, which provides a significant improvement over the previously approved relationship which was also considered acceptable.

In terms of the physical form of the building, while views will be afforded of it through the existing vegetation belt, this in itself does not make it unacceptable. Given the distances involved and the intervening vegetation belt it is not considered that the building would appear overbearing or result in any loss of privacy or light to properties in Bowden Way and in particular No.23.

Having regard to the use of the building, then these properties are a similar distance to those in Southdowns Park itself, however, the comments of the Environmental Protection Officer indicate that with appropriate conditions controlling amplified music, nearby noise-sensitive properties should be safeguarded from potential noise disturbance to an acceptable level.

It is clear the proposal will have an impact on the residential amenities of nearby residents both in Southdowns Park and Bowden Way. Conditions are proposed that will help mitigate this to a point, however, additional noise and disturbance will occur, particularly from traffic generation and people leaving an event late at night. While every site needs to be considered on its own merit, it is worth pointing out that community/recreation facilities do exist in the middle of residential developments, Bolnore Village as an example, and they can operate without significant impact.

It is also worth noting that the previously application (DM/17/0852) has considered these issues and was approved. Furthermore, the current proposal is a reduction in floor space and as such the predicted trip movements has been reduced from 166 trips per day down to 127 trips per day. Consequently, these relationships which

have already been agreed are considered to be improved with the revised scheme due to a reduction in vehicle movements.

Having regard to suggested restrictive operational conditions and the relevant Development Plan policies, it is your officer's opinion, that on balance, the likely impact from the proposal on nearby residential amenity would not be so significant that would warrant a refusal in this instance. As such the proposal would comply with policy DP26 of the Mid Sussex District Plan and Policy L8 of the Neighbourhood Plan.

Trees

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

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

The comments of the Council's Tree Officer are set out in full in Appendix B. The original consultation response from the Tree Officer raised a number of concerns in regards to the proposal. However, amended plans have been submitted to address these comments. As such there is no objection for the Tree Officer in regards to the proposal.

In light of the above and subject to conditions securing the landscaping and tree protection mentions, it is considered to have an acceptable impact upon the trees.

Ecology

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

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

Paragraph 175 of the National Planning Policy Framework states:

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

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

The application has been submitted with an Ecological Report undertaken in August 2019 which indicated that the with the 8 surveys undertaken no reptiles were encountered.

Overall it is considered that the impacts upon biodiversity would be acceptable and in accordance with the above mentioned policies.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Drainage and Flooding

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

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

water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area.

It is proposed to discharge surface water will utilise a soakaway and It is proposed that the foul drainage will discharge into the public foul sewers.

The Council's Drainage Engineer has reviewed the drainage proposal and has raised no objections to the proposal subject to a condition.

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

Sustainability

MSDP Policy DP21 relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

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

MSDP Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation.

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

- Exceed requirements of the latest building regulations
- Low consumption fixtures and fittings (water)
- Auto off/sensor taps
- Low energy lighting
- A rated white goods
- Provision of PV panels
- Air source heat pumps

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

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

Other Planning Issues

The applicants have confirmed that the proposed community hall would be fully compliant with building regulations for disabled access.

Concerns has been raised within the representations regarding the Councillors links to St Francis Sports and Social Club, however, as part of the committee process members will declare if they have any interest.

Concern has been expressed in a number of representations in relation to increased security fears as a result of the proposal, particularly in relation to trespass and vandalism. The control of such matters would fall under the control of other legislation that sit outside the control of a planning application and such matters should not form a reason for refusing this current application.

Planning Balance and Conclusion

Planning permission is sought for erection of an extension to an existing building to form a new community hall, with ancillary facilities and parking, on land owned by the St Francis Sport and Social Club to the south of Southdowns Park, Haywards Heath. The site presently consists of a swimming pool building, tennis courts and sports pitches.

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.

Policy DP25 of the Mid Sussex District Plan supports the provision or improvement of community facilities and local services that contribute to creating sustainable communities, while Policy L8 of the Haywards Heath Neighbourhood Plan relates specifically to enhancing facilities at St Francis Sports Site. As such the principle of development accords with the Development Plan.

On the positive side the development would provide improved community and recreational facilities that would be of benefit to local residents and the town as a whole. The proposed design and scale of the building is considered acceptable and while it does fall within the setting of Southdowns Park, a Grade II Listed Building, it is not considered that the proposal will cause harm to this heritage asset.

The proposal will however, result in additional noise and disturbance to nearby residents in both Southdowns Park and Bowden Way. This will be generated by both the use of the building, in terms of the hosting of recorded amplified music events and people leaving late at night, and through additional traffic passing close to existing properties. While some elements can be mitigated to a degree through the use of planning conditions, there is likely to be a noticeable increase in noise and disturbance.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

Permission has previously been approved for a larger scheme under application DM/17/0752, as such it is considered un-reasonable to take a different view with this application.

On balance, it is considered that the proposal is unlikely to give rise to significant impacts on existing residential amenity by virtue of noise and disturbance and as such the application complies with the relevant Development Plan policies. Moreover, the benefits of the proposed facility to the local community and town as whole (the encouragement and contribution towards the health and wellbeing of users as well as complementing the existing sporting facilities at the site) would outweigh the residential harm identified in this instance.

The application complies with Policies L8 and E9 of the Neighbourhood Plan and Policies DP21, DP25, DP26, DP29, DP34, DP37, DP39 and DP41 of the District Plan. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

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

2. 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.
 - Scheme to minimise dust emissions from the site

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with policies L8 and E9 of the Neighbourhood Plan and policy DP21 of the District Plan 2014-2031.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies L8 and E9 of the Neighbourhood Plan and Policies DP26 and DP34 of the District Plan 2014-2031.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan 2014-2031.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been

submitted to and approved in writing by the local planning authority. 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 DP41 of the District Plan 2014 - 2031.

6. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved details.

Reason: To protect the amenity of local residents from light disturbance and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan 2014-2031.

7. Details of the fenestration and external doors, to include elevations and section indicating profile and depth of reveal, shall be submitted and approved in writing by the Local Planning Authority prior to work commencing in respect of this part of the development. The development shall not be carried out otherwise than in accordance with such details.

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policies DP26 and DP34 of the District Plan 2014 - 2031 and Policies L8 and E9 of the Neighbourhood Plan.

8. No development shall take place until details of proposed means of enclosure have been submitted to and approved by the Local Planning Authority and the approved building shall be used until such means of enclosure associated with it has been erected.

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 and Policy L8 of the Neighbourhood Plan.

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

10. No burning of demolition or construction waste material shall take place on the site.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To ensure adequate parking provision is provided for the proposed development and to accord with Policy L8 of the Neighbourhood Plan and Policy DP21 of the District Plan 2014-2031.

12. The secure cycle parking spaces shall be provided in accordance with the approved plans prior to the occupation of the community hall.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy L8 of the Neighbourhood Plan and Policy DP21 of the District Plan 2014-2031.

13. Amplified music, or speech generated on the premises shall be inaudible within any neighbouring residential dwelling between the hours of 23:00hrs and 09:00hrs. Inaudibility shall be defined as: the LAeq,1 min (music playing) shall not exceed the background LA90, 5min (music off), and L10, 1min (music on) should not exceed L90, 5 min (music off) in any 1/3 octave band between 40 and 160Hz, when measured within any habitable room in a neighbouring residential dwelling.

Reason: To safeguard the amenities of the neighbouring residential properties and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan.

14. The building hereby approved shall only operate between the following hours;

07:00 - 22:30 Mondays - Thursdays and Sundays
07:00 - 23:30 Fridays, Saturdays and Bank Holidays

Reason: To protect local residential amenity and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan.

15. The number of recorded amplified events shall be limited to no more than 12 per calendar year, with a maximum of 2 events per calendar month. For the sake of clarity recorded amplified events are defined, in this instance, as private hiring's consisting of parties, wedding reception or other such celebrations of social gatherings but does not include hiring's such as exercise classes, drama productions or community events.

Reason: To protect local residential amenity and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan.

16. No live amplified music events, or events containing live amplified music, shall be held in the building hereby approved.

Reason: To protect local residential amenity and to accord with Policy L8 of the Neighbourhood Plan and Policy DP26 of the District Plan.

17. No development shall be carried out above ground slab level unless and until details of charging points/ducting for electric cars to be provided on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details and thereafter retained unless otherwise agreed in writing by the Council.

Reason: To provide for the use of low emission cars in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	0815/3/P1	-	15.08.2019
Block Plan	0815/3/P2	-	15.08.2019
Existing Site Plan	0815/3/P3	-	15.08.2019
Site Plan	0815/3/P4	-	15.08.2019
Proposed Site Plan	0815/3/P5	B	18.11.2019
Planning Layout	0815/3/P6	B	18.11.2019
Site Waste Management Plan	0815/3/P7	-	15.08.2019
Existing Floor Plans	0815/3/P10	-	15.08.2019
Proposed Floor Plans	0815/3/P11	A	11.09.2019
Proposed Roof Plan	0815/3/P12	-	15.08.2019
Proposed Elevations	0815/3/P13	A	20.10.2019

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council Comments:

Additions to existing building to create new single storey Community Hall with ancillary meeting room facilities, site museum, WC facilities plus parking and external works (amended scheme to that approved under DM/17/0852). Amended plans received 30 October 2019 and 18 November 2019 showing reduction in roof height and additional landscaping.

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 30/10/2019 and 18/11/2019) and supports the proposed amendments to reduce the height of the roof of the Community Hall and to add some further hedgerow/tree planting. In addition to reiterating the comments and observations that have already been submitted for this application (see below), the Town Council cannot emphasise strongly enough that a traffic management plan is essential for the private road network serving the site (i.e. within the Princess Royal Hospital/Southdowns Park complex) and that the NHS Trust (Princess Royal Hospital) in particular must acknowledge that it has been consulted on the proposals and is fully aware of what is going on.

Original comments/observations submitted for this application on 19/09/2019

The Town Council fully supports this application which, like the earlier proposal approved under Mid Sussex District Council (MSDC) reference DM/17/0852, ties in with Policy L8 of

the Haywards Heath Neighbourhood Plan. The provision of additional and enhanced facilities for use by the local community is to be welcomed.

Whilst the representations made by members of the public are duly noted, most of the concerns raised have already been addressed during the consideration and determination of the extant approved scheme. However, the Town Council concurs with the correspondence dated 13 June 2019 from MSDC's Team Leader (Major Development and Enforcement) to the architects, particularly where he comments 'in the submission of any revised application, very careful consideration is given to the matters that arise through the determination of the previous application, particularly in respect of the representations received.'

The Town Council also wishes to highlight the conclusions of RF Environmental regarding the noise impact of this new proposal, which state 'it can be concluded that the noise impact from the newly proposed building will be less than originally assessed at the properties to the west of the site, while there would no increase in noise at properties to the north of the site. Noise impact at properties to the east of the site would also be low due to distance. The noise control conditions included on the original planning consent would be adequate in controlling noise from the newly proposed development and no further assessment of noise impact is deemed to be necessary.'

The Town Council requests that all apposite comments and observations that it submitted in respect of application DM/17/0852 are taken into account when considering this latest proposal. For the record, these are laid out below.

Comments/observations submitted re DM/17/0852

The enhancement of the existing facilities at the St. Francis Sports Site is covered under Policy L8 of the Haywards Heath Neighbourhood Plan and the Town Council welcomes the opportunity to comment on this planning application which seeks to make various additions to the existing building.

The Town Council is mindful of the sensitivities of the site in relation to its proximity to existing residential properties and its setting beneath the Grade II listed former St. Francis Hospital buildings, now known as Southdowns Park. After due consideration of the proposals, the Town Council supports this application in principle, subject to the following caveats:

- there should be a comprehensive review/investigation of any restrictive covenants that may apply to the site;
- an existing car park - not part of this application - near to the bowls club shall be made available as an overflow car park for the new facility and shall remain so in perpetuity;
- a Noise Management Plan shall be implemented in order to monitor and control any noise that may be generated as a result of events being held at the facility. Section 6.0 (Noise Management and Control) of the Noise Assessment and Noise Management Plan (Technical Report: RFE-130- 17-02) that accompanies the application would seem to cover the requirements necessary in order to safeguard resident amenity;
- whilst acknowledging that an independent Traffic Report has been prepared in support of the application, it is requested that a 'site visited' traffic survey - as opposed to a desktop study - be carried out by West Sussex County Council in its capacity as local highway authority;
- in advance of any development taking place on the site, there must be 'official' sight of any legal Agreement that confirms the St. Francis Social and Sports Club's (SFSSC's) right of access over the road network within the Princess Royal Hospital site;

- where necessary, and particularly at the western boundary of the site, i.e. that nearest to Bowden Way, SFSSC shall erect fencing to prevent any external (and unauthorised) pedestrian access to the site other than by the permitted formal entrance and the public footpath close to the bowling green car park;
- the area of woodland at the south-western corner of the site shall be supplemented by additional planting in order to help close any gaps in the landscape screen and thus protect resident amenity in Bowden Way, etc.;
- regarding commercial deliveries and collections (including the removal of waste/refuse bins), there shall be none on Bank/Public Holidays or at any other time except between the hours of 08:00 and 18:00 Mondays to Fridays, and 09:00 and 13:00 Saturdays and/or Sundays; reason - to safeguard the amenities of nearby residents and to accord with Policies B3 and B23 of the Mid Sussex Local Plan and Policy DP27 of the draft Mid Sussex District Plan;
- the proposal shall be tested against all relevant policies contained within the Haywards Heath Neighbourhood Plan, with particular focus being given to Policy E9;
- there shall be no movement of glass within, to or from the facility ('bottling out') outside the hours of 08:00 to 20:00 daily; reason - to safeguard the amenities of nearby residents and to accord with Policies B3 and B23 of the Mid Sussex Local Plan and Policy DP27 of the draft Mid Sussex District Plan;
- throughout the construction period, the hours of works and any associated deliveries shall be restricted to 08:00 to 18:00 hours Monday to Fridays, 09:00 to 13:00 hours Saturdays, and no works on Sundays or Bank/Public Holidays; reason - to safeguard the amenities of nearby residents and to accord with Policies B3 and B23 of the Mid Sussex Local Plan and Policy DP27 of the draft Mid Sussex District Plan;
- with regard to the private road network serving the site, i.e. within the Princess Royal Hospital/Southdowns Park complex, there should be a fair and transparent Agreement between all permitted users of the road - which would include SFSSC - to ensure that they contribute their fair share to a separate fund, established and ring-fenced for road maintenance and road
- replacement in due course. All stakeholder interests in the road and its sustainability should be agreed as a planning condition in order to protect the wider public interest of continuity of access, the investment of public resources and to deliver the fiduciary duty of care to the Section 106 funding secured via the Mid Sussex District Council (MSDC) Cabinet Grants Panel;
- any proposed exterior lighting installations, e.g. street lights, shall have a warm LED light with a correlated colour temperature of between 2700K and 3000K; reason - to safeguard the amenities of nearby residents and to accord with Policy B24 of the Mid Sussex Local Plan and Policy DP27 of the draft Mid Sussex District Plan;
- no development shall take place until a Construction Management Plan (CMP) has been submitted to and approved by MSDC. The approved CMP shall be implemented and adhered to throughout the construction period and shall stipulate that all construction traffic must access and leave the application site via the main entrance to the Princess Royal Hospital, i.e. from the roundabout on the B272. Use of the access off Colwell Road, through Southdowns Park, shall be prohibited.

SFSSC shall arrange for directional signposts to be installed at key points throughout the Princess Royal Hospital road network so as to clearly inform construction traffic of the direction of travel. Looking at the proposed layout of the site, and in the interests of resident amenity in Bowden Way in particular, Members would like to know whether there would be any merit in repositioning the 4 (staff) parking spaces and the refuse bin store away from the south-western side of the site. However, this would have to be achieved without being detrimental to residents elsewhere, e.g. in Southdowns Park.

Further comments from Haywards Heath Town Council following the applicant's submission of amended drawings and supporting documents to Mid Sussex District Council (dated 5 June 2017).

The Town Council's position regarding this application remains one of support in principle. This accords with Policy L8 of the Haywards Heath Neighbourhood Plan.

The Town Council acknowledges that these amended plans go some way towards addressing concerns and issues that were raised when the application was first considered on 27 March 2017. At that time, there was particular focus on safeguarding the amenities of residents living in Bowden Way and Southdowns Park. However, Members are of the opinion that even with the amendments and additional documentation (traffic report), the application is lacking in crucial information relating to the predicted flow and management of traffic throughout the private road network serving the site (i.e. within the Princess Royal Hospital/Southdowns Park complex), not only during the construction period but beyond.

The Town Council was disappointed that a detailed traffic management report still remains outstanding and so requests that an all-embracing traffic management scheme is produced and that all stakeholders, the NHS Trust in particular, are formally consulted on the proposals. It must be obligatory for all traffic, construction or otherwise, to access and leave the application site via the main entrance to the Princess Royal Hospital, i.e. from the roundabout on the B272. Use of the access off Colwell Road, through Southdowns Park, should be prohibited.

Remaining on the subject of traffic management, the Town Council further requests that West Sussex County Council, in its capacity as highway authority, assesses the likely impact of construction traffic on the public highway in the locality. This should be by means of a 'site visited' traffic survey as opposed to a desktop study. In the interests of highway safety in what is a busy and densely populated area, construction traffic must be directed to arrive at and leave the Princess Royal Hospital main entrance via the Haywards Heath relief road (A272) roundabout to the east. This would prevent heavy goods vehicles from using other roads to the west - e.g. Franklynn Road, Colwell Road and Wivelsfield Road - as a short cut. Indeed Colwell Road, which is always heavily congested with onstreet parking on its northern side, must be designated as off-limits to construction traffic at all times.

The Town Council remains concerned regarding the adequacy of parking facilities and how any overflow of cars will be debarred from parking in the Southdowns Park residences parking or surrounding roads.

The Town Council welcomes the inclusion of a 2 metre high close boarded fence along the entire length of the western boundary of the application site. However, Members understand that this may not extend far enough to prevent unauthorised pedestrian access to and from the site via Bowden Way. Therefore, the Town Council asks the St. Francis Social and Sports Club to revisit this issue in order to come up with a solution that would be acceptable to all parties. It may be helpful to consult with residents of Bowden Way to establish what their expectations are.

The Town Council asks that all comments and observations that remain apposite from its original submission dated 5 April 2017 are taken into consideration by Mid Sussex District Council when determining the application. The proposals must be tested against all relevant policies contained within the Haywards Heath Neighbourhood Plan, notably Policies L8 and E9:

Policy L8

Land is allocated at the St. Francis Sports Site for the enhancement of the existing facilities. Proposals will have to demonstrate:

- that the height, scale, design and materials of any proposed buildings are appropriate to the site and its location;
- the height, scale, design and materials of the development will not harm the setting of the adjacent listed building;
- there is no harm arising to the adjoining ancient woodland;
- that satisfactory vehicular arrangements and servicing are secured;
- that there will be no unacceptable levels of light, noise, air or water pollution to the nearby residential properties;
- that adequate car and cycle parking can be provided on site;
- that the development will safeguard the amenities of the neighbouring properties.

Policy E9

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

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

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.

Conservation Officer;

Further to my previous comments I note that a revised plan has been submitted showing only very limited additional planting to the front of the building, facing towards the listed building. It has not been made clear why this planting cannot be more extensive than the very limited areas shown (for example underplanting around the base of the trees shown, or planting in place of the hard surfacing to the front of the swimming pool building where there are no entrances with the exception of doors to the plant room at the western end), and I would therefore suggest a landscaping condition and informative requiring further details of a scheme for the area to the north front of the building showing more extensive soft landscaping and ideally additional tree planting, to soften the appearance of the building and mitigate the impact of the development on views from Southdowns Park. I would be happy to discuss this with the applicant prior to submission (subject also of course to the Tree Officer's involvement or agreement as appropriate).

Subject to the above, I am satisfied that the development will preserve the setting of and views from the adjacent listed building, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Tree Officer:

19/09/2019

I have reviewed the combined Ecological and Arboricultural Report dated Aug 19 and the accompanying drawings and have the following comments:

- Four Category A trees, 2 Category B trees and 1 Category C tree are to be felled to accommodate the proposed development. This is a significant loss of healthy trees, particularly the Category A & B trees. New tree planting has been listed on drawing 0815/3/P6 to mitigate the loss. However it has been recommended in the report to plant Hawthorn (*Crataegus monogyna*) and Rowan (*Sorbus aucuparia*) to provide compatibility to the Ancient Woodland to the south-west of the site. Rowan is on the list however Hawthorn is not. Please ensure Hawthorn is added to the list of tree plantings and shown on the relevant drawings.
- In addition due to the loss of such significant trees I request the replacement trees to be of a more substantial size than presently shown. For guidance I suggest at the very least T2 - Oaks and T3 - Field Maple should be Heavy Standards.
- The tree protection fencing shown around T20 and T21 (figure 4 within the report) is not shown on drawings 0815/3/P5 and P6. Please can these be amended.
- The impact on the RPA of T8 and T16 appear to be quite substantial and clearly falls outside the Tree protection fencing. Please provide details of % impact of the development on the RPAs of these trees, with specific protection measures (including ground protection) to ensure everyone is clear how works within this area are to be carried out.
- Please provide details of post development management of the new plantings in line with BS5837.

Providing the above issues are satisfactorily addressed I would not object to the proposed development on arboricultural grounds.

13.11.2019

I have reviewed the responses and amended plans in response to my comments and can confirm that I am happy that they have been satisfactorily addressed.

As a result I have no objections to the proposed development provided the revised documents are fully adhered to throughout construction.

Environmental Protection Officer:

The application looks to create a new single-storey Community Hall.

An acoustic report has been submitted as part of the application by Noise Impact Assessment by RF Environmental (ref: RFE-0130-17-03), dated the 19th August 2019. A further update on insulation levels by RF Environmental (ref: RFE-0130-17-04), dated the 25th October 2019 has also been submitted.

The acoustic reports have calculated that entertainment noise from within the premises should be controlled to acceptable levels at the façade of local residential properties provided mitigation is put in place and windows and doors at the proposed premises are kept closed during Entertainment. Mitigation measures include enhanced glazing and noise attenuation to the roof.

In terms of windows being closed during entertainment, MJB architectures confirmed via email on the 20th September 2019 that the proposed heat pump will provide sufficient cooling in the summer months to allow all the windows and doors to be kept closed during entertainment.

It is recommended that mitigation measures, and the closure of windows and doors during entertainment be conditioned in order to protect existing residents. Even with these matters controlled there is still the potential for noise issues from plant and machinery, vehicles movements, people coming and going, and the use of the outside.

With regards to plant and machinery a condition is recommended to control the noise levels these will need to achieve. Given the residential nature of the area, a condition is also recommended to prevent the outside being used, other than for access and egress, during the later evening and night due to the potential noise impact. Additionally, a condition is recommended to control the times of commercial vehicle movements on site.

The only way to control the noise of customers, and their vehicles, coming and going is to control the opening times of the premises, and a condition is therefore recommended with regards to this. However the applicant should be aware that controls could also be put in place for entertainment times and supply of alcohol times via licensing. Environmental Protection may be more restrictive with times recommended for the licence, as there is more flexibility within the licensing regime for varying times for one off events.

There is also a concern with relation to demolition and construction noise during development of the proposed build and conditions are therefore recommended in relation to this.

Recommendation: Approve with conditions

1. The development hereby permitted shall not be occupied/brought into use until verification has been submitted to and approved in writing by the Local Planning Authority showing that the mitigation measures laid out in the Noise Impact Assessment by RF Environmental (ref: RFE-0130-17-04), dated the 25th October 2019 have been implemented fully (unless varied with the written agreement of the LPA in advance of implementation).
2. Commercial delivery's and waste collections from the site shall not occur on Sundays or Public Holiday or at any time other than that between the hours of 07:00 to 19:00 on Mondays to Fridays, and 08:00 to 17:00 on Saturdays.
3. The premises shall only operate between the hours of 07:00 to 23:00 on Sunday to Thursdays and 07:00 to 01:00 on Friday and Saturdays
4. The outside area shall only be used for access and egress between the hours of 21:00 to 07:00.
5. External doors and windows must be kept closed other than for access and egress when live or recorded music is being performed within the premises.
6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest proposed noise sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

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

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

Reason: to protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

Drainage Officer:

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will utilise soakaway

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will utilise existing foul arrangements

FLOOD RISK

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

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The proposed drainage plan shows large soakaway.

Further information into our requirements for foul and surface water drainage are included within the 'further advice' section.

SUGGESTED CONDITIONS

C18D -

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

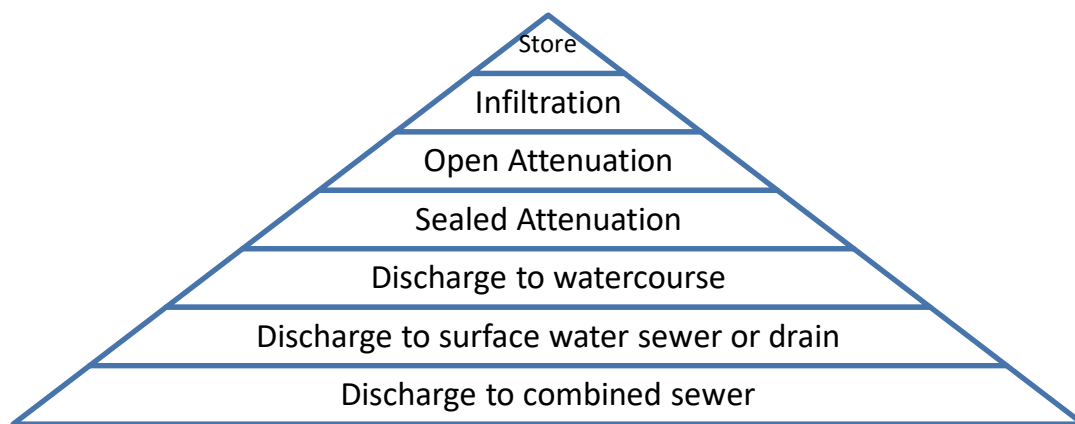
Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

FURTHER ADVICE

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

The proposed development drainage will need to:

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



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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#). Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Useful Links

[Planning Practice Guidance](#) – Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) – Environment Agency Guidance

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

Information Requirements

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

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
<p>Public sewer under or adjacent to site</p>	<p>Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.</p>

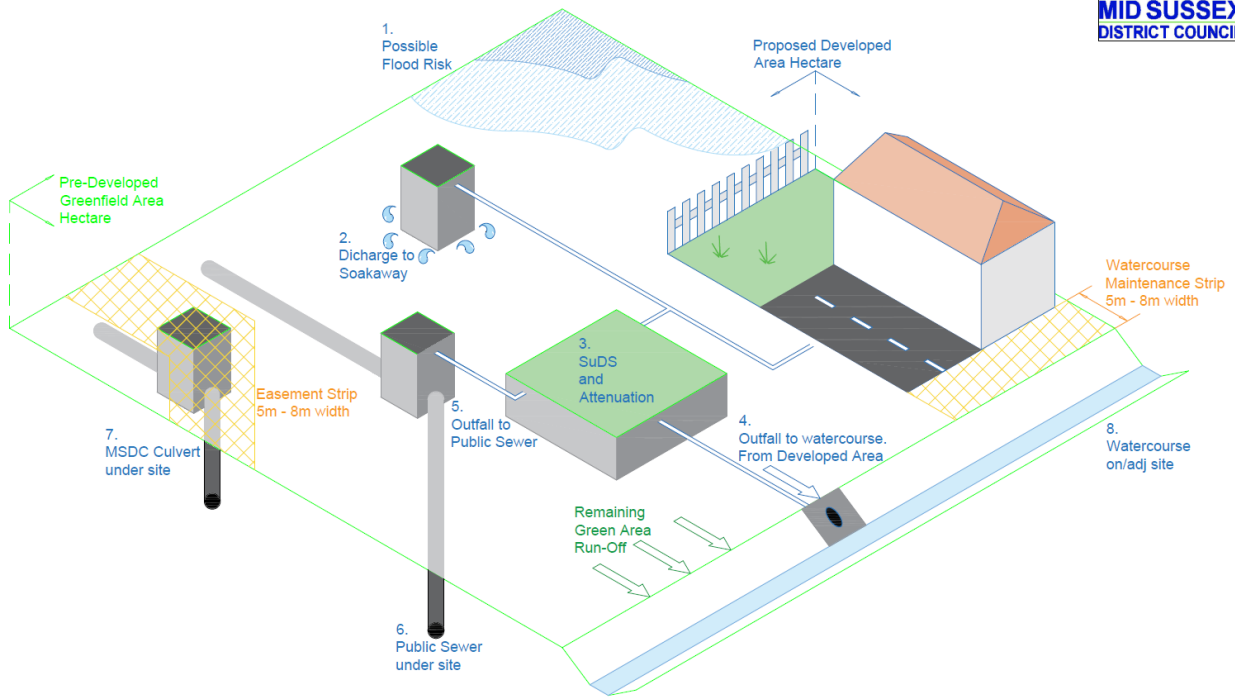
DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055 or drainage@midsussex.gov.uk .
Watercourse on or adjacent to site	A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

Information Requirements – Surface Water Drainage

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to public sewer	<p>Any proposed run-off to a sewer will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a sewer.</p> <p>Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to watercourse	<p>Any proposed run-off to a watercourse will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a watercourse.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.</p>
Soakaways	<p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>SuDS and attenuation</p>	<p>Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.</p> <p>A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>



WSCC Highways:

The proposal to create the above facilities and associated car parking has been considered by WSCC as the County Highway Authority previously in planning application DM-17-0852. As this is a proposal not within the public highway all comments are advisory.

Access

Access to the site is taken from Southdowns Park, a private residential link road on part of the former Princess Royal Hospital site in Haywards Heath. There will be two car parks each with an access onto Southdowns Park. This links into the public highway network at Colwell Road and the B2272 roundabout into the Hospital.

Visibility Splays

There are two access points from Southdowns Park. The western access is already in situ and the eastern access will be created as part of the new car parking area. It is advised these splays are in line with MFS guidance of 2.4m x 43m for a 30mph speed limit in both directions.

Car Parking

It is envisaged most residents will have no need to drive to the site and will walk or come by bike. As such the provision of spaces in the car park reflects this. 36 car parking spaces will be provided. This is slightly under the 43 spaces recommended in the revised parking guidance for new developments. A 10% reduction; in spaces can be used in scenarios where expected parking levels may be lower. Alternative parking areas have been identified by the applicant to cover this shortfall of 3 spaces. There is an existing pay and display car park located near to the site; which can be used during the day time and will be available for use free of charge during the evening and at weekends, offering an additional 50

spaces.

Within the new car parking areas there are 4 disabled spaces, in line with MFS guidance for a minimum 5% of spaces. Recent changes to our car parking standards now require new developments to provide 1% of its spaces for electric vehicle charging, or to supply ducting ready for any future demand as this is set to rise over the next 10 years.

Cycle Parking

Recommended cycle parking for a D2 use of this size is 1 space per 4 staff plus visitor/customer cycle parking. 11 cycle spaces are provided with a shelter over.

Trip Impact

As the club is a replacement for the Norman Hay Hall it is likely the trips to and from the site will not be any different to what was already occurring. A TRICS analysis for a leisure and community centre with 958 sqm predicts an additional traffic generation of 127 trips per day with peaks occurring in the morning, lunchtime, and late afternoon. Weekends are not included in the analysis; but it is envisaged the trip rates may be higher but not in any way significant in highway capacity terms. Access can be made in and out of the site from both the east and the west which distributes the traffic around different parts of the network.

Local Issues

Local views from residents have highlighted there are issues with the width of the private access roads but these are not within the public highway. We advise where roads are narrow that passing places are provided. This will be the responsibility of the land owner to provide solutions to any road issues.

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

Reason: To provide car-parking space for the use

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.

Community Facilities Project Officer:

Thank you for the opportunity to comment on the amended scheme for a community hall at St Francis Sports And Social Club, Colwell Road, Haywards Heath RH16 4EZ on behalf of the Head of Corporate Resources.

The Council has offered grant funding toward this facility, subject to planning approval and a number of other special conditions, and is supportive of the proposal to provide a replacement for the Norman Hay Hall which was demolished to make way for additional housing at this site.

MID SUSSEX DISTRICT COUNCIL

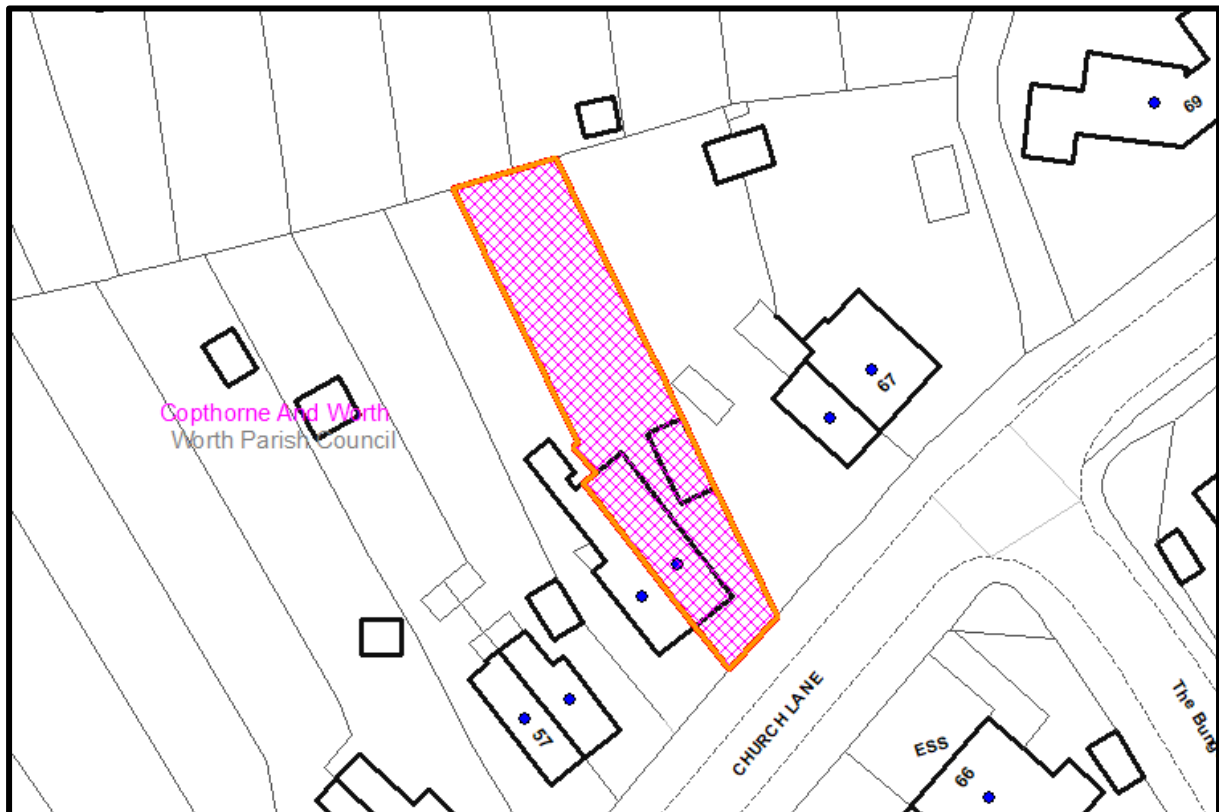
Planning Committee

6 FEB 2020

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/5083



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**63 CHURCH LANE COPTHORNE CRAWLEY WEST SUSSEX
PROPOSED GROUND FLOOR SIDE EXTENSION AND FIRST FLOOR
REAR EXTENSION.
MR AND MRS BROCK**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 7th February 2020

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a single storey side extension, following the removal of the existing single garage, and the erection of a first floor rear extension at No. 63 Church Lane, within the built up area of Copthorne.

The proposed extensions are considered to be of a design and form that are in keeping and appropriate to the character of the dwelling and the streetscene and would not cause significant harm to the amenities of the neighbouring property. The proposal is also not considered result in a loss of parking provision to the property.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP21 and DP26, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

AERODROME SAFEGUARDING GATWICK AIRPORT

No objection

NATS SAFEGUARDING

No objection

WORTH PARISH COUNCIL OBSERVATIONS

No objection in principle, but have concerns over potential loss of parking on the site.

Due to parking issues in this road, request a condition that all construction materials and associated vehicles be stored/parked on site to avoid congestion.

Introduction

The application seeks planning permission for the erection of a single storey side extension, following the removal of the existing single garage, and the erection of a first floor rear extension at No. 63 Church Lane, within the built up area of Copthorne.

Relevant Planning History

None relevant

Site and Surroundings

The application property consists of modest two storey semi-detached dwelling located on the northern side of Church Lane within the built-up area of Copthorne.

The locality is characterised by semi-detached dwellings of varying designs and forms, set back from the highway with low front boundary treatments and off street parking. The properties on the southern side consist of 1950s dwellings of the same design and form, which gives this side of the highway a uniform character. The dwellings on the northern side however differ significantly along the highway, including some period properties. The application dwelling is located on the eastern end of a line of semi-detached Victorian properties, which are of similar in design. To the eastern side of the application dwelling is No. 65 Church Lane, which is angled away from the application dwelling which results in the side elevation being highly visible within the streetscene.

The application dwelling was originally an "L" shaped dwelling with a pitched gable roof, however the dwelling has previous benefited from two storey and single storey flat roof extensions located to the rear of the dwelling, which have squared off the footprint of the dwelling. To the eastern side is a flat roof single garage, which is positioned at an angle to the dwellinghouse. The dwelling is constructed in brick, interlocking roof tiles and white upvc fenestration.

Application Details

The proposed first floor extension would extend over the existing single storey rear extension and would have the same footprint. This extension would have a flat roof with an overall height to match the existing flat roof of the dwelling.

The proposed single storey side extension would replace the existing detached garage and would be set back from the front elevation of the dwelling by

approximately 7.7 metres. This extension would extend up to approximately 1 metre to the eastern boundary of the property and would run parallel with this boundary, at an angle to the dwelling, for some 7.9 metres. This extension would have a flat roof with an overall height of 3 metres.

The proposed extensions would be constructed in materials to match the existing dwelling.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP21 - Transport

DP26 - Character and Design

COPTHORNE NEIGHBOURHOOD PLAN

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation of this finished on the 30th April 2017. The plan is a material consideration in the determination of planning decisions but carries little weight. No relevant policies.

National Policy

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

Assessment

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*

- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

In general, proposed first floor or two storey extensions with flat roofs are not considered to be in keeping with the character or style of dwellinghouses and are not considered favourably. In this case, however, the proposed first floor extension would be located to the rear of the dwelling and would extend from an existing two storey flat roof. In addition the attached neighbour, No. 61 Church Lane, has already benefited from a two storey flat roof extension which is a similar design and form to the proposal.

This proposed extension would be visible from the highway due to the orientation of the No. 65 Church Lane away from the application property and the open character between the properties. It is considered that due to the existing flat roof on the property, and that the extension would be seen against the extension of No. 61 Church Lane, the proposed extension would be in keeping with the character of the existing dwelling and would not have a detrimental impact on the streetscene. The proposed single storey side extension would also be visible from the street; however, this extension would have a similar form and scale to the flat roof garage it would replace. It is therefore considered that the proposed extension would not have a greater impact on the character of the area than the existing garage and would be appropriate to the character of the dwelling.

Impact on the amenities of neighbouring properties

DP26 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);"

To the western side is No. 61 Church Lane, this neighbouring property is attached to the application property through its eastern side elevation. The proposed first floor extension would not extend beyond the rear elevation of the neighbouring property and would therefore not be visible from this neighbour. The proposed single storey side extension would be positioned along the western side of the property some 4 metres from the shared boundary with this neighbour. It is considered that due to the separation distance and the low profile of the extension, it would not cause harm to the amenities of this neighbouring property.

On the eastern side is No. 65 Church Lane, this neighbouring property is orientated at an angle away from this neighbouring property with a separation distance of some 7.6 metres to the shared boundary. It is considered that given the separation

distance and orientation of the dwellings, the proposed extensions would not cause significant harm to the amenities of this neighbouring property.

Impact on parking provision of the property

The proposal would include the removal of the existing single garage, however it is considered that the existing garage is inaccessible by vehicles due to the width of the existing driveway. The property narrows to the highway which creates a pinch point between the boundary of the property and the front corner of the dwelling, which reduces the width of the driveway to approximately 1.8 metres. It is therefore considered that although the proposal would result in the loss of the garage it would not result in a loss of parking provision to the property as the garage cannot be accessed by modern vehicles.

The Parish Council have requested a condition so that all construction materials and vehicles are parked and stored on site. However due the scale of the proposal and the existing parking situation of the property it is not considered necessary or reasonable to include such a condition.

Conclusion

In conclusion, the proposal is appropriate in terms of character and design in relation to the existing dwelling and streetscene, would not cause significant harm to the amenities of neighbouring properties, and would not result in a loss of parking provision to the property. Therefore, the proposal complies with Mid Sussex District Plan policies DP21 and DP26, and the relevant provisions of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

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

Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

No burning of materials shall take place on site at any time.

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Floor and Elevations Plan	BROCK-01	A	13.12.2019
Existing Roof Plan	BROCK-01	A	13.12.2019
Location and Block Plan	BROCK-02	B	13.12.2019
Proposed Floor and Elevations Plan	BROCK-03	A	13.12.2019
Proposed Roof Plan	BROCK-03	A	13.12.2019
Location and Block Plan	Brock-04	PB	13.12.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection in principle, but have concerns over potential loss of parking on the site.

Due to parking issues in this road, request a condition that all construction materials and associated vehicles be stored/parked on site to avoid congestion.

NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Aerodrome Safeguarding Gatwick Airport

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.