
3 November 2020

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 12TH NOVEMBER, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. Roll call and Virtual Meetings explanation.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 8 October 2020 **3 - 6**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

6. DM/20/0979 - Buxshalls, Ardingly Road, Lindfield, West Sussex **7 - 70**
7. DM/20/2381 - The Weald Inn, Royal George Road, Burgess Hill, West Sussex, RH15 9SJ **71 - 118**

- | | | |
|-----|--|------------------|
| 8. | DM/20/2899 - Land To The West Of Freeks Lane, Freeks Lane, Burgess Hill, West Sussex | 119 - 138 |
| 9. | DM/20/2937 - Kingsland Laines, Reeds Lane, Sayers Common, Hassocks, West Sussex, BN6 9JG | 139 - 192 |
| 10. | DM/20/2976 - The Heath Recreation Ground, Perrymount Road, Haywards Heath, West Sussex | 193 - 204 |

Items Recommended for Refusal.

- | | | |
|-----|---|------------------|
| 11. | DM/20/1647 - East Grinstead Sports Club, Saint Hill Road, East Grinstead, West Sussex, RH19 4JU | 205 - 230 |
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Other Matters.

None.

12. Questions pursuant to Council Procedure Rule 10.2 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.

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

Planning Committee - 12 November 2020

**Minutes of a meeting of Planning Committee
held on Thursday, 8th October, 2020
from 4.00 - 4.24 pm**

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

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

Absent: Councillors R Cartwright and N Walker

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal Representative explained the virtual meeting procedure.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Cartwright and Councillor Walker.

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

No declarations were received.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 24 SEPTEMBER 2020

The Minutes of the meeting of the Planning Committee held on 24 September 2020 were agreed as a correct record and signed electronically by the Chairman.

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

The Chairman had no urgent business.

6 DM/19/4549 - THE REGENCY HOTEL, OLD HOLLOW, COPTHORNE, CRAWLEY, WEST SUSSEX, RH10 4TA

Susan Dubberley, Senior Planning Officer, introduced the application which sought approval for a change of use from a hotel (use class C1 to residential (use class C3) (10 flats in total) together with first floor extensions to provide 2x 1 bed and 8x 2 bed flats with associated parking and landscaping at the Regency Hotel, old Hollow, Copthorne. She drew Members' attention to the Agenda Update Sheet which noted changes to the Use Class, typographical error corrections to the executive summary, amendment to Condition 4 and representation from Environmental Health.

There were no public speakers.

A Member noted that even due to its proximity to Gatwick Airport the hotel has been running at a loss. He highlighted a reference in the report regarding the New Homes Bonus which he understood to be phased out by Central Government and expressed his surprised that the Council would receive anything from the site. He was pleased that the parking provision was increased to 17 spaces due to the rural location of the site and the lack of any nearby public transport provision.

Nick Rogers, Business Unit Leader for Development Management, confirmed that in February 2020 Central Government announced a review of the New Homes Bonus to see if it would continue beyond the year however due to Covid-19 the review didn't take place. Until the Government advises otherwise it is considered acceptable to assume that it will continue. Very limited weight is placed on the NHB as a material consideration in any event particularly as this development accords with the Development Plan. He advised that it is intended for officers to review reference to the NHB in reports.

A Member urged the developer to put in more parking spaces as he noted that no person would access the site without a car and that at least two people would reside in the flats, whom both may have a car of their own.

The Business Unit Leader for Development Management outlined that there was sufficient space for parked vehicles and that it meets West Sussex County Council standards. He also outlined that if in future the residents required more parking spaces there is sufficient room for more parking spaces to be created through a further planning application.

A Member highlighted that there is plenty of room to park cars and that the Parish Council have supported the application.

The Chairman moved to the officer recommendation to approve the application with the amendment to condition 4 as proposed in the Agenda Update Sheet , which was proposed by Cllr Phillips and seconded by Cllr Coote.

A recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
J. Dabell	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

A: That planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A with the amendment to condition 4 as proposed in the Agenda Update Sheet; and

B: That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure requirements by the 8th January 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 and DP21 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

7 EF/19/0079 - SPRINGWOOD NURSERY, NASH LANE, SCAYNES HILL, RH17 7NJ

Andrew Clarke, Senior Planning Officer, introduced the report which requested authorisation from members of the committee to commence prosecution proceedings in relation to the failure to comply with the requirements of a Stop Notice relating to the unauthorised development of the construction of a C3 dwellinghouse without planning permission.

A Member stated that the Council should not delay and proceed with proceedings.

The Chairman moved to the officer recommendation that authority be given to commence prosecution proceedings, which was proposed by Cllr Coote and seconded by Cllr MacNaughton.

A recorded vote was carried out by the Legal Officer and the motion was unanimously approved.

Councillor	For	Against	Abstain
G Allen	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
J. Dabell	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

That authority be given for the Council to commence prosecution proceedings in relation to the failure to comply with the Stop Notice pursuant to section 187 of the Town and Country Planning Act 1990 (as amended), subject to the Solicitor to the Council being satisfied that there is sufficient evidence and it is in the public interest to pursue a prosecution.

8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 4.24 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

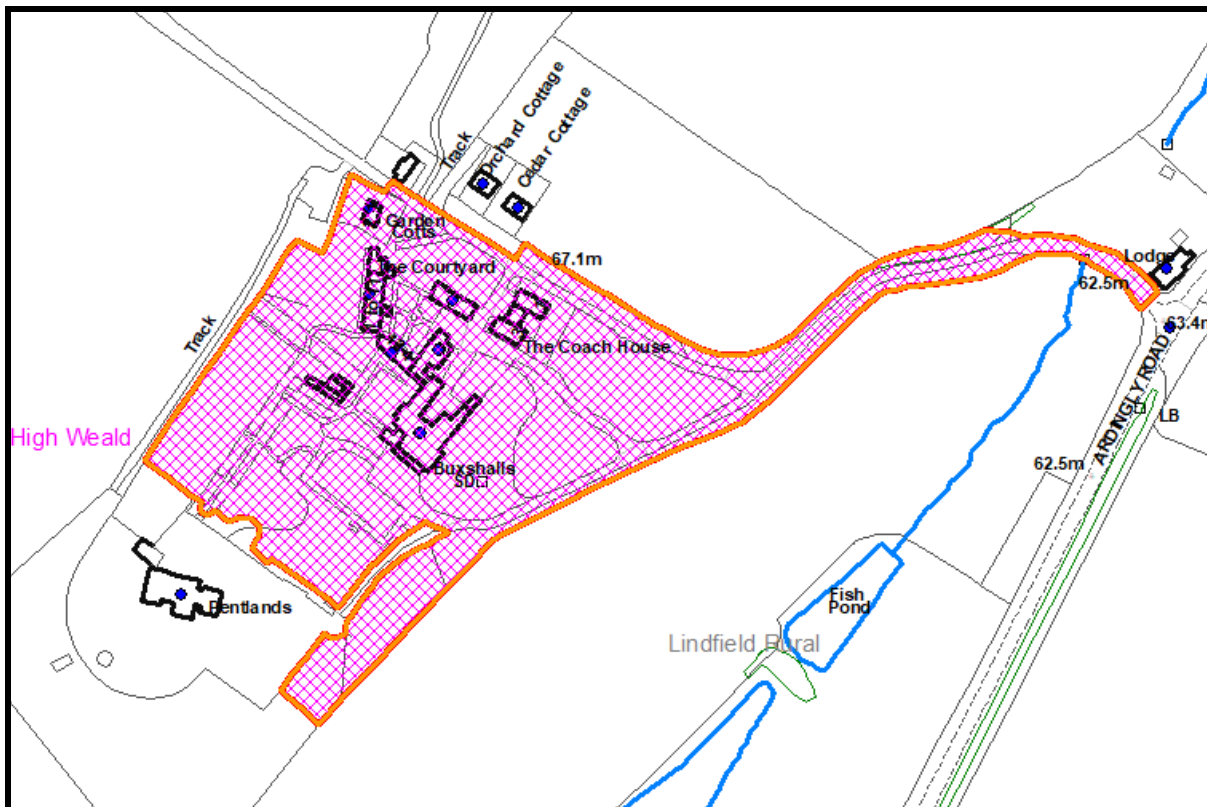
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Lindfield Rural

DM/20/0979



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**BUXSHALLS ARDINGLY ROAD LINDFIELD WEST SUSSEX
CHANGE OF USE, ADJUSTMENT AND REFURBISHMENT OF 19
DWELLINGS FOR THE OVER 55'S TO PROVIDE 15 DWELLINGS.
CHANGE OF USE, ADJUSTMENT AND REFURBISHMENT OF
BUXSHALLS HOUSE FROM A 21 BED NURSING HOME TO PROVIDE 11
DWELLINGS. CONSTRUCTION OF 9 NEW DWELLINGS. ASSOCIATED
ADJUSTMENTS TO LANDSCAPING AND CAR PARKING. NO AGE
RESTRICTIONS ON ANY NEW OR REFURBISHED DWELLINGS.
(AMENDED PLANS, ELEVATIONS AND VIABILITY INFO RECEIVED 10TH
JULY, AMENDED LANDSCAPING PLANS RECEIVED 17TH JULY)
BUXSHALL LTD**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / HSE Major Hazard Site / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition / Minerals Local Plan Safeguarding (WSSC)

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 17th July 2020

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for a change of use, adjustment and refurbishment of 19 dwellings for the over 55's to provide 15 dwellings; change of use, adjustment and refurbishment of Buxshalls House from a 21 bed nursing home to provide 11 dwellings; construction of 9 new dwellings; associated adjustments to landscaping and car parking with no age restrictions on any new or refurbished dwellings. This means that there are proposed to be 35 dwellings on the site.

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

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 proposal is considered acceptable in respect of the principle despite the proposal creating new dwellings in the countryside above the number that would normally be permissible under Policy DP6 (9 or less) and the site not being contiguous with a built up area boundary. This is because there are other material planning considerations that determine there are grounds to come to a decision that is not wholly in compliance with the development plan. Most importantly the planning history of the site is highly material with a development of this site which included a

net increase of 19 units being permitted in June 2014. The principle of development on this site has therefore previously been established.

There are other material considerations that also need to be taken into account such as the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained. It is also considered that without some form of acceptable redevelopment at this site, the main house and surrounding buildings, which are all unoccupied, will continue to fall into a state of disrepair which will have significant implications on the visual amenity of the area. It is for these reasons the principle of this proposal is deemed acceptable.

In this case the overall design and visual impact is considered acceptable and the development does not unduly expand the location of the built form on site. Whilst the Design Review Panel has objected to the application, the retention and refurbishment of the buildings on site has merit and is an approach supported by planning officers, the Urban Designer, the Conservation Officer, the Landscape Advisor and the High Weald AONB Unit. The use of appropriate conditions will further ensure that the development is sympathetic to its surroundings. Accordingly, the natural beauty of the AONB is also preserved.

It is considered that subject to details reserved by condition, the proposal will preserve the special character of the non-designated heritage asset and its setting.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The planning application cannot viably secure any affordable housing or the infrastructure contributions, other than the SAMM and SANG required for the Ashdown Forest mitigation, and this has been confirmed through a viability report conducted by an independent valuer on behalf of the Council.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. In addition there are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage.

The Council would also receive a new homes bonus.

The application is deemed to comply with Policies DP4, DP13, DP16, DP17, DP21, DP26, DP28, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Development Viability SPD, the MSDC Design Guide, the NPPF

and The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

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

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards SAMM and SANG mitigation as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary SAMM and SANG mitigation by the 12th February 2021, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary SAMM and SANG mitigation and as such conflicts with Policy DP17 of the Mid Sussex District Plan.'

SUMMARY OF REPRESENTATIONS

Four neighbouring residents have supported the scheme commenting as follows:

- Strongly support application and will be very pleased if it is passed without any problems
- Fully support
- Being surrounded on three sides by site been watching various proposals over years with interest. However this latest design that keeps most original buildings along with some new ones will be a great improvement to the site. Offer full support.
- Pleased to support predominantly as sympathetic and retains most existing buildings, in keeping with rural surrounds and reflects concerns of local residents. Only real concern is additional traffic and access to B2028 that we know can be difficult and dangerous.

SUMMARY OF CONSULTEES

MSDC Urban Designer:

No objection subject to detailed conditions

MSDC Design Review Panel:

Objection to the scheme

MSDC Conservation:

No objection

MSDC Trees:

No objection subject to conditions

MSDC Ecological Consultant:

No objection subject to conditions

MSDC Landscape Consultant:

No objection subject to conditions

MSDC Housing:

Agreed that scheme cannot provide affordable housing based on viability assessment

MSDC EHO:

No objection subject to conditions

MSDC Drainage:

No objection subject to conditions

MSDC Contaminated Land:

No objection subject to conditions

MSDC Leisure:

No objection subject to securing contributions

MSDC Street Naming:

Add informative

WSCC Highways:

No objection subject to conditions

WSSC Drainage:

No objection subject to conditions

WSSC Fire and Rescue:

No objection subject to conditions

WSSC Waste and Minerals:

No objections

WSSC Infrastructure:

No objection subject to securing contributions

High Weald AONB Unit:

No objection, the increased use of existing buildings is welcomed.

Environment Agency:

No objections

Southern Water:

No objections

LINDFIELD RURAL PARISH COUNCIL COMMENTS

LRPC Planning Committee had attended a site meeting on Wednesday 29th July with the developer's agent. The committee after discussion resolved to support the application but would wish the following observations would be taken into account:

- 1) The PC regards Buxshalls as a building which is of special architectural and historic interest in the local context and we consider as such meets DP34 of the District Plan.
- 2) This historic building with outbuildings with landscaped grounds will contribute to a landscape set in the High Heald AONB.
- 3) The retention and refurbishment of the main house and outbuildings is to be welcomed and these will contribute a significant enhancement to the local landscape.
- 4) The PC considers that the proposed development must recognise and provide a landscape of value for its location within HW AONB.
- 5) The landscaping plan must address the open car parking areas within the courtyard and to the side of the main house to soften and limit the impact.
- 6) All materials must reflect the style of the main house and the rural setting.

7) It is noted that a number of trees are to be removed which are to be replaced but it was noted that some trees make an important feature within the proposed scheme and members considered that some should be TPO to ensure they remain in the future and undamaged during construction phase.

8) The only area of concern was the 4 unit facing the Farm Lane where members agreed that some form of screening be provided.

LINDFIELD PARISH COUNCIL COMMENTS

Lindfield Parish Council (LPC) has no comments to add in respect of the design of this application. However, as the site is located a small distance north of the village's High Street, LPC are concerned to ensure that the development phase appropriately manages construction traffic, recognising the practicalities of the relatively narrow High Street and the difficult junction with the Lewes Road.

Accordingly, LPC ask that the Planning Authority require a Construction Management Plan to be put in place for the duration of the development, from initial works through to site completion. This should route HGVs away from the High Street in order to reduce vibration damage to the many listed buildings lining this section and in particular proscribe the use of the Lindfield High Street (B2028) and Lewes Road (B2111) junction, given the relatively frequent inability of such vehicles to use this junction without mounting the narrow pavement when heading southbound or forcing other vehicles to do so when heading northbound.

INTRODUCTION

This application seeks full planning permission for a change of use, adjustment and refurbishment of 19 dwellings for the over 55's to provide 15 dwellings; change of use, adjustment and refurbishment of Buxshalls House from a 21 bed nursing home to provide 11 dwellings; construction of 9 new dwellings; associated adjustments to landscaping and car parking with no age restrictions on any new or refurbished dwellings.

RELEVANT PLANNING HISTORY

Application **13/03322/FUL** sought planning permission for the demolition of 21 existing dwellings for over-55's; erection of 33 new dwellings for over 55's plus 1 staff flat; change of use and remodelling of Buxshalls House from 21 bed Nursing home to provide 6 apartments for over 55's, landscaping and associated car parking.

This application was refused by Planning Committee B on the 19th September 2013 for the following reasons:

1/. The proposals, by reason of the design of the new buildings, would appear as incongruous features in the High Weald Area Of Outstanding Natural Beauty and fail to conserve and enhance natural beauty. It would therefore be contrary to Policy C4 of the Mid Sussex Local Plan and paragraph 115 of the National Planning Policy Framework.

2/. The proposal does not satisfy the requirements of policies G3 and R4 of the Mid Sussex Local Plan in respect of infrastructure requirements (including affordable housing provision as set out in Policy H4) to service the development as supplemented by the Council's Supplementary Planning Document 'Development and Infrastructure' dated February 2006, nor does it adequately mitigate the potential impact on the Ashdown Forest SPA and SAC and would therefore be contrary to the Conservation and habitats and Species Regulations 2010, Policy C5 of the Mid Sussex Local Plan and Paragraph 118 of the NPPF.

An amended application was subsequently submitted under application **14/01120/FUL** for:

"The demolition of 21 existing dwellings for over-55's at Buxshalls House, Ardingly Road, Lindfield and the subsequent erection of 33 new dwellings for over 55's plus 1 staff flat and the change of use and remodelling of Buxshalls House from a 21 bed Nursing home to provide 6 apartments for over 55's as well as landscaping and associated car parking."

This latter application sought a more traditional and rural design approach, compared to the originally refused scheme that was more contemporary. Permission was duly granted at Planning Committee B in June 2014.

Following this approval, a variation of condition application was submitted under application **DM/15/4715** that sought the removal of condition number 22 of planning permission 14/01120/FUL to remove restriction for dwellings to only be occupied by persons 55 years of age or over. This application was recommended for planning permission by officers but was refused by Planning Committee B in March 2016. An appeal was subsequently submitted and allowed.

Neither the 2014 consent or the 2016 variation of condition approval have been implemented and the time limits for commencement have lapsed.

Two planning applications (DM/20/1094 and DM/20/1095) for extensions and refurbishments have also recently been approved on two of the dwellings (Cedar Cottage and Orchard Cottage) across the road to the north that, although secured by the same applicant, fall outside the boundaries of this planning application before Members.

SITE AND SURROUNDINGS

The Buxshalls estate covers 17 hectares of countryside and woodland of which 2.4 hectares are occupied by Buxshalls House and an additional 21 residential properties, access roads and curtilage areas.

Buxshalls House itself dates from 1825 and was constructed in the Greek Revival style although a number of additions were made over the next fifty years. The house was last in use as a 21 bedroom nursing home. Although grand, the building is not listed (an application to Historic England for listed status was refused in 2010 due to the number of alterations from the original).

To the east, south and west of the main house lie attractive landscaped grounds.

To the north of the house are the other 21 residential units. These are a variety of buildings dating from mid to late Victorian to the 60's with several additions and alterations from the 1980's (when the site became a sheltered housing facility). It should be noted that two of these units on the north side of the road, which benefit from the DM/20/1094 and DM/20/1095 consents referenced in the preceding section, lie outside of the application site. A TPO applies to the large tree sitting in front of these dwellings under reference TP/15/0005.

The site sits within an attractive rural setting within the High Weald Area of Outstanding Natural Beauty and is afforded good views to the south.

The site is accessed off the Ardingly Road (B2028). This access road runs directly through the site to a large working farm located to the west and a number of other residential properties.

The access road branches off to the south and this leads to the front of Buxshalls House itself and also to a neighbouring property known as Pentlands that is directly to the south west of the site. This neighbouring property is set down the slope (which goes down to the south west throughout the site) from Buxshalls House at a distance of approximately 90 metres.

Yew Tree Cottage is the property located to the immediate north of the site and although it reads as part of the same group of buildings, is not part of the application site. There is also a neighbouring property at the junction with Ardingly Road known as Buxshalls Lodge which does not fall within the application site.

In terms of planning policy, the site is located within the Countryside as defined by the Mid Sussex District Plan. The site is also located within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

The proposal involves alterations to the existing 19 residential units and the existing care home as well as the construction of 9 new build dwellings.

Overall, the proposal will provide 35 dwellings of the following mix:

7 x 1 bed units
13 x 2 bed units
11 x 3 bed units
4 x 4 bed units

The applicant refers to the proposed units in a number of blocks as shown in the corresponding plans and Design and Access Statement, with each of these summarised below (block letters as per submissions).

Block A (main house) - This sees the retention and refurbishment of the main house which will consist of 3 no. dwelling houses and 8 no. apartments. The dwelling houses will have their own private amenity spaces which are generally enclosed by existing landscape and masonry walls. The apartments occupy parts of the existing building which front the main lawn area to allow the open setting of the building to be maintained on the south-west and south-east elevations. Improvements made to the exterior of the building include the removal of features including the existing poor-quality conservatory, the ramp currently attached to the portico on the entrance elevation, the lift tower and the external metal escape staircases. Existing roof structure and slate finishes will be replaced with matching and will include provision of new apartment within the roof-space utilising new dormers.

Block B - 2 no. bungalows extended and refurbished and re-faced with matching local sandstone

Block C - 2 no. bungalows refurbished

Block D - 6 no. terrace of cottages converted from where there are existing apartments. The existing poor quality external access balcony and staircases will be removed to reveal the underlying original sandstone envelope of the former stable block which will be repaired/re-instated where required. Terrace to be extended to the west with a new lime rendered elevation. The existing artificial slate roof will be replaced with natural slate and the existing poor quality and ad-hoc dormers will be removed and consolidated with new standing seam metal clad dormers to provide an improved unifying rhythm. The existing brick extension on the north side of the building will be removed and replaced with a new attached cottage in matching traditional materials.

Block E - 2 no. apartments to be provided with external improvements being made

Block F - 3 no. dwellings with internal refurbishments and minor external additions

Block H - 1 no. cottage converted from two existing apartments includes additional cladding, fenestration changes and a new entrance.

Block K - 4 no. new build cottages located to southern side of access road. Brick faced elevations and local plain clay tiled pitched roofs.

Block L - 3 no. new build houses between the two access roads in north east corner of site and set behind a grouping of mature trees. Gables utilised and adopting traditional forms with brickwork walls and local plain clay tile roofs to reflect the existing buildings in Block F.

Block M - 1 no new build dwelling to west of main house to replace existing structures. Given the position of this building the architectural approach differs from the other new buildings with the new south elevation colonnaded which references the main house. Single storey and the walls will be a mixture of dressed stone detailing and randomly coursed sandstone to match Block B. The roof will be a green roof with a planted sedum finish.

The landscaping plans have been improved in response to comments from officers since the application was first submitted. The dwellings will have their own private garden areas beyond which will be communal landscaped areas.

In terms of car parking, this has also been modified since the initial submission to address officer comments on the visual impact, with various bays and courts that include disabled spaces spread throughout the development.

In terms of the tenure, as discussed in more detail in a later section of the report and based on the viability of the scheme, the applicant is proposing that all of the 35 units will be market dwellings with no affordable to be provided.

DEVELOPMENT PLAN

Mid Sussex District Plan 2014-2031 (2018) (District Plan)

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policies include:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP12 Protection of Countryside
- DP13 Preventing coalescence
- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 Securing Infrastructure
- DP21 Transport
- DP26 Character and Design
- 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
- DP42 Water Infrastructure & the Water Environment

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan has been made so forms part of the Development Plan with full weight. The most relevant policy is: 1 (A Spatial Plan for the Parishes).

OTHER MATERIAL CONSIDERATIONS AND RELEVANT 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 role, a social role and an environmental role. 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 (NPPG)

National Design Guide

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

MSDC Development Viability SPD (2018)

West Sussex County Council Guidance on Parking at Developments (May 2019)

Technical Housing Standards

MSDC Design Guide

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

ASSESSMENT

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

- Principle of Development
- Design, Visual Impact and Landscape
- Trees
- Ecology & Biodiversity
- Ashdown Forest
- Heritage
- Transport, Highways and Movement
- Residential Amenity
- Affordable Housing and Infrastructure
- Sustainability
- Other Issues
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, the made Lindfield and Lindfield Rural Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

Policy DP6 in the District Plan allows for extensions adjacent to defined built up areas, subject to a number of criteria. As well requiring such sites to be contiguous with an existing built up area, one of the other criteria limits the number of units to fewer than 10. As such the proposal would be contrary to policy DP6.

Being within the countryside Policy DP12 applies. This states that development will be permitted *"provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

None of these exceptions apply.

Policy DP15 in the District Plan allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are allowed under policy DP15.

Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan does however indicate that the principle of this proposal could be supported given that it encourages the re-use of previously developed sites. The policy states that:

"Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan."

In light of the above, it is considered that the proposal would be contrary to the district plan policies that have been highlighted because the proposal is for a major development of residential development (net increase of 16 residential units) outside the nearest built up area boundary and the site has not been allocated for development. As such it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not wholly in compliance with the development plan.

The planning history of the site in particular is highly material to an assessment about the principle of this proposal. As set out in the 'relevant planning history' section, planning permission was granted in June 2014 for a development of this site which included a net increase of 19 units. Although the site is no longer the beneficiary of an extant consent, in light of this history it is considered that the fact the proposal would be contrary to policies DP6, DP12 and DP15 would not justify resisting this planning application because the principle of development on this site has previously been established. The planning history alone is a material planning consideration of sufficient weight that would justify a decision that would not be in full accordance with the development plan.

There are however further material considerations that also need to be taken into account.

For example, the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It also clearly states that one of the Government's objectives is to significantly boost the supply of homes, and to support this it is important that a sufficient amount and variety of land can come forward where it is needed

Furthermore, and in a similar vein, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one. This means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained. The LPA has a challenging target of delivering 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest. With this backdrop of housing that needs to be delivered, it is considered that optimising the use of this site where the principle of development has previously been established should be supported.

It is also considered that without some form of acceptable redevelopment at this site the main house and surrounding buildings, which are all unoccupied, will continue to fall into a state of disrepair which will have significant implications on the visual amenity of the area.

In light of the above material planning considerations, it is considered that a modest redevelopment of this site as is currently proposed is considered acceptable in principle despite not being strictly in accordance with the Development Plan.

Design, Visual Impact and Landscape

Policy DP12 of the District Plan states that the countryside will be protected in recognition of its intrinsic character and beauty.

Policy DP13 refers to coalescence and states that:

"The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When

travelling between settlements people should have a sense that they have left one before arriving at the next.

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."

The most relevant part of Policy DP16 of the Mid Sussex District Plan states that:

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

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

Policy DP26 states that:

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

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, *"recognising the intrinsic character and beauty of the countryside."*

Paragraph 172 of the NPPF requires that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."*

The Urban Designer, whose full comments are set out in Appendix B, has commented on the scheme overall as follows:

"This scheme involves the retention and refurbishment of Buxshalls House which I welcome as it has remained empty for many years. Overall the proposal can also be credited for working sensitively with the existing layout and retaining the historic landscape features and most of the existing trees that provides both an attractive backdrop to the existing and proposed development while also helping to screen it from the rural surrounds which is important because of its AONB status. I also support the sensitive upgrading of the existing out-buildings and the addition of new dwellings that respond appropriately to the scale and character of the existing buildings including the main house. While my overall assessment differs to the DRP, I nevertheless share the panel's concerns about the sub-division of part of the grounds to facilitate private gardens; however I feel the revised drawings have now sufficiently addressed this providing the boundary treatment is sensitively handled."

The Urban Designer has commended a number of aspects of the layout, particularly around the discreet location of the car parking and the siting of the new build elements in terms of how they sit in relation to the existing buildings and vegetation.

Regarding the elevations, the Urban Designer is also supportive of the proposed works to the main house:

"The improvements to the main house involve the welcome loss of extraneous additions such as fire escapes, railings, lift shafts and the conservatory. The introduction of a raised roof and dormer windows will provide additional accommodation; the impact of these will be reduced by the bottle balustrading that will partially screen them, and because of the relatively shallow pitch of the roof."

As already noted, the applicant has made amendments to the scheme since it was first submitted and this includes changes having been made to the design of the outbuildings. Referring to the various works to the outbuildings and new build elements, the Urban Designer's views can be summarised as follows:

"While the out-buildings vary in their form, there are similarities in their detailing, such as the vertical proportions and contemporary feel of the fenestration which should help cohere them. The work to the existing out-buildings will re-introduce lost features while also removing insensitive alterations and extensions. For instance, where they previously featured sandstone facades, they are being re-faced in sandstone or stripped back to reveal the sandstone. Slate roofs are also being reintroduced."

The Urban Designer has concluded his comments by confirming that no objections are raised to the proposal but recommends conditions requiring details on landscaping, materials and 1:20 elevations and sections of specific elements. These details will be secured by the planning conditions set out in Appendix A.

As Members will note, the views of the Urban Designer do not wholly align with those of the Design Review Panel (DRP) who have objected to the scheme. The DRP comments are set out in full in Appendix B and, whilst supportive of some elements, do find fault with the approach stating that:

"The panel supported the retention of the main house including utilising the roof for habitable space. Elsewhere the principle of combining stonework with contemporary detailing was also applauded. However, it was unfortunate that the panel had not had an opportunity to consider the scheme at pre-application stage as they were unconvinced that retaining the out-buildings was a good solution."

The DRP wanted a more fundamental design approach that would likely see the removal of the existing outbuildings. On this issue, the Urban Designer has commented that:

"The DRP have commented that the existing blocks are awkwardly positioned in respect of making best use of the external spaces. While I accept some of the existing out-buildings are not ideally positioned they benefit from their historic relevance as they date from the 19th Century. They have therefore evolved with the site and have a modest scale that sits comfortably with the main house; they are also tucked away mostly to the north of the main house allowing the latter to have a direct relationship with the gardens and wider outlook to the south."

Planning officers also consider that the re-use of the buildings is of merit from a visual amenity perspective. This view is supported by the comments of not only the Urban Designer but also the Conservation Officer, and the HWAONB Unit, with the comments of these latter two consultees being referenced in a little more detail later in this section and the heritage section respectively. Neither does the Landscape Advisor object to the current proposal to retain the outbuildings.

The Mid Sussex Design Guide at Chapter 10 (Building Conversions) also supports the principle of retaining such buildings:

"Conversions allow for the re-use of existing buildings to preserve their contribution to their urban or rural context while contributing to the sustainability agenda by capturing the embodied energy associated with the building's original construction, and avoiding the wider environmental costs linked with demolition and

redevelopment. Re-purposing of buildings can also give them an interesting new identity. The Council therefore support the re-use of buildings when they make a positive contribution to the character of an area."

Overall on the design approach, planning officers concur with the assessments made by the Urban Designer and consider that the proposal sets a good standard of design that accords with local and national policy requirements. It is also important to highlight that, based on the representations received, the design approach appears to have met with approval from the neighbouring residents.

As briefly referred to above, the Council's Landscape Advisor raises no objections to the proposal regarding the landscape and visual amenity impacts of the development. The advisor has commented, as set out in full in Appendix B, that the revised landscape masterplan is acceptable as is the Landscape Hierarchy Plan. A number of detailed points are also made and these can be secured/addressed through the landscaping condition in Appendix A.

Some concerns were expressed by planning officers and the Urban Designer, as well as the DRP and the Landscape Advisor, about the subdivision of the existing communal gardens shown on the original plans. The applicant has made amendments to the landscaping to address some of these concerns with reduced garden areas shown in places and segregated by hedging. The Urban Designer has commented on this issue as follows:

"I share the DRP's concerns about the subdivision of the existing communal gardens north-east of the main house, as it potentially undermines the open character of the gardens and imposes an inappropriately suburban form on this special site. The revised drawings have partly addressed this by reducing the size of the private gardens at the rear of block D. Elsewhere the existing walled courtyard and parallel hedgerow have been used to reduce the need for new boundaries that has helped lessen the impact. I agree with [the Landscape Advisor] that while hedges would provide attractive boundaries, there will be pressure from residents to secure their boundaries with a more robust boundary treatment; I therefore feel that hedges should be employed in combination with the hazel hurdle fencing that [the Landscape Advisor] is recommending. The ground floor flats on the east side have no defined external space; as the DRP have suggested, a modest privacy strip defined by low planting might be needed here."

The landscaping condition will adequately address the issues raised whilst also securing a long term landscape management strategy for the whole site as requested by the Landscape Advisor. Furthermore a condition will also be used, as set out in Appendix A, to remove permitted development rights regarding enclosures so that the Council maintains control over this in the future. Such a condition is considered entirely necessary and reasonable for a unique development like this in a sensitive rural location.

The landscaping condition will also address the High Weald AONB Unit's comments insofar as they refer to the planting plans:

"Any lost trees should be replaced on at least a 1:1 basis and preferably more to demonstrate biodiversity net gain. The new trees should be native, locally sourced, species to ensure compatibility with the local eco-system. The location of such new planting should reflect the historic location of trees and not block important views. The attached map of the site circa 1860 [see full consultee response on planning file] shows that there were many more trees on the site at this time and these should be reinstated where possible."

The other comments from the Unit largely centre on the principle of the approach and the retention of the outbuildings as already discussed in this section of the report:

"The increased use of existing buildings is welcomed, not just because it is more sustainable to re-use where possible existing structures but because it enables future residents to understand and appreciate the history of the site and its sense of place."

"The High Weald Housing Design Guide is relevant to this development. This promotes landscape-led design which includes the retention and, where possible, reinstatement of historic landscape features and buildings to ensure that the past uses of the site are legible and form the foundation of the design of new development."

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'.

In this case, the overall design is considered acceptable and the development does not unduly expand the location of the built form on site. The use of appropriate conditions will further ensure that the development is sympathetic to its surroundings. Accordingly, the natural beauty of the AONB is preserved.

As the development is largely contained to the parts of the site that have previously been developed and is of a scale that is appropriate to its setting, the application will not therefore have a significant effect on the coalescence of the settlements of Lindfield and Ardingly. Because the proposal will not lead to a lessening of the distinctiveness of these local settlements the application accords with Policy DP13 of the District Plan.

To conclude this section, the design of the scheme is of merit and the subsequent landscape and visual effects are considered acceptable whilst the natural beauty of the AONB is preserved. The application therefore complies with Policies DP13, DP16 and DP26 of the District Plan, Policy 1 of the Neighbourhood Plan, the NPPF and the Mid Sussex Design Guide.

Trees

Policy DP37 of the District Plan 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."

The applicant's arboricultural submissions indicate the following with regards to tree removal:

T5 - Cat C
T6 - Cat C
G7 - Cat C
T9 - Cat C
T10 - Cat C
T12 - Cat C
T13 - Cat C
T16 - Cat C
T21 to 24 - Cat C
G41 part - Cat B
G43 - Cat C
T44 - Cat C
G45 part - Cat B
T42 - Unclassified (removed for safety/ good management)
G54 - Cat C (removed for safety/ good management)

The Council's Tree Officer has been consulted on the merits of the application and raises no objection to the tree loss, confirming that;

"The revised landscaping plan shows replacement trees to mitigate the loss of those being removed. I would agree however with the points raised by the Landscape Architect, particularly with reference to the use of a mixed native hedge on the boundary rather than a clipped evergreen hedge."

The landscaping, including policy compliant replanting, will adequately address this requirement which will be secured by condition as noted in the section covering the landscape impact. With such a condition in place the application therefore accords with Policy DP37 of the District Plan.

Ecology & Biodiversity

Policy DP38 of the District Plan 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."

At national level, the NPPF states at paragraph 175 that:

"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."

It should be made clear that the proposal does not result in the loss of any ancient woodland, areas of which are found well outside of the application site but not within it or adjacent to it.

In support of the application, the applicant has submitted an 'Ecological Appraisal' and a 'Preliminary Roost Assessment' that are available to view in full on the planning file. The 'Ecological Appraisal' sets out some details of mitigation that should be incorporated into the proposals.

The 'Roost Assessment' found evidence of the presence of bats and sets out the need for mitigation as well as further investigation in the form of dusk emergence and/or dawn re-entry surveys of the buildings on site with high, moderate and low suitability to allow for the correct roost classification. The report confirms that the results of these further surveys are essential in the planning of appropriate and proportionate mitigation, compensation and enhancement measures. The applicant has subsequently submitted a Bat Survey Report and an Outline Bat Mitigation Plan that provide more details on the presence of bats and mitigation measures respectively.

The Council's ecological consultant has commented on the applicant's submissions and concluded that:

"Bat survey work undertaken thus far, plus older survey results, indicates that the proposal will involve the loss of bat roosts of relatively common species. Whilst further survey work is still required (which will need to be undertaken between May and August), based on the information available, including the outline mitigation proposals, sufficient measures appear to be feasible (even if some adjustments are required) to accommodate any likely additional impacts and support a licence application to Natural England. Therefore, if MSDC deems planning consent to be in the public interest, I would expect a licence to be granted."

Conditions have subsequently been recommended by the ecological consultant to secure a biodiversity protection and mitigation plan, proposals for habitat enhancements and long-term management to demonstrate an overall net improvement in resources for wildlife and the lighting proposals. Such a condition is set out in Appendix A and with this in place, there are no objections to the proposal from an ecological perspective.

The application is therefore considered to be in accordance with Policy DP38 of the District Plan and the NPPF.

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 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 16 dwellings, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £49,550, and if the approved scheme provides for a strategic SANG contribution, this would be £31,120.

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 have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation will secure the SAMM and SANG contributions so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and agrees with the conclusions.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a 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. 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.

Heritage

As stated elsewhere in this report the main house at Buxshalls is not listed and an application to Historic England to list the property was rejected in 2010 owing to the alterations that have been made to the original building. It is however a building of interest and can be classed as a non-designated heritage asset.

Policy DP34 of the District Plan states in relation to other heritage assets:

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

heritage asset, which may be archaeological, architectural, artistic or historic. Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."

Paragraph 197 of the NPPF is also relevant with this stating that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

The Council's Conservation Officer has confirmed the status of the building which is considered to be a non-designated heritage asset and outlined some of the reasons why as well as providing some historical context.

"I would regard Buxshalls as a non-designated heritage asset (NDHA), as a building which is of special architectural and historic interest in the local context... Buxshalls was constructed in 1825 in the Italianate style by William Jolland, as a country residence. The estate included a number of outbuildings to the north of the house which also survive today, and extensive landscaped grounds including terracing, steps, glasshouses, a Venetian temple and a pair of boathouses linked by a bridge over the River Ouse... I would consider that the house is likely to possess evidential and illustrative historical interest in the local context, as a good albeit altered surviving example of an early 19th century country residence of some pretension, with surviving ancillary buildings and landscaped grounds. It also possesses aesthetic value, and associative value in respect of its links to a number of prominent local families. The surviving historic outbuildings and landscaped grounds contribute positively to the setting of the NDHA and to its special interest in the local context."

In terms of the planning merits of the application, as Members will have noted from the full comments in Appendix B, improvements have been made to the proposal since it was initially submitted. The Conservation Officer has confirmed these as follows:

. "In particular the landscaping scheme has been amended. I previously raised concerns regarding aspects of the landscaping, in particular subdivision of the grounds into numerous private garden spaces and loss of trees as highlighted by Will, and the extent and placement of new parking areas in particular that to the south west of the house adjacent to the principle garden frontage.

The scheme has been amended to show the area of private garden spaces reduced, more trees retained, and the surfacing and extent of the parking area to the south front of the house revised to soften its impact on this part of the setting of the building."

It is important to make clear that the Conservation Officer is also supportive of the approach to re-use the buildings as much as possible and this accords with the views of the Urban Designer and the High Weald AONB Unit as discussed in the earlier section of the report:

"The retention and refurbishment of the house itself is welcomed as is the retention of the outbuildings. In my opinion these ancillary buildings which are in some cases contemporary with the house make a positive contribution to its setting and the special interest of the NDHA as a whole. This is an improvement on previous schemes which allowed for their demolition."

The Conservation Officer concludes her comments by confirming that there are no objections to the proposal:

"On balance, given the previously identified benefits of the scheme, I consider that subject to detail the proposal will preserve the special character of the non designated heritage asset and its setting. This will meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF."

As highlighted within this report section DP34 of District Plan states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance. In this case the proposal is deemed to preserve the special character of the non-designated heritage asset meaning the application accords with para 197 of the NPPF which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In light of the above analysis on heritage assets, the development is found to be in accordance with Policy DP34 of the District Plan and the NPPF.

Transport, Highways and Movement

Policy DP21 of 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."

The NPPF states that:

"108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

West Sussex County Council (WSSCC) in their capacity as the local highways authority (LHA) has provided detailed comments on the merits of the application with these set out in full within Appendix B.

In respect of the access, WSSCC has confirmed the proposals are acceptable:

Vehicular access to the site will be retained from the western side of the B2028 Ardingly Road. The access design is comparable to the 2014 application. The applicant proposes to widen the access on the southern side to an overall width of 7 metres. The LHA acknowledges that this will improve the existing access and the

works to undertake the improvements would be subject to a Section 278 Agreement with the LHA. The applicant has provided swept path diagrams within the appendices of the TA which demonstrate that a large refuse collection vehicle can safely turn from the B2028 into the site. Within drawing 2020/5224/001 the applicant has demonstrated the required visibility splays of 138 metres and 151 metres respectively."

WSCC has also confirmed that the parking and layout provisions are acceptable:

"The proposed parking on site would be in accordance with the latest 2019 LHA parking standards. 70 spaces are required and 70 spaces can be provided within the site. 4 of the spaces would be disabled spaces, these should be 3 by 4.8 metre dimensions. Electric Vehicle (EV) parking is to be provided however the TA does not give a specific break down. In line with the LHA standards from 2020 up to 30% of the proposed parking spaces should be active spaces for EV usage. 37 cycle parking spaces will be provided, and these will be in a secure and covered environment. As with the access strategy the applicant has provided a drawing demonstrating that a larger vehicle can safely turn within the internal access roads. This has been based the type of vehicle the local refuse collection authority would have in service."

The other main consideration in respect of highways is the trip generation and on this WSCC has commented that:

"In order to establish the traffic generation potential associated with the proposed development, the TA includes figures from the TRICS database for comparable residential sites (private houses). The applicant has the proposed residential development is anticipated to operate in a similar manner to the permitted use at the site during peak hours, generating 4 additional two-way vehicle movements during the morning peak hour, 5 additional movements during the evening peak hour and a total increase of 35 two-way vehicle movements over the course of a typical day, which the LHA does not consider to be a significant increase. In relative terms this equates to one additional arrival/departure every 12-15 minutes at peak times. Having assessed the TRICS data the LHA is satisfied that the proposals would not have a 'severe' residual impact on the adjoining highway network in line with Paragraph 109 of the National Planning Policy Framework (NPPF)."

The overall conclusion from the local highways authority is that:

"Having assessed the information within the TA and noting the previous history of the site the LHA is satisfied that the proposals would not have a 'Severe' impact on the adjoining highway network in line with Paragraph 109 of the National Planning Policy Framework (NPPF)."

The concern raised by the neighbouring resident on the access is noted. However, in the absence of any technical objections from WSCC, and subject to the imposition of the conditions requested by the highways authority, there are no sustainable reasons to object to the proposal on such grounds. The previous applications, for more residential units, were also found acceptable on highways grounds.

Conditions will be secured covering the access works, the car parking to be agreed to ensure it is compatible with the landscaping plans and the provision of the required visibility splays.

A cycle parking condition will also be used to help promote sustainable travel. On this issue, whilst the site is quite remote from the built up area of Lindfield the site is previously developed and as such it would be unreasonable to refuse the application on such grounds. There is also a bus stop, on both sides of the road in close proximity to the access onto the Ardingly Road, that will also help reduce the reliance on the private car for future occupiers.

It is evident from the above assessment that the application therefore complies with Policy DP21 of the District Plan and the NPPF.

Residential Amenity

Policy DP26 of the 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...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."*

The policy test of whether or not an application is acceptable in respect of the impact on residential amenity is therefore down to whether significant harm is demonstrated or not.

Policy DP27 of the District Plan states:

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

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

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

Paragraph 127 of the NPPF requires development to, inter alia, *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

The nearest properties most likely to be affected are Yew Tree Cottage across the farm access road to the north west, the adjacent Orchard Cottage and Cedar Cottage, Pentlands immediately to the south and Buxshalls Lodge adjacent to the

B2028. Other residential properties that share the access road are located further west and will be affected to a lesser extent.

From Yew Tree Lodge and the pair of cottages that have recently been the beneficiaries of the planning consents noted above, the buildings are set across the access road, down the slope and in the case of the Lodge no closer than the nearest of the existing buildings. The design, size and scale of the new buildings, as well as the separation distances, will not therefore significantly affect the amenities of the occupiers of these dwellings.

Pentlands to the south is located just beyond the site boundary and is located some 95 metres from Buxshalls House itself. At such a distance it cannot be found that the development will significantly harm the amenities of this occupier. The restored garden area close to the boundary is not a change of use from the existing.

It is concluded therefore that the buildings themselves will not significantly affect neighbouring residential amenity. It can also be reasonably concluded that the use of the site itself, and in particular any possible intensification in use, will not cause excessive noise or disturbance to nearby residents. When coming to this view, the existing use of the site must be taken into account along with the fact the access road running along the northern boundary serves a working farm. This conclusion particularly applies to Buxshalls Lodge which is adjacent to the access point onto the B2028.

These conclusions on the residential amenity implications of the redevelopment are the same as reached on the more historical applications with none of the previous applications on this site being refused due to the harm caused to neighbouring amenity.

It is acknowledged that there will be some degree of disruption during construction work but this would not merit a refusal of the application as they will be temporary in nature and are necessary to facilitate the development. The building works will in any event be mitigated as much as possible through working hours restrictions and the Construction Environmental Management Plan that will control various matters such as construction traffic routes, site set up, contractor parking and other mitigation measures. These mitigation issues will be secured through an appropriate condition as set out in Appendix A.

In respect of future amenity, all of the proposed dwellings have access to private amenity space and the applicant has confirmed that all of the dwellings meet or exceed the National Floor Space Standards referenced by Policy DP27.

The proposal will not cause significant harm to neighbouring residential amenity and will provide an acceptable standard of accommodation for future residents. The application is therefore considered to be in accordance with Policies DP26 and DP27 of the District Plan and Paragraph 127 of the NPPF.

Affordable Housing and Infrastructure

Policy DP20 of the District Plan states:

"The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place."*

The National Planning Policy Framework sets out the Government's policy on planning obligations and states:

"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."

"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."

The Council's Development Infrastructure and Contributions Supplementary Planning Document is also a material planning consideration with this setting out the detailed breakdown of the contributions required for developments. The contributions would also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Regarding affordable housing, Policy DP31 of the District Plan states:

The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. 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; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this

District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document."

The Council has an adopted SPD on Development Viability which is a material planning consideration.

In this case the proposal would ordinarily give rise to an onsite affordable housing requirement of 30% alongside infrastructure contributions including those requested by WSCC and MSDC Leisure in Appendix B.

However, in this case the applicant has submitted a Financial Viability Assessment which is available to view in full on the planning file. This report concludes that it would not be financially viable to provide onsite affordable housing or the required infrastructure contributions.

These submissions by the applicant were subject to review by the independent valuer who subsequently agreed with the applicant's position that the scheme could not viably deliver affordable housing or the infrastructure contributions. The independent valuer's report is also available to view in full on the planning file.

The NPPF at para 57 states that: *"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."*

Given the up to date nature of the Development Plan policies supplemented by the SPD's, and the comments of the independent valuer, planning officers consider that there are no reasonable grounds on which to not accept the findings of the viability assessment. In this case therefore the planning application cannot viably secure any affordable housing or the infrastructure requirements.

It should be noted that the SAMM and SANG will have to be paid in accordance with the details set out in the preceding section of this report. This is because without that mitigation, irrespective of the viability position, the application would not accord with the habitat regulations.

In line with the Development Viability SPD a viability review would normally be required at a later date in the project when more definite and accurate information is able to be provided about costs and values. However in this case because the deficit of £2,747,456 is so large, there would need to be an increase in sales values of

approximately 16%, together with a decrease in build costs of 16% in order to create a break even situation. Consequently it is not proposed that a viability review is undertaken on this occasion.

The Council's Housing team has confirmed the position in their consultation response which is set out in full in Appendix B but confirms the following:

"The applicant has however submitted a viability report stating that no affordable housing can viably be provided. An independent assessment of this report has been carried out on behalf of the Council and concluded that it is not currently viable to provide any affordable housing."

Based on the viability submissions made by the applicant that have been independently assessed and support the position that the scheme cannot viably provide affordable housing or the required infrastructure, the application complies with the exceptions permissible under DP31 of the Mid Sussex District Plan, the Council's SPDs on Development Viability, Affordable Housing and Development Infrastructure and Contributions and the NPPF.

Sustainability

Policy DP39 of the District Plan states:

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

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

Paragraph 150 of the NPPF seeks to ensure new development helps, *"to reduce greenhouse gas emissions, such as through its location, orientation and design."* Paragraph 153 expects new development to, *"take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

The applicant has provided some high level details of the measures that the development will incorporate and has stated they will exceed current building regulations. Measures include;

- upgrading the existing buildings to significantly improve their thermal performance and reduce heating demands;
- the use of solid floors, masonry walls, windows with deep reveals and high levels of insulation will provide thermal mass ensuring there will be no need for artificial cooling.
- a passive ventilation strategy will also be adopted with heat recovery.
- all new solid floors will incorporate under floor heating
- PV (photovoltaic) panels are proposed in the most discrete locations to minimise any impact on the AONB whilst providing a sustainable form of energy.
- heat pump technology will also be utilised where appropriate to assist with heating and hot water demands.
- use of building materials with a Green Guide rating between A+ & D.
- provision of electric car charging points.

A condition will however be used to ensure that the applicant submits a comprehensive sustainability statement, as well as relevant plans and elevations, setting out the more precise details of the measures raised above that will be incorporated into the scheme.

A further condition is to be used, as recommended by the environmental protection team, seeking mitigation measures to improve air quality. It is likely that the provision of the EV charging points will adequately address the requirements of this condition.

In light of the above and given the use of appropriate conditions, it is reasonable to conclude that the proposal is acceptable in relation to sustainability so is therefore in accordance with Policy DP39 of the District Plan and paragraphs 150 and 153 of the NPPF.

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.

For example, issues related to land contamination, drainage and the need for fire hydrants will adequately be addressed through appropriate conditions contained in Appendix A as required in the relevant consultation responses set out in Appendix B.

A condition will also be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28.

The proposed mix of the development, which provides the units set out below, is acceptable and complies with Policy DP30 of the District Plan:

7 x 1 bed units
 13 x 2 bed units
 11 x 3 bed units
 4 x 4 bed units

Members should also be aware that the Council would receive a new homes bonus from the development.

Planning Balance and Conclusion

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

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 proposal is considered acceptable in respect of the principle despite the proposal creating new dwellings in the countryside above the number that would normally be permissible under Policy DP6 and not being contiguous with a built up area boundary. This is because there are other material planning considerations that determine there are grounds to come to a decision that is not wholly in compliance with the development plan. Most importantly the planning history of the site is highly material with a development of this site which included a net increase of 19 units being permitted in June 2014. The principle of development on this site has therefore previously been established.

There are other material considerations that also need to be taken into account such as the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained. It is also considered that without some form of acceptable redevelopment at this site, the main house and surrounding buildings, which are all unoccupied, will continue to fall into a state of disrepair which will have significant implications on the visual amenity of the area. It is for these reasons the principle of this proposal is deemed acceptable.

In this case the overall design and visual impact is considered acceptable and the development does not unduly expand the location of the built form on site. Whilst the Design Review Panel has objected to the application, the retention and refurbishment of the buildings on site has merit and is an approach supported by planning officers, the Urban Designer, the Conservation Officer, the Landscape Advisor and the High Weald AONB Unit. The use of appropriate conditions will further ensure that the development is sympathetic to its surroundings. Accordingly, the natural beauty of the AONB is also preserved.

It is considered that subject to details reserved by condition, the proposal will preserve the special character of the non-designated heritage asset and its setting.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The planning application cannot viably secure any affordable housing or the infrastructure contributions, other than the SAMM and SANG required for the Ashdown Forest mitigation, and this has been confirmed through a viability report conducted by an independent valuer on behalf of the Council.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. In addition there are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage.

The Council would also receive a new homes bonus.

The application is deemed to comply with Policies DP4, DP13, DP16, DP17, DP21, DP26, DP28, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Development Viability SPD, the MSDC Design Guide, the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

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

APPENDIX A – RECOMMENDED CONDITIONS

1. Time Limit

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 be carried out unless and until samples of materials and finishes to be used for the external facing materials of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the District Plan and the NPPF.

3. No development shall be carried out unless and until plans have been submitted to and approved in writing by the local planning authority of detailed 1:20 section and elevation drawings showing the following elements in context:

- Block A: section through the south-east elevation showing the central French window, first floor and dormer window and the front roof slope;
- Block K: section through the gable front showing the oriel window;
- Block L: section through the north-east elevation showing ground, first and dormer windows and eaves detail;
- Block M: front elevation and sections through the central window and front entrance.
- The relationship of the solar panels on the roofs.

The development shall be carried out in accordance with these approved details.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the District Plan and the NPPF.

4. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme 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 and a long term management plan to ensure the successful establishment and care of the landscaped areas. 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: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the District Plan and the NPPF.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. 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.

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented

and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

7. No development shall take place unless and until details, to include plans and elevations where necessary, of what sustainable measures are to be incorporated into the development have been submitted to and approved in writing by the local planning authority. Such measures shall include the provision of EV charging points. The development shall be carried out in accordance with these approved details.

Reason: In the interests of sustainability and to comply with Policy DP39 of the District Plan.

8. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme to be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the District Plan.

9. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with Policy DP26 of the Mid Sussex District Plan and in accordance with The Fire and Rescue Service Act 2004.

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

- a biodiversity protection and mitigation plan, covering demolition, building and conversion phases, informed by additional bat survey work as recommended in the survey report by The Ecology Consultancy dated 13/10/2020;
- proposals for habitat enhancements and long-term management to demonstrate an overall net improvement in resources for wildlife (these may be incorporated into a landscape and habitat management plan);
- lighting proposals and an assessment to demonstrate that any external lighting will avoid light pollution of wildlife habitat and avoid disturbance of flight lines between bat roosts and surrounding habitat.

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

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

Construction

11. Construction work on the site, including the use of plant and machinery, necessary for implementation of this consent shall, unless otherwise agreed in writing, 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.

Pre-occupation

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

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

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 Visibility Splays and Swept Path Analysis and numbered 2020/5224/001 Rev A.

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

14. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the District Plan.

15. No part of the development shall be first occupied until visibility splays of 2.4 metres by 138 metres to the north and 2.4 by 151 metres to the south have been provided at the proposed site vehicular access onto Ardingly Road (B2028) in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

Post-occupation / management

16. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These 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. Unless an exception is otherwise agreed in writing 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.

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or as amended in the future, no gate, fence, wall or other means of enclosure shall be erected or constructed unless planning permission is specifically granted by the Local Planning Authority.

Reason: In order to safeguard the special character and visual amenities of the locality and the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

Reason: In the interests of amenity and in accordance with Policy DP26 of the Mid Sussex District Plan and in accordance with The Fire and Rescue Service Act 2004.

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. In respect of the air quality condition, given the relatively low increase in vehicle trips generated, the LPA would accept 4 no. EV charging points (active) as an alternative to a fully costed and calculated scheme of mitigation measures.
4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	390-A-LP-00		09.03.2020
Proposed Block Plan	390-A-SP-00		09.03.2020
Existing Site Plan	ST625-000-0000		09.03.2020
Proposed Site Plan	390-A-SP-01		09.03.2020
General	390-A-DEM-SP		09.03.2020
Landscaping Details	SY625-000-0001		17.07.2020
Existing Floor Plans	390-A-A-EXP-	A	16.03.2020

	00		
Existing Floor Plans	390-A-A-P-01		09.03.2020
Existing Elevations	390-A-A-EXE-00		09.03.2020
Existing Elevations	390-A-A-EXE-01		09.03.2020
Proposed Floor Plans	390-A-A-P-01	A	13.03.2020
Proposed Roof Plan	390-A-A-P-RF		09.03.2020
Proposed Elevations	390-A-A-E-00	A	13.03.2020
Proposed Elevations	390-A-A-E-01	A	13.03.2020
Proposed Floor Plans	390-A-B-P-00	B	16.03.2020
Proposed Floor Plans	390-A-C-P-00		09.03.2020
Proposed Elevations	390-A-C-E-00		09.03.2020
Proposed Floor Plans	390-A-D-P-00		09.03.2020
Proposed Floor Plans	390-A-D-P-01		09.03.2020
Proposed Roof Plan	390-A-D-P-RF		09.03.2020
Proposed Elevations	390-A-D-E-00		09.03.2020
Proposed Elevations	390-A-D-E-01		09.03.2020
Proposed Floor Plans	390-A-E-P-00		09.03.2020
Proposed Roof Plan	390-A-E-P-RF		09.03.2020
Proposed Elevations	390-A-E-E-00		09.03.2020
Proposed Floor Plans	390-A-F-P-00		09.03.2020
Proposed Floor Plans	390-A-F-P-01		09.03.2020
Proposed Roof Plan	390-A-F-P-RF		09.03.2020
Proposed Elevations	390-A-F-E-00		09.03.2020
Proposed Elevations	390-A-F-E-01		09.03.2020
Proposed Floor Plans	390-A-H-P-00	B	16.03.2020
Proposed Elevations	390-A-H-E-00	B	16.03.2020
Proposed Floor Plans	390-A-K-P-00		09.03.2020
Proposed Floor Plans	390-A-K-P-01		09.03.2020
Proposed Roof Plan	390-A-K-P-RF		09.03.2020
Proposed Elevations	390-A-K-E-00		09.03.2020
Proposed Elevations	390-A-K-E-01		09.03.2020
Proposed Floor Plans	390-A-M-E-00		09.03.2020
Proposed Elevations	390-A-M-E-00		09.03.2020
Proposed Floor Plans	DAT/10.7		13.03.2020
Proposed Elevations	DAT/10.8		09.03.2020
Proposed Floor Plans	DAT/10.9		09.03.2020
Proposed Elevations	DAT/10.10		09.03.2020
Proposed Floor Plans	DAT/10.11		09.03.2020
Proposed Elevations	DAT/10.12		09.03.2020
Proposed Floor Plans	DAT/10.13		09.03.2020
Proposed Elevations	DAT/10.14		09.03.2020
Proposed Floor and Elevations Plan	DAT/10.6		09.03.2020
Proposed Sections	390-A-SE-00		09.03.2020
Proposed Sections	390-A-SE-01		09.03.2020
Proposed Sections	390-A-SE-02		09.03.2020
Drainage Details	SDS		09.03.2020
	202937.01		
Drainage Details	SDS		09.03.2020
	202937.02		
Drainage Details	SDS		09.03.2020
	202937.03		
Drainage Details	SDS		09.03.2020
	202937.04		

Illustration	01		09.03.2020
Illustration	02		09.03.2020
Illustration	03		09.03.2020
Landscaping Details	SY625-000-1301		17.07.2020
Proposed Elevations	390-A-B-E-00	A	10.07.2020
Proposed Floor Plans	390-A-B-P-00	C	10.07.2020
Proposed Elevations	390-A-L-E-01	B	10.07.2020
Proposed Floor Plans	390-A-L-P-00	B	10.07.2020
Proposed Floor Plans	390-A-L-P-01	B	10.07.2020
Proposed Floor Plans	390-A-L-P-02	A	10.07.2020
Proposed Roof Plan	390-A-L-P-RF	A	10.07.2020
Topographical Survey			10.07.2020
Proposed Elevations	390-A-L-E-00	A	10.07.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

LRPC Planning Committee had attended a site meeting on Wednesday 29th July with the developer's agent. The committee after discussion resolved to support the application but would wish the following observations would be taken into account:

- 1) The PC regards Buxshalls as a building which is of special architectural and historic interest in the local context and we consider as such meets DP34 of the District Plan.
- 2) This historic building with outbuildings with landscaped grounds will contribute to a landscape set in the High Heald AONB.
- 3) The retention and refurbishment of the main house and outbuildings is to be welcomed and these will contribute a significant enhancement to the local landscape.
- 4) The PC considers that the proposed development must recognise and provide a landscape of value for its location within HW AONB.
- 5) The landscaping plan must address the open car parking areas within the courtyard and to the side of the main house to soften and limit the impact.
- 6) All materials must reflect the style of the main house and the rural setting.
- 7) It is noted that a number of trees are to be removed which are to be replaced but it was noted that some trees make an important feature within the proposed scheme and members considered that some should be TPO to ensure they remain in the future and undamaged during construction phase.
- 8) The only area of concern was the 4 unit facing the Farm Lane where members agreed that some form of screening be provided.

MSDC Urban Designer

Summary and Overall Assessment

This scheme involves the retention and refurbishment of Buxshalls House which I welcome as it has remained empty for many years. Overall the proposal can also be credited for working sensitively with the existing layout and retaining the historic landscape features and most of the existing trees that provides both an attractive backdrop to the existing and proposed development while also helping to screen it from the rural surrounds which is important because of its AONB status. I also support the sensitive upgrading of the existing out-buildings and the addition of new dwellings that respond appropriately to the scale and

character of the existing buildings including the main house. While my overall assessment differs to the DRP, I nevertheless share the panel's concerns about the sub-division of part of the grounds to facilitate private gardens; however I feel the revised drawings have now sufficiently addressed this providing the boundary treatment is sensitively handled. In conclusion, I raise no objections to this planning application but would recommend conditions requiring the submission and approval of the following further drawings/details to address this concern and to secure the quality of the design overall:

- The hard and soft landscaping details including all boundary treatments.
- Facing materials.
- 1:20 scale elevations and sections of the following:
 - Block A: section through the south-east elevation showing the central French window, first floor and dormer window and the front roof slope;
 - Block K: section through the gable front showing the oriel window;
 - Block L: section through the north-east elevation showing ground, first and dormer windows and eaves detail;
 - Block M: front elevation and sections through the central window and front entrance.
- The relationship of the solar panels on the roofs.

Layout

The DRP have commented that the existing blocks are awkwardly positioned in respect of making best use of the external spaces. While I accept some of the existing out-buildings are not ideally positioned they benefit from their historic relevance as they date from the 19th Century. They have therefore evolved with the site and have a modest scale that sits comfortably with the main house; they are also tucked away mostly to the north of the main house allowing the latter to have a direct relationship with the gardens and wider outlook to the south.

The architect has also taken the opportunity to discreetly locate much of the parking in the courtyard either in the spaces between the existing buildings or where they will be screened by existing landscaping which both minimises the impact upon the surrounds. The exception to this is the proposed parking at the front of the main house. Although this is unfortunate it replaces an existing hard-standing area and the revised drawings has softened its impact by curving the corners. Furthermore, care has been taken to integrate the parking area within its formal setting by the combination of border hedging and the symmetrical geometry that accommodates the entrance axis that connects the main house with the formal lawns at the front.

The proposed dwellings have also been carefully positioned in and around the existing out-buildings where they will limit the impact upon their surrounds and the gardens. The exceptions to this are Block L, which is screened by the woodland area near the entrance, and block M which is screened by the tree-belt on the south-west side, both of which should help to soften their impact upon the setting of the main house when viewed from the south.

I share the DRP's concerns about the subdivision of the existing communal gardens north-east of the main house, as it potentially undermines the open character of the gardens and imposes an inappropriately suburban form on this special site. The revised drawings have partly addressed this by reducing the size of the private gardens at the rear of block D. Elsewhere the existing walled courtyard and parallel hedgerow have been used to reduce the need for new boundaries that has helped lessen the impact. I agree with Virginia Pullen that while hedges would provide attractive boundaries, there will be pressure from residents to secure their boundaries with a more robust boundary treatment; I therefore feel that

hedges should be employed in combination with the hazel hurdle fencing that Virginia is recommending. The ground floor flats on the east side have no defined external space; as the DRP have suggested, a modest privacy strip defined by low planting might be needed here.

Elevations

The improvements to the main house involve the welcome loss of extraneous additions such as fire escapes, railings, lift shafts and the conservatory. The introduction of a raised roof and dormer windows will provide additional accommodation; the impact of these will be reduced by the bottle balustrading that will partially screen them, and because of the relatively shallow pitch of the roof.

While the out-buildings vary in their form, there are similarities in their detailing, such as the vertical proportions and contemporary feel of the fenestration which should help cohere them.

The work to the existing out-buildings will re-introduce lost features while also removing insensitive alterations and extensions. For instance, where they previously featured sandstone facades, they are being re-faced in sandstone or stripped back to reveal the sandstone. Slate roofs are also being reintroduced.

The alterations to block D will re-model an unattractive block into a run of modest terraced houses that benefit from the re-employed natural materials and repeated articulation that provides underlying rhythm. At the rear, ground floor extensions have been discreetly integrated.

I previously had some concerns with block B's SW elevation / extension. The revised drawings have now improved this with the introduction of vertically proportioned windows that reflect the detailing employed on other buildings.

Block F involves adding two houses to an existing stand-alone house to create a three-house terrace (replacing the single storey element of the original building). This is sensitively achieved as the new houses echo the building envelope, proportions and gable profile of the two-storey part of the original house and avoid a pastiche by employing contemporary detailed façade with modern chimneys and windows.

Block K will be the most visible of the new buildings as it has a long frontage that faces the public right of way. It has been appropriately designed with a traditional building form that features repeated gables that are separated by extended "cat slide" pitch roofs with a low eaves line that helps to reduce the scale of the frontage. Again, the employment of contemporary detailing avoids it being a pastiche and allows it to harmonise with the other buildings.

Block L is a three-house terrace that to some extent mirrors block F which it backs-on to. However, as it is an all new block, all three houses have consistently articulated and contemporary detailed frontages, again set within a traditional gable profile. However, the house on the southern end has been staggered as well as stepped allowing it to address the slope and provide it with a level of informality that helps it fit in with its rural setting. The revised drawings now feature fully fenestrated north-east and south-west elevations that allows these return frontages to address the roads on each side. This block incorporates second floor level rooms in the roof which result in a higher ridge line than the other out-buildings; however, this is only marginal and the adjacent woodland helps to soften and screen it.

Block M has a pavilion-style design that is a marked contrast to the out-buildings. This is acceptable, as it is set apart from them and its classical form is more reminiscent of the main house. The building's single storey flat-roofed profile together with the surrounding trees should ensure it is visually recessive. However, the elevations are sketchy and further detail would be helpful.

MSDC Design Review Panel

The Panel's Comments

This was a well-presented scheme incorporating good graphic material. The panel supported the retention of the main house including utilising the roof for habitable space. Elsewhere the principle of combining stonework with contemporary detailing was also applauded.

However, it was unfortunate that the panel had not had an opportunity to consider the scheme at pre-application stage as they were unconvinced that retaining the out-buildings was a good solution. In the Design and Access Statement it has been said that "there is significant cultural and sustainable reasoning and value in retaining the buildings on site". Despite a high degree of analysis, the significance was not clearly demonstrated in the presentation or reinforced by the DAS.

In Heritage terms, it looked a well-considered scheme but there did not appear to be a qualitative assessment of the merits of the individual buildings or an appraisal of their condition.

In sustainability terms, retro-fitting has its limitations both in terms of the opportunity cost of developing more energy efficient replacement buildings and in respect of the quality of the spaces and unknown associated costs/issues. The internal insulation system will squeeze the modest internal spaces (block B would be better losing the southern existing external wall where the extension will abut, to free up the interior), and the extent of the necessary enabling work was unclear.

With regard to the landscape, both in terms of the campus and the wider impact on the AONB, it was felt that the single storey buildings were more successful than the taller buildings. The Panel were surprised that the application has not been accompanied by site wide 3D massing studies, with the buildings set in the contours to demonstrate the impact of the buildings to the main house, the relationship to each other and the landscape setting.

The existing blocks are also awkwardly positioned in respect of making best use of the external spaces, especially the diagonally - configured block D. The eclectic mix of buildings that resulted was also questioned as it undermined the cohesiveness of the grouping. The panel felt that a more nuanced solution was required to the existing buildings and not a blanket solution covering all buildings either from a heritage or sustainability perspective.

The layout of the separately denoted private gardens imposed an urban terrace-style form upon the open landscaped character of the existing gardens. The panel were unconvinced that occupiers would rely on hedgerows to secure their boundaries and it would be difficult to control them being supplemented by other measures including close-boarded fencing. Together with the personalisation of gardens, this is likely to result in a potentially untidy arrangement that is out of keeping with its unique landscaped setting.

It was also noted there were no community facilities. For these reasons, the panel felt that the gardens would be better left as a shared communal space with a modest privacy strip / planting around the buildings.

The open plan parking at the front of the main house was also an unfortunate urbanising feature that imposed upon Buxshalls setting, and different from the car-less gravel driveway in the precedent image of the main house setting.

There was a risk of overwhelming Buxshalls House with the overall intensification of development and garden subdivisions. View 2 suggests that the design and height of the new houses in block L presented a potentially uncomfortable juxtaposition with the main house. More consideration also needs to be given to the north and south elevations of block L so they properly address the roads on either side.

Overall Assessment: The panel object to this proposal.

MSDC Conservation

Further comments on the above application. Please read these in conjunction with my initial comments below, which include a description of the heritage significance of the site and various issues raised by the scheme as submitted.

The scheme has been amended in response to points raised both by myself and Will Dorman.

In particular the landscaping scheme has been amended. I previously raised concerns regarding aspects of the landscaping, in particular subdivision of the grounds into numerous private garden spaces and loss of trees as highlighted by Will, and the extent and placement of new parking areas in particular that to the south west of the house adjacent to the principle garden frontage.

The scheme has been amended to show the area of private garden spaces reduced, more trees retained, and the surfacing and extent of the parking area to the south front of the house revised to soften its impact on this part of the setting of the building.

On balance, given the previously identified benefits of the scheme, I consider that subject to detail the proposal will preserve the special character of the non designated heritage asset and its setting.

This will meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

Initial comments on this proposal:

As per our discussions, I would regard Buxshalls as a non-designated heritage asset (NDHA), as a building which is of special architectural and historic interest in the local context. As such, District Plan Policy DP34 and paragraph 197 of the NPPF would apply to the consideration of any development proposals.

Buxshalls was constructed in 1825 in the Italianate style by William Jolland, as a country residence. The estate included a number of outbuildings to the north of the house which also survive today, and extensive landscaped grounds including terracing, steps, glasshouses, a Venetian temple and a pair of boathouses linked by a bridge over the river Ouse. A west wing was added to the house in 1878 by Colonel Dudley Sampson, whose wife was a descendant of Jolland. Colonel Sampson enjoyed some notoriety as a soldier, sportsman and author/songwriter. He was also a JP, County Councillor and Deputy Lieutenant of East Sussex. In 1899 the Sampsons erected a memorial chapel to their son in woodlands to the north of the house. Subsequently both husband and wife were also interred here. During the first half of the 20th century Buxshalls was owned by Sir Henry Cautley, a judge and MP for

East Grinstead. On retirement he was made the 1st Baron Cautley of Lindfield, although the title died with him. Following this the house was owned by Sidney and Dorothy Askew before being converted for use as a residential home for the elderly. It has been vacant for some time. I would consider that the house is likely to possess evidential and illustrative historical interest in the local context, as a good albeit altered surviving example of an early 19th century country residence of some pretension, with surviving ancillary buildings and landscaped grounds. It also possesses aesthetic value, and associative value in respect of its links to a number of prominent local families. The surviving historic outbuildings and landscaped grounds contribute positively to the setting of the NDHA and to its special interest in the local context.

The current proposal is for change of use of the site to residential with the construction of a number of new dwellings within the setting of the house. I understand that this proposal follows on from a succession of other schemes on this site including a planning permission granted in 2014 which included the demolition and replacement of the outbuildings to the north of the house.

I would make the following initial comments on the current proposal:

- The retention and refurbishment of the house itself is welcomed as is the retention of the outbuildings. In my opinion these ancillary buildings which are in some cases contemporary with the house make a positive contribution to its setting and the special interest of the NDHA as a whole. This is an improvement on previous schemes which allowed for their demolition.
- I do have some concerns regarding the scale and footprint of the proposed new development, the manner in which it largely encircles the house in one form or another, and in some cases the height which does not always appear appropriately subordinate to the main house.
- I also have concerns regarding aspects of the landscaping, in particular subdivision of the grounds into numerous private garden spaces and loss of trees as highlighted by Will, and the extent and placement of new parking areas in particular that to the south west of the house adjacent to the principle garden frontage.

I would also note that the application has not been accompanied by a Heritage Statement. Although I have above made my own brief assessment of the special interest of the site in the local context, I would expect that a properly detailed Heritage Statement should be submitted which considers the origins and development of the NDHA, the nature of its heritage value, what contribution setting makes to this including the surviving historic outbuildings and landscaped grounds, and how the proposal including landscaping will respond to and preserve the heritage value of the site.

MSDC Trees

I have reviewed the revised landscape plans along with previous comments from my colleague and comments from the County Landscape Architect.

The revised landscaping plan shows replacement trees to mitigate the loss of those being removed. I would agree however with the points raised by the Landscape Architect, particularly with reference to the use of a mixed native hedge on the boundary rather than a clipped evergreen hedge.

I have no further comments or objections to the proposed development on arboricultural grounds and would request the arboricultural reports are fully adhered to throughout the

development and a detailed planting plan is conditioned along with a 5 year management plan.

MSDC Ecological Consultant

Bat survey work undertaken thus far, plus older survey results, indicates that the proposal will involve the loss of bat roosts of relatively common species. Whilst further survey work is still required (which will need to be undertaken between May and August), based on the information available, including the outline mitigation proposals, sufficient measures appear to be feasible (even if some adjustments are required) to accommodate any likely additional impacts and support a licence application to Natural England. Therefore, if MSDC deems planning consent to be in the public interest, I would expect a licence to be granted.

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England. Subject to this, then, in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

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

- a biodiversity protection and mitigation plan, covering demolition, building and conversion phases, informed by additional bat survey work as recommended in the survey report by The Ecology Consultancy dated 13/10/2020;
- proposals for habitat enhancements and long-term management to demonstrate an overall net improvement in resources for wildlife (these may be incorporated into a landscape and habitat management plan);
- lighting proposals and an assessment to demonstrate that any external lighting will avoid light pollution of wildlife habitat and avoid disturbance of flight lines between bat roosts and surrounding habitat.

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

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

MSDC Landscape Consultant

I have reviewed the revised landscape plans and the agent's responses to various landscape related concerns and have the following comments:

1. The revised landscape masterplan is acceptable as is the Landscape Hierarchy Plan.
2. It is noted that the parking area at the front of the main house will be surfaced with loose gravel and will not have marked bays.
This is welcomed and a further enhancement would be gained if the residents have alternative parking and this is not likely to be full of parked cars all of the time.
3. It is noted that a clipped evergreen hedge is proposed as the boundary to the proposed gardens to the south of the public footpath/ farm access road. There is an existing native species hedge along this boundary which it is recommended is retained and protected during construction. If that is not possible then a mixed native hedge would be a more suitable replacement than an evergreen hedge.

4. The proposal to use hedges within the development as garden boundaries may not be successful in the long term as they will spread as they mature and take up garden space. They may also be replaced by residents and close board fencing used to replace them, especially as hedges will take several years to provide privacy. A more acceptable and instant solution would be hazel hurdle fencing as it would be softer and less suburban than other types of fencing. It is a sustainable solution as hurdles are cut from local coppice woodland.

5. If the local planning authority is minded to support the planning application for this development it is recommended that the following are required by condition:

a) Detailed planting plans for all proposed trees, shrubs and hedges to ensure an overall landscape enhancement is achieved.

b) A long term management plan to ensure the successful establishment and care of the landscaped areas.

MSDC Housing

The site is owned by a Registered Provider, the Anchor Hanover Group, and currently comprises a vacant 21 bed care home in need of refurbishment and 19 sheltered units. The applicant is proposing a replacement refurbishment and new build scheme of 35 units for private sale comprising 27 houses (4 x 1BH, 8 x 2BH, 11 x 3BH and 4 x 4BH) plus 8 Flats (3 x 1BF and 5 x 2BF) all for general needs. Council policy DP31 requires that "on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements". The applicant has however submitted a viability report stating that no affordable housing can viably be provided. An independent assessment of this report has been carried out on behalf of the Council and concluded that it is not currently viable to provide any affordable housing. Indeed the scheme appraisal indicates a surplus of only £629,360 and therefore a deficit of -£2,747,456 against the Existing Use Value of £3,376,816. This deficit is greater than the assumed level of developer profit (17.5% on GDV, or £2,398,813) therefore even without the provision of affordable housing the scheme would have to achieve a significant increase in values, a significant reduction in costs or a combination of both in order to reach a positive viability scenario as per the guidance in the NPPF/PPG. Indeed a further appraisal has shown that using the benchmark of £3,376,816 as a fixed land cost and what is considered to be a reasonable level of profit at 17.5% on GDV, to move this deficit to somewhere around zero there would need to be an increase in sales values of approximately 16%, alongside a decrease in build costs of 16%.

MSDC EHO

This development has the potential, during the construction phase, to affect the amenity of adjacent residential premises. Additional vehicle trips will also be generated by the new use, producing pollution.

Therefore, should the development receive approval, Environmental Protection recommends the following conditions to minimise disturbance and to allow for electric vehicle charging:

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.

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

NOTE - Given the relatively low increase in vehicle trips generated, we would accept 4 no. EV charging points (active) as an alternative to a fully costed and calculated scheme of mitigation measures.

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

MSDC Drainage

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is largely at very low risk of surface water flooding, however some areas of increased risk from surface water flooding have been identified on 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.

SURFACE WATER DRAINAGE

It is proposed that the development will utilise a sustainable drainage system to manage surface water drainage from the development. A variety of drainage techniques are proposed across the development including the use of an existing pond as attenuation, soakaways, green roofs and rainwater harvesting. It is also proposed to utilise some existing drainage runs into the overall site drainage strategy.

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section. We would also advise the applicant that details of the location and condition of any reused system should be provided alongside the detailed drainage design to be submitted at discharge of conditions stage.

FOUL WATER DRAINAGE

It is proposed that the development will utilise a new package treatment plant which shall discharge treated effluent via a soakaway. We would advise the applicant to ensure the proposed foul water drainage system meets with the Environment Agency's General Binding Rules which were updated on January 1st, 2020.

Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

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.

MSDC Contaminated Land

A Site Investigation Report prepared by Ground Engineering Limited (ref. C12725) was submitted with application reference: 14/01120/FUL.

Several sources of potential contamination were identified on-site. Subsequent soil testing identified levels of lead and benzo(a)pyrene in excess of the screening values for residential end-use. In principle, the remediation strategy outlined in the report is acceptable.

The following condition is therefore appropriate:

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, shall each be submitted to and approved, in writing, by the local planning authority:

a) Based on the site investigation results and the detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing

remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Leisure

Thank you for the opportunity to comment on the amended plans for development at Buxshalls House, Ardingly Road, Lindfield 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

Hickmans Lane Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand and a contribution of £49,135 is required to make improvements to play equipment (£26,707) and kickabout provision (£22,428).

FORMAL SPORT

In the case of this development, a financial contribution of £33,406 is required toward football facilities at Lindfield Common and / or Hickmans Lane, Lindfield.

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 £14,289 is required to make improvements to King Edward Hall and / or Hickmans Lane pavilion.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Street Naming

Add informative on property naming

WSCC Highways

Background and Proposals

WSCC in its role of Local Highway Authority (LHA) has been consulted for highway safety and capacity for the above proposals. The site is located on the western side of the B2028 Ardingly Road and approximately 2 kilometres to the north of the centre of Lindfield. The site formerly operated as retirement housing for people over the age of 55 (19 units) and a former 21 bed care home, although these existing buildings are currently vacant.

The development proposals are for the redevelopment and extension of existing buildings on the site in order to provide 35 residential units, comprising a mix of flats and houses. The

proposals are supported by way of a Transport Assessment (TA), which includes trip data information data from the Trip Rate Information Computer System (TRICS) database and a speed survey.

In terms of planning history the site the site was granted planning consent in June 2014 under planning reference: 14/01120/FUL to provide 39 new retirement dwellings for people over the age of 55, in addition to a one-bedroom caretaker flat. The proposals on this occasion comprised a total of 40 units. The LHA did not raise an objection to these proposals following assessment of the applicants TA.

As with the 2014 app vehicular access would be retained from the B2028 Ardingly Road, which would be improved as part of the proposals.

Access and Visibility

Vehicular access to the site will be retained from the western side of the B2028 Ardingly Road. The access design is comparable to the 2014 application.

The applicant proposes to widened the access on the southern side to an overall width of 7 metres. The LHA acknowledges that this will improve the existing access and the works to undertake the improvements would be subject to a Section 278 Agreement with the LHA. The applicant has provided swept path diagrams within the appendices of the TA which demonstrate that a large refuse collection vehicle can safely turn from the B2028 into the site.

In terms of visibility the requirements for drivers along this section of Ardingly Road have been established based on the recorded 85th percentile vehicle speeds. The ATC survey was undertaken in January 2020. The ATC results recorded were 48.4 mph northbound and 50.9 mph southbound. The visibility splays of 138 metres to the north and 151 metres to the south have been calculated in line with Design Manual for Roads and Bridges (DMRB) TD9/93 parameters. Within drawing 2020/5224/001 the applicant has demonstrated the required visibility splays of 138 metres and 151 metres respectively.

A Stage 1 Road Safety Audit (RSA) was previously undertaken on the site, the proposals will not see a significant increase in vehicular activity as highlighted in the Capacity section of the report below and the access proposed is existing. Therefore, the LHA does not consider that a further RSA is required.

Parking and Layout

The proposed parking on site would be in accordance with the latest 2019 LHA parking standards. 70 spaces are required and 70 spaces can be provided within the site. 4 of the spaces would be disabled spaces, these should be 3 by 4.8 metre dimensions. Electric Vehicle (EV) parking is to be provided however the TA does not give a specific break down. In line with the LHA standards from 2020 up to 30% of the proposed parking spaces should be active spaces for EV usage. 37 cycle parking spaces will be provided, and these will be in a secure and covered environment.

As with the access strategy the applicant has provided a drawing demonstrating that a larger vehicle can safely turn within the internal access roads. This has been based the type of vehicle the local refuse collection authority would have in service. The refuse collection authority may wish to review the drawings to ensure they are satisfied with what is proposed.

Trip Generation

In order to establish the traffic generation potential associated with the proposed development, the TA includes figures from the TRICS database for comparable residential sites (private houses).

The applicant has the proposed residential development is anticipated to operate in a similar manner to the permitted use at the site during peak hours, generating 4 additional two-way vehicle movements during the morning peak hour, 5 additional movements during the evening peak hour and a total increase of 35 two-way vehicle movements over the course of a typical day, which the LHA does not consider to be a significant increase. In relative terms this equates to one additional arrival/departure every 12-15 minutes at peak times.

Having assessed the TRICS data the LHA is satisfied that the proposals would not have a 'severe' residual impact on the adjoining highway network in line with Paragraph 109 of the National Planning Policy Framework (NPPF).

Conclusion

Having assessed the information within the TA and noting the previous history of the site the LHA is satisfied that the proposals would not have a 'Severe' impact on the adjoining highway network in line with Paragraph 109 of the National Planning Policy Framework (NPPF). Any approval of planning consent would be subject to the following conditions:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Visibility Splays and Swept Path Analysis and numbered 2020/5224/001 Rev A.

Reason: In the interests of road safety.

Car parking space

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 138 metres to the north and 2.4 by 151 metres to the south have been provided at the proposed site vehicular access onto Aridingly Road (B2028) in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSSC Drainage

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.

Current surface water flood risk based on 30year and 100year events: Low Risk

Comments - Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification: Moderate Risk

Comments - The area of the proposed development is shown to be at moderate 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. 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.

Ordinary Watercourses nearby? No

Comments - Current Ordnance Survey mapping shows no ordinary watercourses running across or along the boundary of the site. 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. 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.

Records of any historic flooding within the site? No

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

Future development - Sustainable Drainage Systems (SuDS)

The Design and Access Statement included with this application state that a pond, green roof, below ground attenuation and soakaways would be used to control the surface water runoff from the site. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SUDs system should be 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.

WSCC Fire and Rescue

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service 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:

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The F&RS Act 2004

WSCC Waste and Minerals

West Sussex Joint Minerals Local Plan (July 2018)

The applications site is located within areas identified as both brick clay and building stone Mineral Safeguarding Areas. The Minerals and Waste Safeguarding Guidance (updated March, 2020) provides thresholds on when the Minerals and Waste Planning Authority should be consulted on non mineral developments (2.4). As per these thresholds, the MWPA would not expect to be consulted on a non-mineral development with the brick clay or building stone safeguarding areas when the total site area is less than 3ha. In this case, the development area is 2.5ha, and so it is considered that significant levels of mineral sterilisation would not occur as a result.

Therefore the MWPA would hold No Objection to this development.

West Sussex Waste Local Plan (April 2014)

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

WSSC Infrastructure

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	45.6		
	Primary	Secondary	6th Form
Child Product	0.8133	0.8133	0.0000
Total Places Required	5.6931	4.0665	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£7,591		
Population Adjustment	45.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	16		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	45.6		
Net Parking Spaces	40		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£107,787		
Education - Secondary	£116,009		
Education - 6th Form	No contribution		
Libraries	£7,591		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Secured under Condition		
TAD	£62,054		
Total Contribution	£293,442		

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The calculations have been derived on the basis of an increase in 16 Net dwellings, and an additional 40 car parking spaces.

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

5. Deed of Planning Obligations

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

The contributions generated by this proposal shall be spent on additional facilities at Lindfield Primary Academy.

The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.

The contributions generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.

The contributions generated by this proposal shall be spent on:

- Scaynes Hill to Lindfield cycle route
- Bus infrastructure improvements between Lindfield, Hayward's Heath and Pyecombe

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.

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

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.

High Weald AONB Unit

Legal and Policy Background

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited. In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances. Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a

proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in its Statement of Significance and identifies the key landscape components of the High Weald. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB. These should be used as a 'checklist' against which to assess the impact of proposals on AONB purposes. A template is provided in the Legislation and Planning Advice Note.

The Proposal

The application site has a complex planning history and the current scheme is a variation of those previously considered under 12/03322/FUL and 14/01120/FUL of which only 14/01120/FUL was approved for "Demolition of 21 existing dwellings for over-55's; erection of 33 new dwellings for over-55's plus 1 staff flat; change of use and remodelling of Buxshalls House from 21-bed nursing home to provide 6 apartments for over-55's; landscape and associated car parking". DM/15/4715 was to remove the age restriction on occupation of dwellings approved under 14/01120, which was allowed on appeal.

The current scheme proposes to retain the existing dwellings and refurbish them to create 26 dwellings, with an additional 9 new-build totalling 35 dwellings (compared to the 40 dwellings proposed under 14/01120). The increased use of existing buildings is welcomed, not just because it is more sustainable to re-use where possible existing structures but because it enables future residents to understand and appreciate the history of the site and its sense of place.

The High Weald Housing Design Guide is relevant to this development. This promotes landscape-led design which includes the retention and, where possible, reinstatement of historic landscape features and buildings to ensure that the past uses of the site are legible and form the foundation of the design of new development.

Any lost trees should be replaced on at least a 1:1 basis and preferably more to demonstrate biodiversity net gain. The new trees should be native, locally sourced, species to ensure compatibility with the local eco-system. The location of such new planting should reflect the historic location of trees and not block important views. The attached map of the site circa 1860 shows that there were many more trees on the site at this time and these should be reinstated where possible.

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

Environment Agency

We have reviewed the application and have no objection to the proposal as submitted.

The site currently has a sewage treatment plant serving all of the properties on site. Based on the proposed increase in population at the site, the size and suitability of the current treatment plant should be reviewed as part of the development process.

The site also holds an Environmental Permit to discharge which will need to be varied and updated as part of the redevelopment to reflect the increase in volume and potential change in permit holders details.

Should you have any further queries please do not hesitate to contact me.

Southern Water

Environment Agency shall be consulted directly regarding the use of a package treatment works which disposes of effluent to sub-soil irrigation.

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

MID SUSSEX DISTRICT COUNCIL

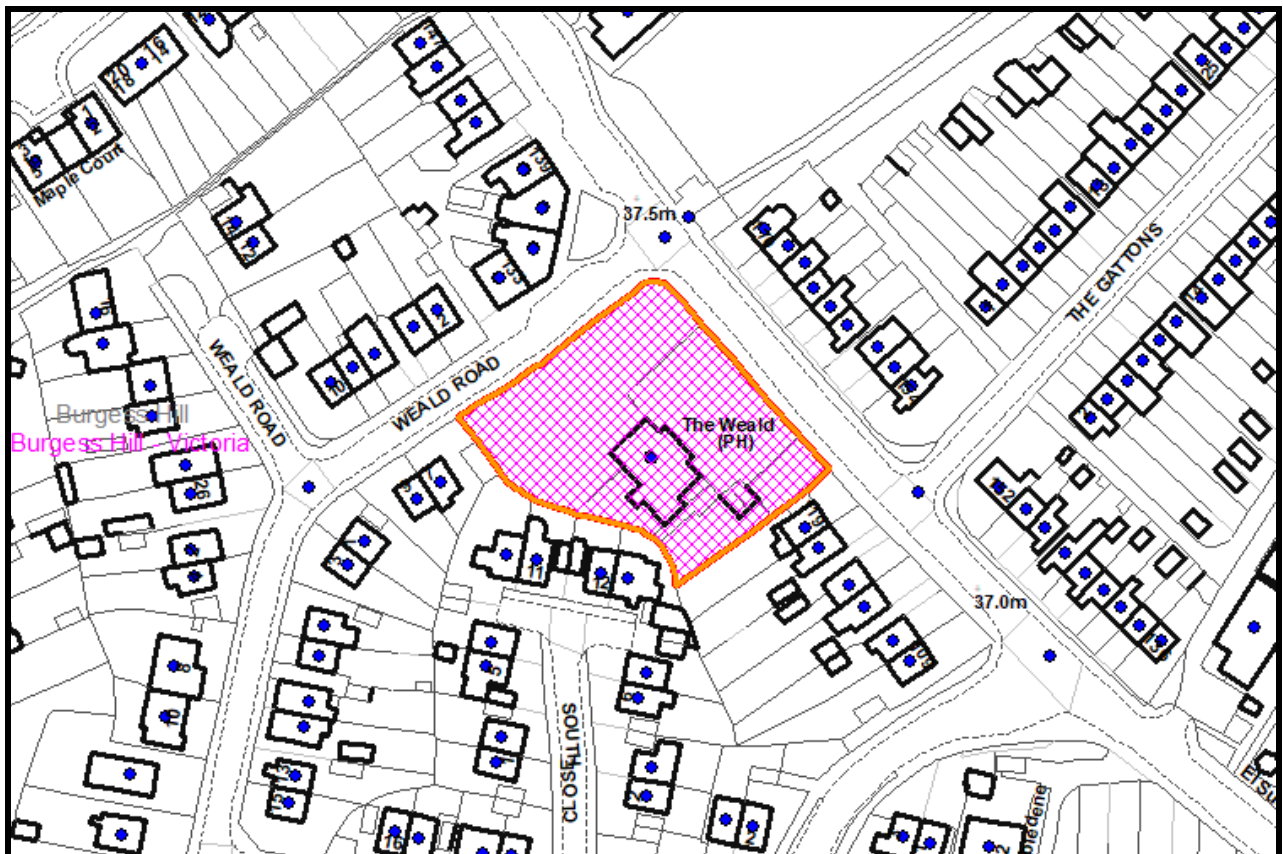
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/2381



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THE WEALD INN ROYAL GEORGE ROAD BURGESS HILL WEST SUSSEX

DEMOLITION OF EXISTING PUBLIC HOUSE AND REDEVELOPMENT OF THE SITE TO PROVIDE 10 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, AND LANDSCAPING. REVISED PLANS SUBMITTED 3/9/2020 SHOWING REVISIONS TO PLOTS 8-10, REVISIONS TO CAR PARKING LAYOUT TO INCLUDE A DISABLED PARKING BAY AND SOFT LANDSCAPING.

MR JASON VINCE

POLICY: Built Up Areas / Classified Roads - 20m buffer / Housing Grant / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water)

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 10th December 2020

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of the existing public house and redevelopment of the site to provide 10 dwellings with associated access, parking, and landscaping at The Weald Inn, Royal George Road, Burgess Hill.

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

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

The application site lies in the built up area of Burgess Hill and results in the formation of a net increase in 9 additional residential units. Burgess Hill is classified as a Settlement 1 Category in the District Plan and is therefore considered to be a suitable and sustainable location for residential development. The redevelopment for a total of 10 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is not considered to cause harm in terms of parking or highway safety.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the

proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. Because, however, of the small scale of the development proposed these benefits would be limited. The Council would also receive a new homes bonus. This is a minor material consideration with very limited weight.

Weighed against this is that the proposal would result in the loss of a community facility of the public house. Whilst the loss of the community facility is regrettable, it has been demonstrated that the use as a pub is no longer viable and that there are a number of duplicate facilities in the locality which can accommodate the loss of the pub. As such the proposal meets the criteria of Policy DP25 and its loss is therefore considered acceptable.

There will be a neutral impact in respect of the impact on the Ashdown Forest, space standards and landscaping.

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP39 and DP41 of the District Plan and therefore complies with the development plan and paragraphs 8, 108, 110, 117, 124, 127, 148 and 175 of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement securing the necessary infrastructure contributions by the 12th February 2021, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

6 letters of OBJECTION concerning the following points:

- Weald Inn has been a successful pub throughout its history;
- Pub should be reinstated;
- Concerns on use of Weald Road for access;
- Parking along Weald Road is difficult, and creation of new access would result in parking problems;
- Roads already busy without additional cars;

- Increase vehicle movements on Weald Road which is a busy road and would result in a safety issue;
- Request a traffic survey;
- Car parking cause disturbance and flooding;
- Loss of trees result in loss of privacy;
- Impact on outlook to properties;
- No further housing required as have Northern Arc development.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Education - Primary: £33,875
 Education - Secondary: £36,456
 Education - 6th Form: £8,541
 Libraries: £3,446
 TAD: £21,521

WSCC Flood Risk Management Team

Advice - No objection.

WSCC Minerals and Waste

No objection.

Southern Water

Comments and suggested condition.

MSDC Urban Designer

No objections to the scheme but to secure the quality of the design I would recommend conditions.

MSDC Leisure

S106 Contributions:

CHILDRENS PLAYING SPACE - £18,092
 FORMAL SPORT - £11,621
 COMMUNITY BUILDINGS - £6,458

MSDC Drainage

No objection subject to conditions.

MSDC Contaminated Land Officer

No comments.

MSDC Street Name & Numbering

Informative.

BURGESS HILL TOWN COUNCIL

Amended

The Committee reiterated their previous comments and regretted the loss of a parking space from the previous plans. The Committee encourage the use of renewable energies.

Original

Recommend Approval.

The Committee noted concerns over the access.

The Committee support the possibility of solar photovoltaics and solar thermal energy being used.

INFRASTRUCTURE REQUIREMENTS: - Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follows:

Any Community Building and/or Community Infrastructure monies go towards The Beehive Centre.

INTRODUCTION

Planning permission is sought for the demolition of the existing public house and redevelopment of the site to provide 10 dwellings with associated access, parking, and landscaping at The Weald Inn, Royal George Road, Burgess Hill.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SITE AND SURROUNDINGS

The site is on the southern side of Royal George Road, and occupies a corner plot at the junction of Royal George Road and Weald Road.

The site is currently occupied by a detached, two storey public house which is set back from the frontage with Royal George Road close to the rear boundary with dwellings on South Close. The building is vacant and has been since February. To the front of the building is a large area of hardstanding and a vehicle access onto Royal George Road with a low brick wall along the boundary with the highway.

There are a number of conifer trees on the north-western (side) boundary with Weald Road and also with the south-western (rear) boundary with properties on South Close. On the south-eastern (side) boundary with the residential property 119 Royal George Road is boundary fencing.

The site is characterised by two storey residential properties of semi-detached and terraced properties of varying design. To the north-west of the site is a parade of shop and commercial units with flats above.

In terms of planning policy the site falls within the built up area as defined by the Mid Sussex Local Plan and the Burgess Hill Neighbourhood Plan.

APPLICATION DETAILS

The application proposes the demolition of the existing public house and the redevelopment of the site to provide 10 new homes (resulting in a net increase of 9 dwellings).

The development would comprise of two pairs of semi-detached dwellings, with a building turning the corner of the site with Royal George Road and Weald Road forming 2 flats and 1 dwelling, with a terrace of three dwellings on Weald Road. There would be soft landscaping to the front of the site with two dwellings on Royal George Road and one dwelling on Weald Road benefitting from parking to the side of the dwelling. On Weald Road a new vehicular access would be created forming a rear parking court. There would be a path from the rear of the site leading to Royal George Road providing pedestrian access from the parking area to the front of the dwellings. The dwellings would have rear garden areas.

The development would be two storeys in height constructed in brick with slate roofs. There would be pitched elements to the front and rear of the units with gable roofs.

The proposed development would result in the following housing mix:

2 x 2-bed flats;
1 x 2-bed house and
7 x 3-bed houses.

The proposal includes the provision of 20 car parking spaces which are to be provided in the form of a rear court parking element and parking to the side of 3no dwellings. The existing conifer trees on the boundaries of the site are to be removed as part of the scheme.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

DP4 - Housing
DP6 - Settlement Hierarchy
DP20 - Securing Infrastructure
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP29 - Noise, Air and Light Pollution
DP37 - Trees, Woodland and Hedgerows
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan for Burgess Hill was 'made' in January 2016. It forms part of the development plan with full weight.

Relevant policy:

S4 - Parking standards for new developments

Supplementary Planning Documents

Mid Sussex Development Infrastructure and Contributions

Mid Sussex Affordable Housing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

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

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- loss of pub;
- design and the impact to the character of the area;
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- impact to trees;
- infrastructure;
- Planning Balance and Conclusion.

Principle of development

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the

development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states in part:

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

The proposal falls within the built up area of Burgess Hill where windfall development is considered appropriate. In addition, Burgess Hill is classed as a category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

There are therefore no objections to the principle of the re-development of this site as proposed, subject to compliance with policy DP25 as outlined below.

Loss of pub

Policy DP25 of the District Plan relates to community facilities and local services which includes pubs. This policy states:

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

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-

site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

The proposal would result in the loss of the pub and community use of the site. Supporting information has been provided with the application in respect of the loss of this community facility. It submits that the pub ceased trading in February 2020 and has been vacant since then. A business appraisal has also been submitted as part of the application. Within the Executive Summary of this report it concludes under financial viability that the pub is *'no longer viable and that has become defunct for the following reasons:-*

- Before allowing for a living-wage the business was consistently loss-making over a period of time;*
- Current trends suggest that the property is not of interest to corporate or individual pub operators as a going concern;*
- The property is not configured or in a suitable location to provide an adequate food offer;*
- Local competition is strong and there are other pubs nearby;*
- On-sale wet volumes continue to decline nationally and have now been overtaken by off-licence sales.'*

In addition, an appraisal has been provided in relation to duplicate facilities in the locality. The Planning Statement identifies that there are 6 alternative pubs within 1 mile of The Weald Inn and 11 within 1.5 miles. Three of the alternative pubs are within walking distance of the application site, namely The Woolpack, The Cricketers and The Brewers Arms which provide alternatives without the need to drive .

In light of the above information provided as part of the application, whilst the loss of the community facility is regrettable, it has been demonstrated within the submitted Business Appraisal that the use as a pub is no longer viable. In addition supporting information has been provided to identify that there are a number of duplicate facilities in the locality which can accommodate the loss of the facility.

As such it is considered that the proposal complies with Policy DP25 and the redevelopment of the site for housing is acceptable.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan relates to character and design. 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.'*

Para 127 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

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

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.'*

While not yet adopted, the Council's draft Design Guide carries weight and is a material consideration in the determination of the application. This 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. Design principle DG13 seeks new developments to provide positive frontages to streets with established building lines followed and corners of blocks emphasised. Principle DG18 seeks to integrate parking so that it does not dominate the streetscape, and DG19 supports rear court parking areas within higher density areas within new developments and prevents off street parking to the front of houses. Within the Design Guide there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context and DG40 advises that developments should be designed with open, active frontages that engage with and provide a public face onto the street and spaces.

The Council's Urban Designer has considered the proposal and raises no objection to the scheme. Whilst he acknowledges that the loss of the open space breaks up the otherwise hard edged streetscape and relieves the run of ubiquitous-looking houses along this part of Royal George Road and Weald Road, he considers that:

'The proposal can nevertheless be commended for avoiding front threshold parking (that is a regrettable feature of nearby properties) especially along the more prominent Royal George Road (and at the corner). Instead of hard surfacing these areas are shown grassed over and featuring trees (the division of the public/private realm is nevertheless unclear and needs clarifying with the submission of detailed landscape drawings; in particular the trees would be better located in the public realm and maintained by a management company along with the other communal elements). The parking is discreetly accommodated at the side of the houses and at the rear in a parking court which is softened by some trees and planting areas.

The scheme benefits from well-defined frontages generated by consistent building lines employed on both road frontages. The alternate gable and pitch roof arrangement provides rhythm and vertical articulation (a consistent arrangement has been achieved even though plots 5-6 are organised internally as flats rather than houses).

The buildings feature contemporary-designed frontages with generously proportioned windows and suggest crisp detailing such as the clipped eaves and decorative projecting brickwork on the ground floor that adds elevational interest and should help avoid the frontages appearing bland. The inset front doors provide some further depth / relief (although unfortunately they are not featured on plots 5-6). Nevertheless, a more detailed elevation and section drawing is recommended that show these features and the overall composition more clearly.'

In respect of plots 8-10 he considers that the *'symmetry achieved by this provides harmony in its own terms but also continues the gable/pitch/gable arrangement established along Royal George Rd. It also articulates the southern return with a pitched roof return (avoiding a large bland brick gabled flank); the revised drawings include a stairwell window that provides some animation of an otherwise blank façade.'*

Officers agree with the comments of the Urban Designer and consider that the design of the development is considered to form a sensitive feature within the street scene providing architectural integrity and a sense of place relating well to the context of the area. In addition, the provision of the parking to the side of the dwellings and the rear parking court results in the car parking not dominating the street scene allowing landscaping to the front of the site to soften the development. As such the design of the proposal is considered to contribute positively to the character of the area and the street scene and its scale and detailing is appropriate to the wider street scene. The Urban Designer has made a comment in respect of the provision of detailed landscape drawings and the division of the public and private realm. The submitted block plan shows the front gardens onto the highway to be open with soft landscaping including tree planting. To the rear are clearly defined private gardens with the parking court for the occupiers of the development with landscaped areas. It is considered that there is clear definition of the private and public realm for the scheme with the public realm providing soft landscaping so that it creates a sense of place.

The proposal is thereby considered to comply with policy DP26 of the District Plan, paras 124 and 127 of the NPPF and the design principles of the Mid Sussex Design Guide.

Residential Amenity

Policy DP26 of the District Plan states in part that proposals 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'*.

Plot 1 is to be have a separation of some 4 metres with the side wall of 119 Royal George Road. The footprint of this is not to project further rearwards than the neighbour. Whilst there is a large side window serving 119 this is an obscured side window serving the landing. In addition there are ground floor side windows. These ground floor windows would however be screened by any boundary treatment. It is considered that this relationship is acceptable.

In addition, the proposal is considered to be acceptable in terms of amenities to the properties to the rear of the site with South Close. Whilst the existing dwellings to the rear have shallow rear gardens, the proposed dwellings are set some 20 metres from the rear boundaries of these gardens. It is acknowledged that the neighbouring rear boundaries would be adjacent to the proposed parking court. However, this area of hardstanding would be screened by a boundary fence and landscaped to limit the impact with the car parking spaces set away from the boundaries.

Plot 10 is to be separated from no 7 Weald Road by some 16 metres with an access between. Plot 10 would have a first floor landing window on the side elevation. However, due to the side to side relationship, the proposal would not result in an overbearing impact or a loss of privacy to the neighbouring amenities. Whilst the new access would generate some noise through vehicle movements, vehicles would be travelling at low speeds and so it is not considered to result in significant detriment to the amenities of no 7 Weald Road.

Objections have been raised in respect of the loss of outlook on properties on the opposite side of Royal George Road. The proposal would result in a separation distance between the front of the houses of some 20 metres with the highway between. Such distances are considered acceptable within residential areas and this relationship exists already along Royal George Road for other properties. In respect of the amenities of properties to the rear of the site, the existing building is built close to the boundary with properties along South Close with in places high conifer hedging which results in a poor outlook. This is to be removed and replaced with landscaping and a parking court area with there being a back to back separation of some 20 metres between the proposed and existing dwellings. As such, the outlook for these properties will be improved through the removal of the high conifer hedge which is encloses the rear boundaries of the existing properties. It is therefore considered that the proposal would not result in a loss of outlook for neighbouring residential properties.

The proposal is thereby considered to be acceptable in amenity terms to both existing neighbouring occupiers and also future occupiers of the proposed development. The proposal is thereby considered to comply with policy DP26 of the District Plan.

Highway Safety and Parking Provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It 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.'

Policy S1 of the Neighbourhood Plan requires developments to accord with the parking standards set out in Appendix D of the Neighbourhood Plan. This requires 2-bed flats to provide 1 allocated space per unit, 2-bed dwellings to provide 1 designated space and 1 non-designated space per unit, and 3-bed dwellings to provide 2 designated spaces per unit and 1 space per 2 dwellings for non-designated (visitor spaces). For this proposal, the Neighbourhood Plan would thereby require 21 car parking spaces for the development.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 109 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The existing access onto Royal George Road will be closed up and the proposal would form two vehicle accesses onto Royal George Road to serve two properties, a driveway onto Weald Road and an additional access onto Weald Road leading to a parking courtyard. The proposal would form off road parking for 20 vehicles. Three dwellings will benefit from their own driveways providing 2 parking spaces per dwelling, the courtyard parking area would provide 12 parking spaces (including a disable parking bay), with 2 additional parking spaces to the side of courtyard parking entrance next to plot 10. In addition, 2 cycle spaces per dwelling will be provided and 1 cycle space per flat.

It is acknowledged that the proposal would fall short of the Neighbourhood Plan parking requirements by 1 space. The West Sussex County Council Guidance on Parking at New Developments (September 2020) identifies new residential development in this location within parking behaviour zone 4. The guidance from WSCC is more recent than the Neighbourhood Plan. Using the WSCC car parking calculator, the requirement is to provide 16 spaces on site. The site is within a sustainable location close to bus stops and local services. As such the proposal meets with the WSCC car parking standards and it is considered that in this instance the minor shortfall of one parking space against the Neighbourhood Plan standard is acceptable. As such it is considered that the parking provision for the scheme is appropriate.

The Highways Authority has considered the proposal and raises no objection to the scheme. They consider that the visibility splays for the access are acceptable given the size of development and nature of the road. They advise that the use of the proposed new access from Weald Road has been demonstrated sufficiently. In addition, it is considered that the three driveways proposed for parking is acceptable as other properties within the area have driveways to the front of their properties.

Consequently, the application is deemed to comply with policy DP21 of the District Plan and para 108 of the NPPF.

Sustainability

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it 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.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

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

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

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

The submitted Sustainability Statement states the *proposed construction specification will seek to ensure that - through fabric alone - each dwelling achieves*

a reduction in carbon dioxide emissions compared mandated by Part L1A of the Building Regulations.'

In addition it advises that *'order to ensure that energy demand is reduced, the dwellings will be designed to minimise heat loss through the fabric wherever possible'*. It further submits that *'through a combination of passive design measures and high fabric performance, the development will support reductions in energy demand'*.

Additional measures to be incorporated within the development would include energy efficient light fittings and bulbs, energy efficient appliances, smart metering and a reduction in water use to achieve the target of 110 litres per person per day.

The accessibility of the site, or the sustainable location of it, is also a key consideration.

The development is situated in a sustainable location within a category 1 settlement close to bus stops and local services.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan, and the proposal is considered to be acceptable in sustainability terms.

Trees

Policy DP37 of the Mid Sussex District Plan states in part that 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.'*

A Tree Survey and Tree Plan has been submitted with the application. Trees on the site consist of a dense group of Western Red Cedar on Weald Road, a mixed group of Cypress and Portuguese Laurel along the rear boundary with South Close, together with a single Plum tree within the pub gardens. The Arboricultural Survey concludes that the existing trees on site are of low grade (Grade C or Grade U), with many identified as being in poor health or of low landscape value. All of these trees are to be removed as part of this development.

A tree replacement plan has been provided which proposes new tree planting along the Royal George Road and Weald Road frontages and within the parking court. These trees will contribute to softening the public realm and the car parking court area.

A condition could be placed on a planning permission in respect of soft landscaping to ensure the planting is provided within the site to soften the development.

In the planning balance it is not considered that there would be significant harm to justify a refusal on the loss of the existing trees.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

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.

It is proposed that the development will manage surface water drainage using attenuation provided in geo-cellular crates beneath the car park and discharged into the sewer at the vehicle access point onto Weald Road. It is also proposed to utilise filter chambers, filter trenches and rain gardens prior to discharging water into the storage tanks. It is proposed that the development will connect foul water sewage to the existing main foul sewer.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 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. Policy DP27 of the District Plan supports this.

The submitted plans show that the proposed homes would exceed the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed.

Infrastructure

Policy DP20 of the District Plan relates to infrastructure. It states:

'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'

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

Due to the number of units provided, the proposal does not require affordable housing contributions as set out in Policy DP31 of the District Plan.

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:

- *necessary to make the development acceptable in planning terms;*

- *directly related to the development; and*
- *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 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Education - Primary: £33,875
 Education - Secondary: £36,456
 Education - 6th Form: £8,541
 Libraries: £3,446
 TAD: £21,521

District Council Contributions

Children's Playing Space: £9,833
 Formal Sport: £11,621
 Kickabout: £8,259
 Community Buildings: £6,458
 Local Community Infrastructure: £8,214

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

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. 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.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

Ashdown Forest

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

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

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 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 was modelled in the Mid Sussex Transport Study as a **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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

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

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

The application site lies in the built up area of Burgess Hill and results in the formation of a net increase in 9 additional residential units. The site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. The redevelopment of the site is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. In addition, the site is within a Settlement 1 Category and is therefore considered to be a suitable and sustainable location for residential development. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

The proposal will provide minor but positive social and economic benefits through the delivery of 9 additional dwellings in the built up area of Burgess Hill within a sustainable location which reflects one of the key objectives of the NPPF. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited. The Council would also receive a new homes bonus. This is a minor material consideration with very limited weight

Weighed against this is that the proposal would result in the loss of a community facility of the public house. Whilst the loss of the community facility is regrettable, it has been demonstrated that the use as a pub is no longer viable and that there are a number of duplicate facilities in the locality which can accommodate the loss of the pub. As such the proposal meets the criteria of Policy DP25 and its loss is therefore considered acceptable.

There will be a neutral impact in respect of highway safety and parking provision, space standards, impact on neighbouring amenities, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP25, DP26, DP27, DP37 and DP40 of the District Plan and therefore complies with the development plan, and paragraphs 8, 108, 110, 124, 127 and 148 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.

Approved Plans

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

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

Pre-commencement conditions

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

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.

4. No development above ground floor slab level shall be carried out unless and until 1:20 scale elevation and section drawings showing a typical gable frontage has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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 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 and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

6. Apart from works necessary to demolish all the existing buildings on site, no development shall take place 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 and in consultation with Southern Water. 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.

Existing surface water drainage and surface water flow routes on site shall not be blocked as a result of any demolition works and existing surface water drains shall be maintained until such time that development commences.

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

7. Prior to the commencement of the development, the developer details shall be submitted to and approved by the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers,

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

Pre-occupation conditions

8. The development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments and alignments. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or

diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. No part of the development shall be first occupied until such time as the existing vehicular access onto Royal George Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

12. No part of the development shall be first occupied until details of electric vehicle charging vehicle points including the location of these spaces have been submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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

Post construction

13. 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.

INFORMATIVES

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

Accordingly, you are requested that:

- 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.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
 4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged, then a lawful start will not have been made and you will be liable to enforcement action.
 5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	010	01	03.07.2020
Existing Site Plan	011	00	03.07.2020
Block Plan	100	01	03.09.2020
Proposed Site Plan	102	01	03.09.2020
Proposed Site Plan	101	03	03.09.2020
Existing Floor Plans	PL01		22.07.2020
Existing Floor Plans	PL02		22.07.2020
Existing Elevations	PL03		22.07.2020
Existing Elevations	PL04		22.07.2020
Proposed Floor Plans	A200	02	03.07.2020
Proposed Elevations	A300	00	03.07.2020
Proposed Floor and Elevations Plan	B200	02	21.10.2020
Proposed Elevations	B300	00	03.07.2020
Proposed Roof Plan	B200	02	03.07.2020
Proposed Floor Plans	C200	03	03.07.2020
Proposed Elevations	C300	01	03.09.2020
Proposed Roof Plan	C201	03	03.09.2020
Street Scene	300	02	03.09.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: The Committee reiterated their previous comments, and regretted the loss of a parking space from the previous plans. The Committee encourage the use of renewable energies.

Architect / Urban Designer - Will Dorman

As well as the loss of the pub, this scheme unfortunately involves the loss of an open space (the beer garden) that breaks up the otherwise hard-edged streetscape and relieves the run of ubiquitous-looking houses along this part of Royal George Road and Weald Road.

The proposal can nevertheless be commended for avoiding front threshold parking (that is a regrettable feature of nearby properties) especially along the more prominent Royal George Road (and at the corner). Instead of hard surfacing these areas are shown grassed over and featuring trees (the division of the public/private realm is nevertheless unclear and needs clarifying with the submission of detailed landscape drawings; in particular the trees would be better located in the public realm and maintained by a management company along with the other communal elements). The parking is discreetly accommodated at the side of the houses and at the rear in a parking court which is softened by some trees and planting areas.

The scheme benefits from well-defined frontages generated by consistent building lines employed on both road frontages. The alternate gable and pitch roof arrangement provides

rhythm and vertical articulation (a consistent arrangement has been achieved even though plots 5-6 are organised internally as flats rather than houses).

The buildings feature contemporary-designed frontages with generously proportioned windows and suggest crisp detailing such as the clipped eaves and decorative projecting brickwork on the ground floor that adds elevational interest and should help avoid the frontages appearing bland. The inset front doors provide some further depth / relief (although unfortunately they are not featured on plots 5-6). Nevertheless, a more detailed elevation and section drawing is recommended that show these features and the overall composition more clearly.

The rainwater downpipes have been discreetly positioned in the corner return of the gables where they help reinforce the boundary division of the terraced and semi-detached houses.

The revised drawings feature a reconfigured terrace on plots 8-10 that is now bookended by gables. The symmetry achieved by this provides harmony in its own terms but also continues the gable/pitch/gable arrangement established along Royal George Rd. It also articulates the southern return with a pitched roof return (avoiding a large bland brick gabled flank); the revised drawings include a stairwell window that provides some animation of an otherwise blank façade.

In conclusion, I raise no objections to the scheme but to secure the quality of the design I would recommend conditions requiring further approval of the following:

- Facing materials including windows
- A detailed soft and hard landscaping plan showing boundary treatment and alignments
- 1:20 scale elevation and section drawing of a typical gable frontage

Parish Consultation

OBSERVATIONS: Recommend Approval

The Committee noted concerns over the access.

The Committee support the possibility of solar photovoltaics and solar thermal energy being used.

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INFRASTRUCTURE REQUIREMENTS: - Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follows:

Any Community Building and/or Community Infrastructure monies go towards The Beehive Centre.

WSSC Highways Authority

The Site

Located on the corner of Royal George Road, and Weald Road in the town of Burgess Hill; both roads surrounding the site have 30mph speed restrictions. Double yellow lines are located on Royal George Road, and these extend around the junction into Weald Road reducing any dangerous parking at the junction. There are designated parking lay-bys outside the parade of shops on Weald Road, which can accommodate up to 4 cars. Both roads are wide with recorded widths of 5.5m on Royal George Road, and 5m on Weald Road.

The Proposal

To demolish the existing public house, known as The Weald, and create 10 dwellings one, 2 bed house, two, 2 bed flats and seven, 3 bed houses, with associated car parking in the form of driveways and a car parking court to the rear.

Access points into the development

The site currently has one access from Royal George Road which used to serve as the pub car park. This will be closed and require a reinstatement of the footway as part of the off-site highway works. These will cover all the works required to make the new access points safe, and in accordance with WSCC highway adoption standards. (see s278 informative below).

There will be two access points onto Royal George Road, and two onto Weald Road. Three of these will provide driveways to the dwellings. The precedent for driveway parking has already been set as houses opposite the pub have driveways in front of their properties.

Lastly a new access from Weald Road will be created into the rear car park. This will be a priority junction, and dropped crossing points with tactile paving should be created on either side to facilitate crossing for pedestrians.

Visibility

Drawing 2005014-01, in appendix C of the submitted Transport Statement show all access points can achieve 2.4m x 43m in both directions, apart from the new priority access junction onto Weald Road. This access provides 19m to the junction to the east, and 14m to the edge of plot number 7.

Whilst the eastern visibility is acceptable as the splay reaches the junction, the western splay is for a speed of 12mph however; given the residential nature of the road it is likely that most cars moving in and out of their driveways will fit this criteria and as the road naturally bends and is a 'D' classified residential road its unlikely cars will be driving at 30mph. In addition, parked cars on the road will act as natural traffic calming, and the number of vehicle movements in and out of the site is low.

As such it is considered the visibility splays for this access are acceptable given the size of development and nature of the road.

RSA

A Stage 1 Road Safety Audit has been undertaken by Gateway TSP on behalf of Motion.

The audit was carried out on the 27th May 2020 using the terms of reference set out in GG119. Due to Covid 19, an initial desk top review was undertaken until such time that a physical site visit could be carried out. No concerns were raised by the auditors.

Parking Strategy

Consideration has been given to both the Burgess Hill neighbourhood plan adopted in 2016 which has slightly higher parking requirements of 22 spaces, and the West Sussex County Council car parking standards, requiring 15 spaces. The applicant has decided to provide 21 car parking spaces which is measured against these two standards. WSCC are satisfied with this approach.

Swept Path Analysis for a car and light van

Swept paths for a 2006 estate car and a light van have been provided. These show there may be a few issues with a larger car using space 14 but otherwise they are workable. The diagrams also show how entering and exiting in forward gear is possible. As such WSCC are satisfied with the configuration of the car park. The use of the proposed new access from Weald Road is demonstrated sufficiently.

Sustainability

The site is highly sustainable. Located in Burgess Hill town there are lit foot ways and suitable roads for cycling that are flat. The nearest bus stop to the site is located approximately 50 metres away and provides an hourly service. Burgess Hill railway station is 1.8 kilometres to the South East of the site providing Connections to London and other parts of the South East. The site is also located close to several local amenities.

Internal Layout

Whilst the site fronts the two existing residential roads, Royal George Road and Weald Road, there is an internal access road which provides access to the car park to the rear. This is 6m in width and a bell mouth access will be created. Tactile dropped paving is required here. There should also be an extension of the footway from Weald Road into the site next to plot 10 to connect with the proposed footpath around the car parking spaces. This connects to the footpath which runs alongside plots 5-7 and creates a permeable route through the site to and from the car parking area.

These footpaths should be approx. 1.5m in width, and if not level with the surface of the car park, dropped kerbs should be provided to assist moving items from the car parking area such as buggies, or wheelchairs that require a level access.

A lamp column will need to be removed and relocated, and there is also a telegraph pole in the vicinity of the proposed car park access which may need re-locating.

Cycle Parking

In line with NPPF guidance, each dwelling should provide cycle storage which is covered and secure. Details of cycle parking and provide in each dwelling covered and secured. The condition below will cover this aspect and details must be provided, often these are in sheds in the rear gardens.

Trip Impact

The transport statement provided by Motion includes data retrieved from the TRICS's database in order to quantify the levels of traffic flows that are likely to be associated with the existing land use. The applicant has provided numbers which compare the current public house land use and the proposed 10 dwellings. The data indicates the existing pub use can attract approximately 140 movements in one day, this equates to 12 vehicle movements every hour. Compared to the proposal for 10 dwellings, which would create approximately 41 movements across a typical day, this is much lower and equates to just one movement every 15 minutes during the morning and evening peak hours.

Therefore, the proposal to change the land use from A1 to C3, is not considered to cause any material capacity impacts which are considered severe as per the NPPF guidance.

RTCC Data

An interrogation of the WSCC Road Traffic Casualty and Collision Database has been undertaken to ensure there are no highway safety issues at this location. The data covers a period of 5 years, and includes any recorded casualties or collisions, and how severe they are. The database reveals 2 incidents have been recorded during this time, both were pedestrians who didn't look properly, and neither were related to any highway defect.

Construction Management Plan (CMP)

As the public house will be demolished the site will require a CMP, to ensure all elements of the demolition and construction phases are managed. This can be conditioned see below for further details.

Access closure (Access Closure)

No part of the development shall be first occupied until such time as the existing vehicular access onto Royal Georges Road Construction Management Plan has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

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

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

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

Cycle parking

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

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

Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSSC County Planning Officer

Summary of Contributions

Education			
School Planning Area	Burgess Hill		
Population Adjustment	20.7		
	Primary	Secondary	6th Form
Child Product	0.2556	0.2556	0.1380
Total Places Required	1.7892	1.2780	0.2760
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£3,446		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	20.7		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	9		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	20.7		
Net Parking Spaces	9		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£33,875
Education - Secondary	£36,459
Education - 6th Form	£8,541
Libraries	£3,446
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£21,521
Total Contribution	£103,841

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The calculations have been derived on the basis of an increase in 9 net dwellings, and an additional 9 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2021. 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 contributions generated by this proposal shall be spent on additional equipment at The Gattons Infant School.

The contributions generated by this proposal shall be spent on additional equipment at Burgess Hill Academy.

The contributions generated by this proposal shall be spent on additional equipment at St. Paul's Catholic College.

The contributions generated by this proposal shall be spent on providing additional stock at Burgess Hill Library.

The contributions generated by this proposal shall be spent on public realm and connectivity improvements in Burgess Hill Town Centre.

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.

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

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 2020/2021, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £18,933 per child
- Secondary Schools- £28,528 per child
- Sixth Form Schools- £30,939 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.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2020/2021 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.

$$\text{TAD} = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$$

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 2020/2021 is £1,450 per parking space.

$$\text{Infrastructure contributions} = \text{Car parking spaces} \times \text{Cost multiplier}$$

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 (£724).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 724$$

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

WSCC Flood Risk Management Team

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

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

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events - Low risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding although higher risk does exist to the south of the site.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled groundwater flood hazard classification - Low risk

Comments:

The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

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.

Ordinary Watercourses nearby? No

Comments:

Current Ordnance Survey mapping shows no ordinary watercourses running across or adjacent to the site.

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.

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.

Records of any flooding within the site? No

Comments:

We do not have any records of 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.

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application propose that below ground attenuation with a restricted discharge to the main sewer would be used to control the surface water from this development.

In the spirit of SuDS implementation, betterment for surface water systems on developments could be sought. This could include retention at source through green/blue roofs, rain gardens, permeable paving, swales, bioretention systems or tree pits prior to disposal to reduce peak flows. SuDS landscaping also significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

The District Council Drainage Engineer may want to review this application to identify if there are any site specific land use considerations that may affect surface water management and for a technical review of any drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be 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.

WSCC Minerals and Waste

Please be advised that the Minerals and Waste Planning Authority would offer No Objection to the proposed developments as per the subject line of this email.

Both applications are within the curtilage of an existing dwellings and would therefore meet consultation exemption criteria as per 2.4 of the Minerals and Waste Safeguarding Guidance (found here).

Southern Water

Please find attached a plan of the sewer records showing the approximate position of public foul sewer within the site and public surface water in the immediate vicinity of the site.

The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer/water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The 150 mm foul and surface water sewers requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public sewers.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Please refer to: southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf .

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements .

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk by email at: SouthernWaterPlanning@southernwater.co.uk

MSDC Urban Designer

Amended scheme

As well as the loss of the pub, this scheme unfortunately involves the loss of an open space (the beer garden) that breaks up the otherwise hard-edged streetscape and relieves the run of ubiquitous-looking houses along this part of Royal George Road and Weald Road.

The proposal can nevertheless be commended for avoiding front threshold parking (that is a regrettable feature of nearby properties) especially along the more prominent Royal George Road (and at the corner). Instead of hard surfacing these areas are shown grassed over and featuring trees (the division of the public/private realm is nevertheless unclear and needs

clarifying with the submission of detailed landscape drawings; in particular the trees would be better located in the public realm and maintained by a management company along with the other communal elements). The parking is discreetly accommodated at the side of the houses and at the rear in a parking court which is softened by some trees and planting areas.

The scheme benefits from well-defined frontages generated by consistent building lines employed on both road frontages. The alternate gable and pitch roof arrangement provides rhythm and vertical articulation (a consistent arrangement has been achieved even though plots 5-6 are organised internally as flats rather than houses).

The buildings feature contemporary-designed frontages with generously proportioned windows and suggest crisp detailing such as the clipped eaves and decorative projecting brickwork on the ground floor that adds elevational interest and should help avoid the frontages appearing bland. The inset front doors provide some further depth / relief (although unfortunately they are not featured on plots 5-6). Nevertheless, a more detailed elevation and section drawing is recommended that show these features and the overall composition more clearly.

The rainwater downpipes have been discreetly positioned in the corner return of the gables where they help reinforce the boundary division of the terraced and semi-detached houses.

The revised drawings feature a reconfigured terrace on plots 8-10 that is now bookended by gables. The symmetry achieved by this provides harmony in its own terms but also continues the gable/pitch/gable arrangement established along Royal George Rd. It also articulates the southern return with a pitched roof return (avoiding a large bland brick gabled flank); the revised drawings include a stairwell window that provides some animation of an otherwise blank façade.

In conclusion, I raise no objections to the scheme but to secure the quality of the design I would recommend conditions requiring further approval of the following:

- Facing materials including windows
- A detailed soft and hard landscaping plan showing boundary treatment and alignments
- 1:20 scale elevation and section drawing of a typical gable frontage

Original

I've had an initial look at this application which appears to be a significant improvement upon the pre-app, and the gable frontages contribute positively by providing rhythm and elevational interest / vertical articulation.

I do though think it could be further improved if the 8-10 were reorganised with the wheelchair accessible flat in the middle (i.e. plot 9) to allow a symmetrical frontage and plot 10 organised with a gable frontage to echo plot 8 and allow the terrace to be bookended with gable frontages. Moreover it avoids a large gable flank return that threatens to be a dead-hand in the street as it will be very visible between the wide gap in the street frontage (with existing no.7 Weald Rd) and presents an inauspicious entrance to the rear court parking area. A pitch-roof return will avoid the amount of brick face and provide some articulation; there may be scope for first floor windows at least at the top of the stairs, if not serving bedroom 3 (if this might create overlooking problems with 7 Weald Rd).

I also note that no disabled parking bays have been provided; I would recommend that one space is sacrificed to accommodate this at the rear of plot 9.

The landscaping and boundary treatment need to be explored, and the patterned brick could also be further emphasised by being a different tone. These can though be made subject to conditions.

MSDC Leisure

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

CHILDRENS PLAYING SPACE

St Johns Park, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £18,092 is required to make improvements to play equipment (£9,833) and kickabout provision (£8,259). 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 £11,621 is required toward formal sport facilities at St Johns Park (tennis and/or cricket).

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £6,458 is required to make improvements to Fairfield 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.

MSDC Drainage

Recommendation:

No objection subject to conditions.

Advice.

FLOOD RISK

Due to the scale of the development a Flood Risk Assessment and Drainage Strategy has been submitted in support of this application.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial)

flood risk. However, the report does identify an area of increased surface water flood risk directly to the south of the site boundary.

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

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site.

The Flood Risk Assessment and Drainage Strategy states that the Greenfield QBar runoff rate for the proposed impermeable surfaces post development is 0.6l/s. The report also states that surface water drainage shall be discharged to the public surface water sewer located on the northeast and northwest boundaries of the site.

Attenuation shall be provided in geo-cellular crates beneath the car park and discharged into the sewer at the vehicle access point onto Weald Road. It is also proposed to utilise filter chambers, filter trenches and rain gardens prior to discharging water into the storage tanks.

The drainage system has been designed to manage runoff for events up to and including the 1 in 100-year storm with an additional 40% allowance for climate change.

We would advise the applicant that paragraph 11.13 of the report refers to discharge to a field. The Flood Risk and Drainage Team understand this to be erroneous, however we would advise that the report is updated as part of the detailed drainage design. Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will connect foul water sewage to the existing main foul sewer. The Flood Risk Assessment and Drainage Strategy also states that an existing foul water sewer is located on site and that this will be realigned as part of the development.

We would advise the applicant to discuss the proposed sewer realignment and any possible sewer buffer zones with Southern Water prior to detailed drainage design.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS/UNITS

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.

GENERAL DRAINAGE REQUIREMENT GUIDANCE SURFACE WATER DRAINAGE

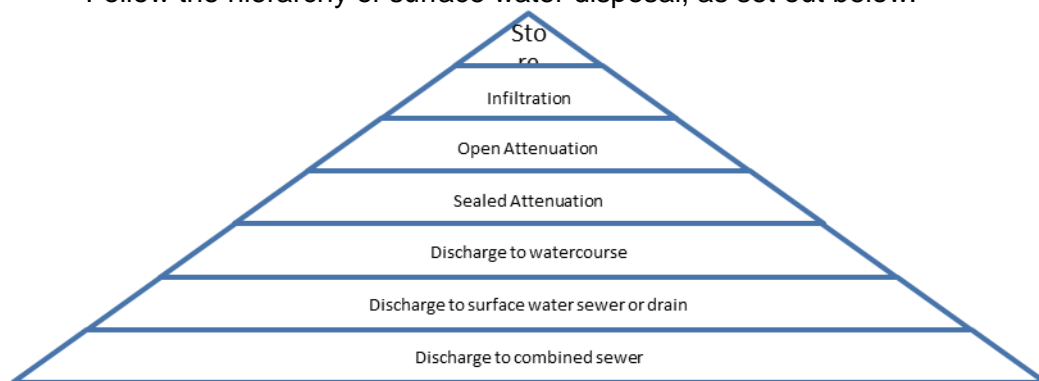
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide 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 FEH 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' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

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

USEFUL LINKS

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

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

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

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

[West Sussex Lead Local Flood Authority Policy for the Management of Surface Water](#)

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

MSDC Contaminated Land Officer

Having reviewed our contaminated land mapping , I have no comment to make with regards to the proposed application.

MSDC Street Name & Numbering

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

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.

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MID SUSSEX DISTRICT COUNCIL

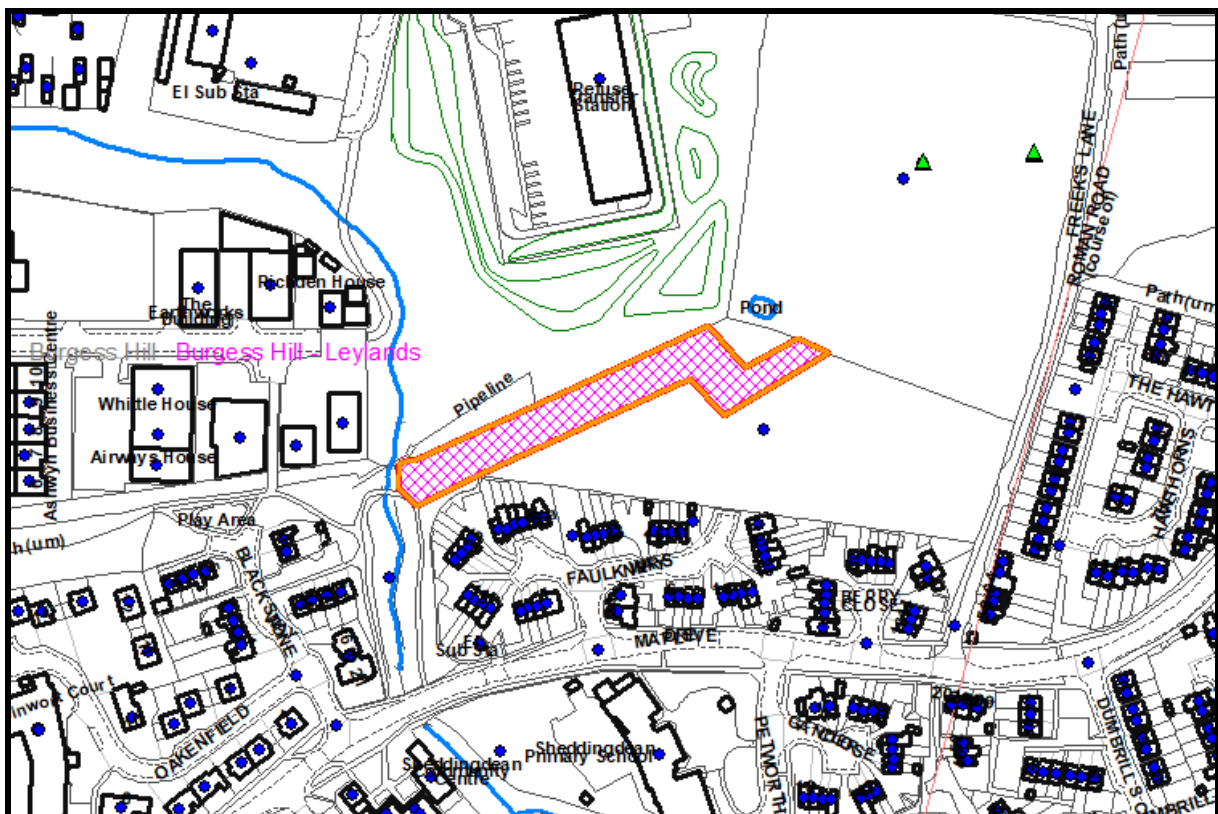
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/2899



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**LAND TO THE WEST OF FREEKS LANE FREEKS LANE BURGESS HILL
WEST SUSSEX
INSTALLATION OF A SURFACE WATER DRAINAGE PIPE TO SUPPORT
SUDS, FEATURES APPROVED UNDER APPLICATION DM/19/3845
COUNTRYSIDE PROPERTIES**

POLICY: Area of Special Control of Adverts / Built Up Areas / District Plan Policy / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Trees subject to a planning condition / Minerals Local Plan Safeguarding (WSSC) / Waste Local Plan Site (WSSC) /

ODPM CODE: Minor Other

8 WEEK DATE: 30th September 2020

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the installation of a surface water drainage pipe to support SUDS features approved under the Freeks Farm development (DM/19/3845).

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.

This application is before the Committee because the development is on land that is owned by the Council.

The proposal is acceptable in principle and will help to facilitate the development at Freeks Farm that itself forms part of the strategic allocation of development to the north and northwest of Burgess Hill. There is no objection to the loss of the trees identified for removal whilst the wider visual impact of the proposal is minimal as the verdant backdrop to the PROW and field will remain a defining characteristic. A landscaping condition will ensure the land is suitably restored.

The proposal accords with the Council's biodiversity policy requirements in respect of the ecological effects of the development although additional protection and mitigation measures will be secured through condition.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal will not cause significant harm to residential amenity.

The application is deemed to comply with Policies DP6, DP22, DP26, DP37, DP38 and DP41 of the Mid Sussex District Plan, Policies LR1, G3 and G6 of the Burgess Hill Neighbourhood Plan and the NPPF

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

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No representations have been made

SUMMARY OF CONSULTEES

MSDC Drainage: No objection subject to condition

MSDC Trees: No objection subject to condition

MSDC Ecological Consultant: No objection subject to condition

WSCC Lead Local Flood Authority: No objection

WSCC Public Rights of Way: No objection

BURGESS HILL TOWN COUNCIL COMMENTS

Recommend Approval: The loss of trees and undergrowth was regrettable, the Committee requested that the developer should commit to a replanting scheme.

INTRODUCTION

This application seeks full planning permission for an underground surface water drainage pipe that will connect from the Freeks Farm development to the north and discharge into an unnamed watercourse to the west. As noted in the Executive Summary, the application is before the committee because it is on land that is owned by the District Council.

RELEVANT PLANNING HISTORY

Relevant history near application site

DM/18/0509 - Residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) at Land to the west of Freeks Lane - Approved 24.07.2019

DM/19/3845 - Approval of reserved Matters pursuant to Condition 1 of DM/18/0509 for the erection of 460 dwellings, including public open space, play areas, associated infrastructure including roads, surface water attenuation and associated demolition - Approved 19.12.2019

DM/19/4506 - Discharge of planning condition number 4 (drainage) relating to planning application DM/18/0509 - Approved 27.03.2020

SITE AND SURROUNDINGS

The site is approximately 0.2 hectares in size, located on the northern side of Burgess Hill and is owned by the Council. The application site follows the north western boundary line of an open field and includes some of the trees and hedging that form this boundary. The field extends to the south, where it borders the back gardens of a number of properties off Faulkners Way and the east, where it adjoins Freeks Lane. To the north west, the woodland extends into the refuse transfer station site and to the north east is where the Freeks Farm development (DM/18/0509 and DM/19/3845) is located. A public footpath, BH41, runs across the field in a west/east direction before turning in a south west direction at the west of the site as it leads to the watercourse

In terms of planning policy, the site is not within the area of land allocated for strategic development to the north and west of Burgess Hill under Policy DP9 in the District Plan (DP) but is however within the defined built up area boundary.

The site also lies wholly within the boundary of the Burgess Hill Neighbourhood Plan area (BHNP). The site falls within the land subject to Policy LR1 (improved recreational facilities and new community/sports hall at leylands park) where the land has been identified for *"up to 20 self build units."*

APPLICATION DETAILS

The proposal is for an underground surface water drainage pipe that will connect from the Freeks Farm development to the north and discharge into an unnamed watercourse to the west of the application site.

This will involve taking water from a SUDS feature at the southern end of the Freeks Farm development, through the underground pipe subject to this application, before

it connects to the existing watercourse. To construct and install the proposed pipe a 1.5 metre construction zone either side of the pipe will be required. The proposal is in accordance with the drainage details that have been approved for the Freeks Farm development under discharge of condition but the pipe installation needs planning consent in its own right.

DEVELOPMENT PLAN

Mid Sussex District Plan 2014-2031 (2018) (District Plan)

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policies are:

- DP6 Settlement Hierarchy
- DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP41 Flood Risk and Drainage

Burgess Hill Neighbourhood Plan

As noted in the site and surroundings section, the site is within the Burgess Hill Neighbourhood Plan area.

The Burgess Hill Neighbourhood Plan has been 'made' and therefore forms part of the development plan. Relevant policies of the Burgess Hill Neighbourhood Plan for the proposal are:

- LR1 Improved Recreational Facilities And New Community/Sports Hall At Leylands Park
- G3 Nature Conservation and Biodiversity
- G6 Footpaths, Rights of Way and Cycle Links

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 role, a social role and an environmental role. 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 (NPPG)

ASSESSMENT

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

- Principle of Development
- Visual Impact and trees
- Ecology & Biodiversity
- Water Resources, Flood Risk & Drainage
- Impact on the Public Right of Way
- Other Issues
- Planning Balance and Conclusion

Principle of Development

In respect of the principle of development, the site is located within the built up area of Burgess Hill. Policy DP6 states that "*development will be permitted within towns and villages with defined built-up area boundaries.*" Furthermore, the proposal will help to support the strategic development, identified under policies DP7 and DP9 of the District Plan, that benefit from the planning permissions outlined in the earlier section of the report (DM/18/0509 and DM/19/3845).

In addition, the pipe will be able to be utilised by the self-build scheme, as identified by Policy LR1 of the Burgess Hill Neighbourhood Plan, if this comes forward for development in the future. It is therefore a material planning consideration that this proposal could help facilitate development that is identified in the Development Plan.

In light of the above points, it is evident that the principle of the proposal is acceptable.

Visual Impact and Trees

Policy DP26 states that:

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

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

Policy DP37 of the District Plan refers specifically to trees and states that:

"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.*

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."

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, *"recognising the intrinsic character and beauty of the countryside."*

The main issue in this case is the visual impact of the development as a result of the loss of some of the trees and hedging along the north western boundary of the site.

The applicant's submissions indicate the following with regards to the vegetation removal:

- 15 individual trees all of Category C value (includes 2 field maples, 2 oaks, 4 hawthorns, 3 hazels, 1 cherry and 2 blackthorn and 1 dead specimen)
- 1 group of Category C value (blackthorn)

The Council's Tree Officer has been consulted on the merits of the application and has commented that:

"It has been noted that in order to allow the proposed drainage works that a number of native trees are to be removed along the northwest boundary of the field. These trees however have been categorised as C category trees in accordance with British Standards and category C trees should not act as a constraint on the proposed developments. Accordingly I do not object to the proposed Water Drain Link provided the above arboricultural report is adhered to, particularly with regard to the protection of the trees that are to be retained."

No objection is therefore raised to the loss of any specific specimens. It is also reasonable to conclude that given the woodland beyond the site boundary is not

affected by this proposal, the views from the PROW and in the field will remain as it is currently with the backdrop of trees and vegetation along the north western side. The wider visual impact of the proposal is therefore minimal as the verdant backdrop to the PROW and field will remain a defining characteristic. A landscaping condition will be used to ensure the land is restored to an acceptable standard, along with any necessary planting, post installation of the pipe. This addresses the town council request but it is also relevant to confirm here that on the Freeks Farm site itself re-planting will be carried out on a 2 for 1 basis.

To conclude this section, the visual impact and the effects on the trees and vegetation is considered acceptable. The application therefore complies with Policies DP26 and DP37 of the District Plan and the NPPF.

Ecology & Biodiversity

Policy DP38 of the District Plan 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."

Policy G3 (Nature Conservation and Biodiversity) of the Burgess Hill Neighbourhood Plan states that the Town Council will seek appropriate improvements to the habitat network in development proposals wherever possible.

At national level, the NPPF states in part at paragraph 170 that:

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

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;.....

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;....."

Paragraph 175 is also relevant to the determination of planning applications with this stating that:

"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."

It is important to highlight that the proposal does not result in the loss of any ancient woodland, areas of which are found well outside of the application site but not within it or adjacent to it.

In support of the application, the applicant has submitted an 'Ecology Impact Assessment Report' that is available to view in full on the planning file. This sets out an assessment of the existing site conditions, mitigation and recommendations.

The Council's ecological advisor has commented on the submissions and originally requested the applicant provide further information on the impact of the development on the woodland area along the north west boundary of the site. The applicant subsequently provided an 'Ecology Note' on the 12th October which is available in full on the planning file. This Note concludes that the biodiversity benefits secured under the Freeks Farm development will off-set the loss of 0.017ha of relatively species-poor broadleaved woodland. The Council's Ecological Advisor has commented on the submissions as set out in full within Appendix B but concludes:

"Whilst I would still consider the information provided to be a bit limited, based on what has been supplied in conjunction with my own investigations, I am persuaded that at least woodland flora within the strip of land is likely to recover to current conditions within a relatively short period of time and that, subject to careful protection of the trees and rest of the woodland adjacent to pipeline run, there should be no significant harm to the remaining woodland."

The ecological advisor has questioned the route of the pipe within the field but planning officers consider, as the site is allocated for a self-build scheme, the pipe location will provide less of a constraint to future development with it being as close to the boundary as possible.

The ecological advisor has confirmed that no objections are raised to the application subject to details of a protection plan and method statement setting out measures to be taken to mitigate harm to biodiversity being secured by condition. This condition is duly set out in Appendix A.

The application is therefore considered to be in accordance with Policies DP38 of the District Plan, Policy G3 of the Burgess Hill Neighbourhood Plan and the NPPF.

Impact on the Public Right of Way

Policy DP22 of the District Plan states:

"Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes."

Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*

- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders)."*

Policy G6 (footpaths, rights of way and cycle links) of the Burgess Hill Neighbourhood Plan states that:

"All existing footpaths, public rights of way and cycleways within Burgess Hill will be retained and maintained by the appropriate authorities and owners."

The proposed pipe location will have an impact on the existing line of the public footpath that runs through the site but this will be temporary during the construction period. The applicant has confirmed that they will put in place a temporary diversion during the construction works, but once complete the footpath can remain in its current location.

The Public Rights of Way team at West Sussex County Council has been consulted on the application and raises no objections to the proposal. To undertake this work the applicant must apply for a closure of this public footpath to West Sussex. One of the requirements for WSCC will be that upon completion of the works the surface must be reinstated to the same standard or better than what existed prior to the construction works taking place. An informative will be used to direct the applicant to their responsibilities about the public footpath as these fall outside the scope of this planning application.

The proposal will not have a long term impact on the existing public right of way and the application therefore complies with Policy DP22 of the District Plan and Policy G6 of the Burgess Hill Neighbourhood Plan.

Water Resources, Flood Risk & Drainage

Policy DP41 of the District Plan states:

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

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

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

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

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

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

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

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

The Council's drainage officer has been consulted on the merits of this application, having been consulted on the outline planning consent as well the discharge of the drainage condition application that accepted the principle of the pipe. The drainage officer has confirmed the following:

"The proposed pipe follows the existing surface water flood flow route that borders the MSDC owned Faulkners Way site. This, in conjunction with the already approved formal surface water drainage scheme of Freeks farm, will see that this flood risk is not exacerbated, and is likely to be improved.

The outfall of this pipe is also subject to an Ordinary Watercourse Consent (OWC) application. An application has been made and formal approval should be arriving from WSCC shortly. MSDC Drainage Engineers have no objection to the granting of OWC here. The MSDC Drainage Engineers have no objection to this proposal; and I suggest the overleaf condition."

The required condition is included in Appendix A.

West Sussex Drainage, in their capacity as the lead local flood authority, raise no objections to the application either.

In light of the above comments, and subject to the suggested condition set out in Appendix A, the proposal is considered to be in accordance with Policy DP41 of the District Plan and the NPPF.

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.

The application will not cause significant harm to neighbouring residential amenity as the permanent works are underground. A condition will however be used to restrict construction times to normal working hours.

Planning Balance and Conclusion

The proposal is acceptable in principle and will help to facilitate the development at Freeks Farm that itself forms part of the strategic allocation of development to the north and northwest of Burgess Hill. There is no objection to the loss of the trees identified for removal whilst the wider visual impact of the proposal is minimal as the verdant backdrop to the PROW and field will remain a defining characteristic. A landscaping condition will ensure the land is suitably restored.

The proposal accords with the Council's biodiversity policy requirements in respect of the ecological effects of the development although additional protection and mitigation measures will be secured through condition.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal will not cause significant harm to residential amenity.

The application is deemed to comply with policies DP6, DP22, DP26, DP37, DP38 and DP41 of the Mid Sussex District Plan, Policies LR1, G3 and G6 of the Burgess Hill Neighbourhood Plan and the NPPF

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

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

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

3. The development hereby permitted shall not commence unless and until details of the proposed surface water drainage system 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 system. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

4. No development shall commence until a protection plan and method statement setting out measures to be taken to mitigate harm to biodiversity has been submitted to, and approved by, the local planning authority. The approved details shall be implemented in full.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.

5. Construction work on the site, including the use of plant and machinery, necessary for implementation of this consent shall, unless otherwise agreed in writing, 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.

INFORMATIVES

1. I wish to inform you that the Council has a legal interest in the property which is subject of your planning application, and wish to advise you that this permission does not convey the consent of the Council as owners. You should, therefore, apply separately to Leisure and Property Services if you have not already done so, for a consent or a grant of a right that is necessary to enable the planning permission to be implemented.
2. Your attention is drawn to the comments of the West Sussex County Council Rights of Way Team in respect of your responsibilities concerning the public footpath.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been

received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan			05.08.2020
Sections	S00023-C-SE- HB1-045 C1		05.08.2020
Sections	S00023-C-SE- HB1-039 C2		05.08.2020
Sections	S00023-C-SE- HB1-038 C1		05.08.2020
Drainage Details	S00023-L-S- IN4-002		05.08.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

The loss of trees and undergrowth was regrettable, the Committee requested that the developer should commit to a replanting scheme.

MSDC Drainage

This application is for the installation of a surface water drainage pipe that will communicate the formal discharge from Freeks Farm to the watercourse to the south-west. This will be taken through MSDC owned land and is subject to a third-party agreement.

The proposed pipe follows the existing surface water flood flow route that borders the MSDC owned Faulkners Way site. This, in conjunction with the already approved formal surface water drainage scheme of Freeks farm, will see that this flood risk is not exacerbated, and is likely to be improved.

The outfall of this pipe is also subject to an Ordinary Watercourse Consent (OWC) application. An application has been made and formal approval should be arriving from WSCC shortly. MSDC Drainage Engineers have no objection to the granting of OWC here.

The MSDC Drainage Engineers have no objection to this proposal; and I suggest the overleaf condition.

In order to meet with this condition, I will need to receive copies of all the finalised design drawings, details drawings, sections and outfall details. In addition, I will need to see a maintenance and management plan for this particular surface water drainage run. This will need to identify what work is required to keep this system working at its optimum for the lifetime of the development, who will undertake this work and how it will be funded.

CONDITION

The development hereby permitted shall not commence unless and until details of the proposed surface water drainage system 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 system. 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.

MSDC Trees

I have been out and visited this site previously and have now reviewed the Arboricultural report dated June 2020.

It has been noted that in order to allow the proposed drainage works that a number of native trees are to be removed along the northwest boundary of the field. These trees however have been categorised as C category trees in accordance with British Standards and category C trees should not act as a constraint on the proposed developments.

Accordingly I do not object to the proposed Water Drain Link provided the above arboricultural report is adhered to, particularly with regard to the protection of the trees that are to be retained.

MSDC Ecological Consultant

Further to the additional information presented in the memo from Natalie Morrison of Aecom, I can have the following comments:

With regard to applicable planning policy and whether the woodland should be deemed irreplaceable, it is not a question of whether every woodland of the habitat type lowland broadleaf woodland is irreplaceable but whether the particular woodland in question can effectively be replaced to prevent loss of biodiversity. Whilst the NPPF lists several habitat types that would be considered irreplaceable there is no indication that these are intended to provide anything other than examples. The NPPF defines irreplaceable habitats as: "Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity...". With regard to the issue of time, the User Guide for the Beta version of the Biodiversity Metric 2.0 describes irreplaceable habitats as being those "...that cannot be recreated within a specified time frame (typically, the timescale of the project)". This can only be assessed by thorough expert evaluation of a woodland, not by reference to a published list, and it is reasonable to expect such evaluations to be supported by adequate woodland survey information, hence previous comments about the level of information submitted.

Given the timescales to get this application to committee, I have undertaken some additional investigation using historic mapping and it appears that this area was not under woodland cover in 1969 and has likely developed from an older line of trees. As such it could be considered relatively young woodland.

I note the additional comments that have been made confirming lack of species diversity in the ground flora noted in June (which is within the April-June window suitable for woodland flora surveys) and supports the historic mapping evidence of it being relatively recent

woodland. I also note the comments relayed from the arboricultural consultant about no impacts on trees adjacent to the pipeline path.

Whilst I would still consider the information provided to be a bit limited, based on what has been supplied in conjunction with my own investigations, I am persuaded that at least woodland flora within the strip of land is likely to recover to current conditions within a relatively short period of time and that, subject to careful protection of the trees and rest of the woodland adjacent to pipeline run, there should be no significant harm to the remaining woodland.

The additional information does not really address why the pipeline could not be routed through the grassland of lower biodiversity value to the south, where turf could be lifted and reinstated afterwards (it is within the area surveyed, but perhaps the land is not under the developers control?). The NPPF requires that developers should first seek to avoid impacts before relying on compensation. However, if MSDC is satisfied that this is not a viable option, and decides to grant consent, I would recommend the following condition:

No development shall commence until a protection plan and method statement setting out measures to be taken to mitigate harm to biodiversity has been submitted to, and approved by, the local planning authority. The approved details shall be implemented in full.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.

WSCC Lead Local Flood Authority

We have no comments/objection to this application and are happy with [the MSDC Drainage engineer's] response.

WSCC Public Rights of Way

Further to the recent planning application please see PROW Comments from WSCC below.

- The red line boundary crosses public footpath 41BH in Burgess Hill
- The proposed works suggest digging up the surface to install the drainage pipe and this will disturb the existing Public Footpath. To undertake this work the applicant must apply for a closure of this public footpath to WSCC PROW team by following the link below. We would request at least two weeks' notice to undertake this process.

<https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/request-a-change-to-a-public-path/temporary-path-closures/>

- Upon completion of the works the surface must be reinstated to the same standard or better than what existed prior to the disturbance. We would strongly recommend that photos are taken prior to the works taking place and after to confirm to WSCC, as Highway Authority, that the reinstatement works have been done to a satisfactory standard. WSCC reserve the right to request remedial works if the reinstatement works are not undertaken to an acceptable standard.
- If a new surface is proposed to the section of the Footpath the specification of this must be agreed with WSCC PROW team prior to works taking place.
- In terms of future maintenance, if the surface requires disturbance again in the future to maintain it consultation with WSCC must be undertaken and most likely a path closure required again.

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MID SUSSEX DISTRICT COUNCIL

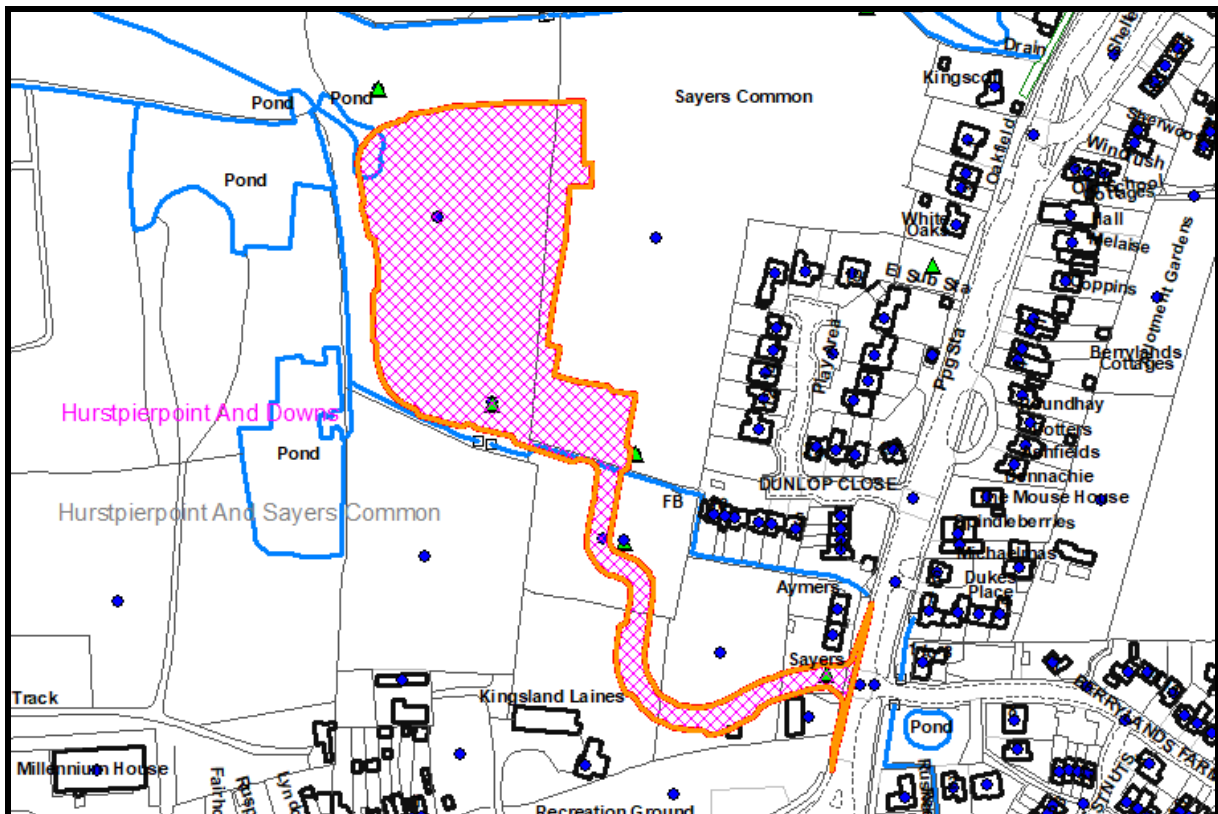
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/20/2937



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KINGSLAND LAINES REEDS LANE SAYERS COMMON HASSOCKS BN6 9JG

FULL PLANNING APPLICATION TO REVISE THE APPROVED PERMISSION (DM/19/1148) TO PROVIDE FOR 13 ADDITIONAL DWELLINGS INCLUDING 30% AFFORDABLE UNITS WITH ASSOCIATED LANDSCAPING, ROAD LAYOUT, ACCESS AND PARKING.

VISTRY GROUP PLC

POLICY: Planning Agreement / Planning Obligation / Classified Roads - 20m buffer / Area of Special Control of Adverts / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) / Highways Agreement (WSSC) / Built Up Areas / Countryside Area of Dev. Restraint / Sewer Line (Southern Water) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 23rd December 2020

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission to amend the provision of dwellings on an approved housing site at Kingsland Laines in Sayers Common to deliver a greater number of two and three bedroom properties and a reduction in the number of four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net increase of 13 dwellings.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) (2015). The National Planning Policy Framework (NPPF) is an important material consideration.

The application site lies in countryside, outside the built up area of Sayers Common and thus would be contrary to policy DP12 of the DP as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 as the proposal is for more than 10 dwellings and is not contiguous with the built up area

boundary, and policy DP15 of the DP as the houses do not fall within the special justification of this policy.

In light of the above, it is therefore considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, in accordance with planning law, the Local Planning Authority (LPA) must also have regard to other material considerations, including the NPPF.

The site lies within an area where planning permission has been granted for a major housing development and works have commenced to implement this planning permission. In recognition of this fact, the sites allocation Development Plan Document (DPD) proposes to amend the built up area boundary for Sayers Common so that the site of this application would be within the built up area. It is considered that these facts, in particular the fact that there is an extant planning permission for residential development on the site, are significant material planning considerations that mean that despite the conflict with policies DP6, DP12 and DP15 in the DP, there are no grounds to object to the principle of this development.

It has been clearly established that policy HurstH3 in the HSCNP does not impose a cap on the number of houses that can be provided in Sayers Common. There is therefore no basis on which to object to the principle of the application in relation to policy Hurst3.

It has been established from the previous planning permission that the whole site can be satisfactorily drained. The applicants have provided information with this application to demonstrate that the replan of this part of the site can be satisfactorily drained.

The access into the site has already been approved and the proposed replan of the site would not result in an increased level of vehicular traffic that would cause a severe impact on the highway network.

The proposed replanned area would not have any adverse impact on the amenities of the existing occupiers to the south and east of the site and there would be no adverse impact on prospective occupiers within the site.

There would be no adverse impact in relation to ecological matters. The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and would not have a likely significant effect, alone or in combination, on the Ashdown Forest Special Area of Conservation (SAC).

A legal agreement can secure the infrastructure contributions required to mitigate the impact of the development.

As such these points are neutral in the planning balance.

There would be no change to the impact on the listed buildings to the east of the site

compared to the scheme that has been granted planning permission. The less than substantial harm to these heritage assets is clearly outweighed by the public benefits of making more efficient use of a site that already has the benefit of planning permission.

The proposal would provide a net gain of 13 dwellings which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. The proposal would make more efficient use of the site, which accords with policy DP26 in the DP and the aims of the NPPF. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight. A New Homes Bonus would be received but this is given very limited weight in the consideration of this proposal.

The proposal would therefore comply with policies DP17, DP20, DP21, DP26, DP30, DP31 and DP41 in the DP and policies Hurst6 and HurstH7 in the HSCNP.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this conflict is very significantly reduced because of the extant planning permission for the residential development of the site and the fact that the sites allocations DPD proposes to amend the built up area boundary of Sayers Common to include the site within the built up area, thus reflecting the fact that planning permission has been granted for a major residential development and this is being implemented. There is also 'less than substantial harm' to the setting of Aymers and Kingscot, however the impact on the setting of these listed buildings is no different to what has already been accepted following the original grant of planning permission for the development of this site.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with some of the policies in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site already having the benefit of planning permission and it being proposed to be included within the defined built up area of Sayers Common, means that the principle of this proposal is acceptable. There will be no incursion into the countryside beyond what has already been granted planning permission. The proposal would optimise the use of the site which is an aim of development plan policy and the NPPF.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

Recommendation

Recommendation A

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary affordable housing and infrastructure contributions and the conditions listed at Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments by the 4th February 2021, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- the background layout is incorrect as plots 19 and 21 should still have the additional flood storage area marked
- how will residents get bins in and out of their gardens
- affordable housing should be distributed more evenly across the site
- the position with the care home is still not resolved
- concerned about the Southern Water connection to the main sewer and pumping station in Sayers Common
- The operational employees of Southern Water, who have saved us from problems over the last few years, and more recently during a 2 week period, 24/7, of continuous sucking out of the sewage to stop the pumping station falling over, are clear that upgrading our pumping station is not enough. A four inch diameter pipe, with plenty of left / right turns up to Cuckfield Road is too small and then of course the Cuckfield Road CSO has not the capacity. This is truly disconnected thinking. Whilst this is not a reason to object to this application there is a duty of care to protect both existing and new residents in our village

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

To be reported.

County Planning - Minerals & Waste Planning Authority

No objection

West Sussex County Council Fire and Rescue Service

I have viewed the plans and the provision of 3 hydrants will be sufficient for this phase, dependant on their location and spacing; we look to ensure there is a fire hydrant within a maximum of 175 metres of all properties, a requirement for all dwellings and within 90 metres of any commercial properties.

Highway Authority

No objection. Planning conditions on the original consent should apply to this application and request a condition regarding electric vehicle charging points.

West Sussex County Council Lead Local Flood Authority

I can confirm that the LLFA have no objection to the amendment to DM/19/1148 provided the conditions suggested by the District Drainage Engineer are applied.

Archaeological Consultant

No Archaeological Concerns

Sussex Police

I have no major concerns with the proposals,

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Environment Agency

This application falls outside our External Consultation Checklist so we do not have any comments to make.

Ecological Consultant

To be reported.

Contaminated Land Officer

The previous decision notices for the development 12/01540/OUT (permitted under appeal AP/13/0007) and DM/15/1467 included conditions to assess and, if necessary, land that may be contaminated. These are sufficient to control the environmental risks from land contamination.

Environmental Health Officer

The conditions included in the decision notices for 12/01540/OUT (allowed under appeal AP/13/0007) and DM/15/1467 are sufficient to address any adverse environmental impacts. So long as these are transposed into any new approvals, if indeed that is necessary, no additional conditions are required. I have no objection to the proposal.

Leisure Officer

The additional contributions required toward leisure infrastructure are as follows:

Play £5,411 - Reeds Lane playground
Kickabout £4,545 - Reeds Lane playground Formal Sport £6,197 - Berrylands Recreation Ground Community Buildings £3,554 - Sayers Common Village Hall

Housing Officer

If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable.

Drainage Engineer

No objection subject to condition.

Tree Officer

To be reported.

Urban Designer

I believe this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6; I therefore raise no objections. I would nevertheless recommend that conditions are included seeking the further approval of:

- The facing materials;
- The position of the rainwater downpipes on the front elevations;
- The boundary treatment of the rear gardens which face the streets;
- The design of the canopies on the type E houses.

PARISH COUNCIL COMMENTS

Refusal - The Parish Council strongly objects. There is still no indication of the outline plans for phase 2. The impact of the additional dwellings on the surface water run-off has not been commented on, only the foul water. These additional dwellings

represent a 50% increase within this block, on the original plan for phase 1, which was already totally disproportionate to this small settlement and its available amenities. It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.

INTRODUCTION

This application seeks full planning permission to amend the provision of dwellings on an approved housing site at Kingsland Laines in Sayers Common to deliver a greater number of two and three bedroom properties and a reduction in the number of four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net gain of 13 dwellings.

RELEVANT PLANNING HISTORY

Planning application reference 12/01254/OUT, which was determined by the Secretary of State, granted outline planning permission for the following development:

'Outline application for 120 dwellings (including 30% affordable housing), community facility, office space, care home, retail units with primary access off the B2118 (London Road) with some matters reserved.'

This decision followed a protracted process that involved two Public Inquiries and two judicial reviews. As a result of this the outline planning permission was granted on 7th December 2017.

A subsequent application to vary a planning condition and remove a planning condition that was attached to planning permission reference 12/01540/OUT was approved on 28th March 2019 under reference number DM/18/4331.

A reserved matters application for the 120 dwellings on the site was approved on 18th December 2019 under reference number DM/19/1148. Works have commenced to implement this consent with the access onto the London Road being constructed and some dwellings on the eastern side of the site coming out of the ground. The property that was at Kingsland Laines has been demolished.

SITE AND SURROUNDINGS

The site of the original planning permission comprises an area of 5.85 hectares which is roughly level and rectangular in shape. The south part of the site consisted of the residential dwelling Kingsland Laines and its associated domestic gardens and outbuildings, including stables. As noted above these have now been demolished. The remainder of the site to the north comprises fields that were used as paddocks subdivided by hedging and streams/ditches with some mature trees the majority of

which are sited on the site boundaries or within the field hedges. There is one pond on the site which is interlinked with those on adjacent land in the northwest corner.

To the north is the house and grounds of LVS Hassocks/Priory of Our Lady set within a parkland setting with mature trees on rising ground. These buildings are clearly visible from the application site. To the east is existing residential development fronting London Road or the more modern development of Dunlop Close. To the west is a wet woodland strip with open farmland beyond and to the south is an area of open space which is used as recreation ground as well as properties fronting Reeds Lane. The site lies outside the built up area as defined in the District Plan.

As noted above, works have commenced to implement the outline and subsequent reserved matters consent. The access onto the London Road has been built and this is being used for construction traffic.

APPLICATION DETAILS

The proposal seeks to amend the provision of dwellings to deliver a greater provision of two and three bedroom properties and reduction in four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net gain of 13 dwellings. The proposal would provide 4 affordable dwellings. The table below demonstrates the consented and proposed mix for the portion of the site proposed to be amended:

Dwelling Bedroom Size	Consented Replan Area Mix		Proposed Replan Area Mix	
	Market Housing	Affordable Housing	Market Housing	Affordable Housing
1	-	-	-	-
2	5	-	18	4
3	3	-	13	-
4	12	-	5	-
5	7	-	-	-
Total	27	0	36	4

The proposal would result in a reduction in 4 and 5 bedroom detached properties and a greater proportion of 2 bedroom and 3 bedroom semi-detached and terraced properties. This will result in fewer larger properties and fewer detached dwellings compared to the approved scheme.

The basic layout of this part of the site would remain the same as the consented scheme. The design of the individual dwellings follows the same design approach as

the consented scheme. The external materials of the dwellings would feature a mix of brick, tile hanging, weatherboarding and tiled roofs.

The replanned area of the site would provide a total of 100 car parking spaces (16 allocated spaces, 64 allocated spaces on driveways, 5 garage/car barn spaces and 15 visitor spaces). The replanned area would also have 33 electric vehicle charging points (EVCP) attached to individual properties.

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP26 Character and Design
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed buildings and other Heritage Assets
DP41 Flood Risk and Drainage

Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Policy Hurst C1: Conserving and enhancing character
Policy Hurst H1: Hurstpierpoint and Sayers Common new housing development
Policy HurstH3: Sayers Common Allocated Sites
Policy HurstH5: Development Principles
Policy HurstH6: Housing Sites Infrastructure and Environmental Impact Assessment
Policy HurstH7: Affordable Homes

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

SPD Development Infrastructure and Contributions (2018)

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF 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.'

Paragraph 38 of the NPPF 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.'

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

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social,

economic and environmental change will influence the planning, design and construction of new homes and places.

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 and impact on character of area
- Neighbour amenity
- Access and Transport
- Ecology
- Drainage and Flood risk
- Affordable Housing and Housing Mix
- Infrastructure provision
- Ashdown Forest
- Impact on heritage assets
- Planning balance and conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) (2015). The National Planning Policy Framework (NPPF) is an important material consideration.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. The balance to be applied in this case is therefore a non-tilted one.

Policy DP12 of the DP seeks to protect the character of the countryside. It states:

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

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

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

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

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

Policy DP6 in the DP 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.'*

Policy DP15 in the DP allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are permitted under policy DP15.

Policy HurstC1 in the HSCNP States:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

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

Whilst the site is in the countryside, given the fact that planning permission exists for residential development, it is not considered there would be a conflict with the assessment criteria of policy HurstC1 because the rural quality and landscape character outside the site would not be affected any more than it has been already by the consented scheme on the site.

In light of the above, it is considered that the proposal would be contrary to the policies DP6, DP12 and DP15 in the DP because the proposal is for a major development of residential development outside the built up area of Sayers Common. As such in accordance with planning law it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning history of the site is a key material planning consideration in coming to a view about the principle of the development. Outline planning permission has been granted on the site for a development of 120 dwellings and community facility, office space, care home and retail units. Reserved matters consent has been granted for the residential element of this planning

permission and works have commenced to implement the development. The principle of this site being developed for housing is therefore established.

This position is acknowledged by the fact that the Site Allocation Document, which will identify sufficient housing sites to provide a five year housing land supply to 2031 and will also make sure that enough land is allocated to meet identified employment needs, is intending to change the built up area boundary of Sayers Common to reflect the fact that planning permission has been granted for 120 dwellings and community facility, office space, care home and retail units on this site. The proposed amendment to the built up area boundary would include all of the site of this application within the built up area of Sayers Common.

The NPPF (para. 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework.

Mid Sussex District Council published its Site Allocations Development Plan Document (DPD) for Regulation 19 consultation and this ran from 3rd August 2020 to 28th September 2020. The Sites DPD is therefore in its second formal stage of preparation and carries weight, albeit limited.

The Sites DPD has four main aims, which are:

- to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- to set out additional Strategic Policies necessary to deliver sustainable development.

Following the consultation on the draft DPD, the comments will be considered by the Council and will help to inform the next stage of preparing the plan.

Taking the above into account, it is considered that whilst there is a conflict with policy DP12 as the site is within the countryside as defined by the DP, the weight to be afforded to this conflict is very significantly reduced in this particular case because of the site specific circumstances outlined above, namely the fact that the principle of development on the site is established by the planning permission that has been granted under reference 12/01540/OUT and the intention to include the site within the built up area of Sayers Common, which will reflect the reality on the ground, that this site will be a new housing development.

It is therefore felt that despite the conflict with policies DP6, DP12 and DP15, the unique circumstances that pertain to this site mean that an objection to the principle of the application should not be raised in this case.

The Parish Council have objected to the application and have stated that *'It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.'* Policy HurstH3 in the HSCNP states:

'Subject to existing water drainage issues being resolved, to remove the incidence of localised flooding, new housing will be permitted at Sayers Common. It is anticipated that the village will accommodate around 30-40 dwellings during the Plan period. A review and appraisal of deliverable housing sites will be undertaken at an early stage in the Plan period'

The Inspector's report on the recovered appeal for 120 dwellings and community facility, office space, care home and retail units on the site stated:

'Policy Hurst H3 was amended by the NP Examiner by the deletion of reference to a cap of 30-40 dwellings as this was not considered to accord with the Framework. The word "anticipated" was substituted. The Policy adds that an appraisal of deliverable sites will be undertaken at an early stage in the plan period, although it now seems that the appraisal is unlikely to take place. There is no doubt that the proposal for 120 dwellings considerably exceeds the anticipated figure for Sayers Common. That does not mean, however, that it would involve a breach of the policy. Without a cap there cannot realistically be any breach in terms of numbers.'

In allowing the appeal, the Secretary of State stated:

'For the reasons given at IR13.43, the Secretary of State agrees with the Inspector's conclusion regarding Policy Hurst H3 that the proposal for 120 dwellings considerably exceeds the anticipated figure for Sayers Common. However, he agrees that without a cap on dwellings, there cannot realistically be any breach in terms of numbers.'

In light of the above, it is quite clear that policy HurstH3 in the HSCNP does not impose a cap on the number of dwellings that can be built in Sayers Common. There is therefore no basis on which to object to the principle of the application in relation to policy HurstH3.

Policy HurstH1 in the HSCNP states:

'To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- (a) Enhance the existing settlement pattern of the village;*
- (b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- (c) In Sayers Common, can enhance the flood and drainage management in the village.'*

With regards to criteria (a), the settlement pattern of Sayers Common will not be changed from what has already been approved because this proposal is for a replan within the consented development. As such there is no conflict with criteria (a). With regards to criteria (c), drainage will be discussed later in this report. It should be noted however that it is not a requirement of the more recent drainage policy (DP41) in the DP for enhancements to flood and drainage management: the requirement in policy DP41 is to ensure development is safe across its lifetime and does not increase flooding elsewhere. Policy DP41 also states that particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Policy HurstH6 in the HSCNP relates to housing sites in the Parish and states:

'Housing sites infrastructure and environmental impact assessment:

New housing developments which meet the policies of this plan and meet the criteria below will be supported:

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;*
- b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements;*
- c) the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area;*
- d) the retention and protection of significant landscape features within the site and along the site's boundaries;*
- e) an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken;*
- f) the provision of adequate surface water and foul water drainage capacity;*
- g) the provision of, or financial contributions towards, community facilities and the provision of public open space;*
- h) the provision of parkland areas, to be owned and managed by the local community.'*

As outline consent has been granted with the means of access approved, part a) of this policy has already been addressed. The applicants have provided a Transport Addendum Note with this application. The consented scheme has a planning condition regarding the approval of a Travel Plan. As such part b) of this policy is met.

With regards to criteria c) The legal agreement with the outline consent provides for contributions towards various off site highways improvements and projects. These are set out below:

£5,284 towards the provision of parking restrictions on the development spine road
£5,284 towards parking restrictions on London Road/Reeds lane
£15,000 towards crossing improvements on London Road north side of entrance
£10,000 towards a school safety zone in proximity to Twineham CE Primary School
£10,000 towards a school safety zone in proximity to Albourne CE Primary School

£10,000 towards bus stop improvements £10,000 towards cycle lanes on London Road

The replan does not alter the boundary features compared to the reserved matters consent. As such criteria d) is met.

With regards to part e) ecological matters will be dealt with later in this report. The requirements of part f) relating to drainage will be discussed later in this report.

This application will require a legal agreement to secure the additional infrastructure payments that are required as a result of the increase in houses. With this in place criteria g) of this policy would be met.

With regards to part h), the proposed replan does not alter where the open space was proposed to be located on the site. The approved reserved matters shows an area of open space to the west of the access road into the site. As such the open space sought under part h) of this policy is already provided in the approved reserved matters scheme and is unaffected by this planning application.

Design/layout

Policy DP26 in the DP states:

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

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

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

Policy Hurst H5 in the HSCNP states:

'House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004).'

Paragraph 124 of the NPPF states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 117 of the NPPF states in part:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

Paragraph 122 of the NPPF states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

The road layout is largely the same as the consented scheme. This application differs mostly in terms of the size rather than the character of the houses. The larger number of units generates more parking and this has now been adequately accommodated. Your officer agrees with the conclusion of the Urban Design that *'this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6.'* The Urban Designer has raised no objection to the application subject to conditions regarding detailed elements including rainwater pipes and boundary treatments.

It is therefore considered that the re-plan complies with policy DP26 and the aims of the NPPF and Mid Sussex Design guide which all seek a high standard of design in

new development. The replanned area will fit in appropriately with the rest of the consented development, thereby responding to the character of the area and complying with policy HurstH5 in the HSCNP.

Sustainable design

Policies DP39 and DP42 in the DP seek to promote sustainable design and limit water usage. The applicants have provided a sustainability statement with their application. In summary it states that the development will be designed to reduce energy demand in accordance with the requirements of Policy DP39, in line with the 2013 edition of Part L for energy and limit water use to 110 litres/person/day in accordance with Policy DP42. The approach of the applicants is 'fabric first' and concentrates on reducing energy demand by improving U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.

It is considered the applicants have demonstrated the proposal would comply with policies DP39 and DP41 in the DP.

Neighbour amenity

The area of the proposed replan is on the western side of the site and there are no existing neighbours adjacent to the site. As such there will be no neighbour impacts in relation to the dwellings themselves.

There would be additional vehicular movements arising from the development. It is not considered that these extra movements beyond the consented scheme would cause a significant loss of amenity to the occupiers of Sayers, London Road, which adjoins the access road into the site. As such there is no conflict with policy DP26 in relation to neighbour amenity.

Access and Transport

Policy DP21 in the District Plan states:

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

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

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

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

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

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

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

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

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

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

The means of access into the site has already been approved under the outline planning permission and the internal layout of the housing site has been approved by the subsequent reserved matters consent. Therefore the highways impact of this proposed replan of part of this is limited to the internal layout of the replanned area and the impact from the additional units on the highway network and the approved access.

The Transport Assessment submitted with the original application confirmed that the section of London Road past the development accommodated the following two-way vehicle movements in the AM and PM peak periods:

- AM peak - 853 two-way vehicle movements
- PM peak - 735 two-way vehicle movements

The applicants modelling shows that the proposal is likely to result in an increase of +9 and +8 two-way vehicle movements in the AM and PM peak periods respectively. The Highway Authority agree that these additional trips would be within the daily variation on London Road. The Highway Authority state:

'The proposal is for a reduction in larger homes where car use tends to be greater and an increase in smaller homes; we therefore contend that the actual traffic impact may not be significantly different to that already agreed.'

In relation to car and cycle parking the Highway Authority state:

'42 parking spaces are proposed with a proportion having access to electric vehicle charging. This amount is adequate for the needs of the site. Bicycle parking is accounted for within dwelling curtilages.'

The Highway Authority suggests a condition is imposed relating to electric vehicle charging spaces and conclude that they have no objection to the proposal.

In light of all the above it is considered that the application is acceptable in relation highway and transport matters. The proposal will not result in a severe impact on the highway network, EV charging points can be secured by a planning condition. As such the proposal complies with policy DP21 of the DP.

Ecology

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

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

Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

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

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF states:

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

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 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 planning application is accompanied by an Ecological Impact Assessment (EIA). As a result of intensifying the number of units within the western and central area of

the development, the impacts on boundary habitats (within the wider granted development) remains unchanged. The applicants EIA states therefore that *'additional impacts on important ecological features (other than those already identified and mitigated for in the granted scheme) are negligible.'* The EIA sets out the steps that will need to be taken during the construction phase to minimise ecological impact. It also sets out what measures will be implemented to achieve bio diversity net gain, which include landscape planting to improve the foraging potential for bats and birds, bat tubes and bird boxes.

Whilst the comments of the Councils Ecological Consultant are awaited it should be noted the principle of development on this site has been established by virtue of the outline and reserved matters consents that have been granted. There were no objections to the reserved matters application in December 2019 from the Councils Ecological Consultant and as this application is a proposed re-plan within an area that has consent to be developed, it is not expected that there will be any ecological concerns raised by the Ecological Consultant now.

It is therefore considered that the application complies with policy DP38 of the DP.

Drainage and Flood Risk

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

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

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

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

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

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

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

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

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

Policy HurstH1 in the HSCNP states:

'Hurstpierpoint and Sayers Common new housing development:

To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- a) Enhance the existing settlement pattern of the village;*
- b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- c) In Sayers Common, can enhance the flood and drainage management in the village.'*

It is considered that there is a degree of conflict between criteria c) of this policy and the more recent policy DP41 in the DP that relates to drainage since there is no requirement in policy DP41 for development proposals to enhance flood and drainage management; the requirement in policy DP41 is to avoid any increase in flood risk. As set out earlier in this report, where there is a conflict between different policies in the development plan, that conflict must be resolved in favour of the most recently adopted policy (in this case the District Plan). It is also well established that developers are not required to address existing infrastructure deficiencies; they are required to mitigate the impact of their proposed development.

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 site is located wholly in Flood Zone 1 based on the EA Flood Map for Planning. However, numerous ordinary watercourses and ditches dissect the site. The Dunlop Close Ditch flows from the east side of the B2118 and is culverted under the road, emerging once more in the southeast corner of the site boundary. It then flows east to west along the south side of the properties on the south side of Dunlop Close, then sharply flowing north before flowing west again once more. The Dunlop Close Ditch then divides the site roughly into two parts, flowing from the east boundary to the west boundary. The Dunlop Close Ditch then flows into the Reeds Lane Ditch which flows from south to north along the western boundary. The Reeds Lane Ditch then flows north into an existing pond area prior to leaving the site in the northwest corner, flowing west along the north of Furze Field.

A third ordinary watercourse considered the 'Northern Ditch', forms the northern boundary of the site. The Northern Ditch begins on the west side of the B2118 then shortly enters the site boundary. It then forms the northern boundary of the site until it leaves the northwest corner of the site, eventually joining the unnamed ordinary watercourse north of Furze Field.

Detailed site specific flood modelling was undertaken during the assessment of the reserved matters application to determine the impact the proposed development and layout would have on flood risk both on and off site.

The application is accompanied by a Flood Risk Assessment (FRA) addendum that has been assessed by the Councils Drainage Engineer. The Councils Drainage Engineer states:

'It has been shown by the Ambient FRA addendum, that the amendment should not alter the already approved modelled flood extents associated with the designed swales and watercourses that run through and adjacent to the site. Therefore, it will not be necessary to re-run these models. As a result, the flood risk to the proposed amended area should remain at low flood risk, with safe access and egress remaining available.'

'The Barter Hill technical Note informs that the proposed amendment makes only a small increase in impermeable area in comparison to the already approved area. To manage the increased run-off generated by the increased impermeable area, whilst still keeping the discharge rates to the swale the same under DM/19/1148, it is proposed to increase the storage volume. This is shown in the submitted micro-drainage calculations and would be considered as acceptable.'

The details of the required works can be controlled by a planning condition. The principle of developing the site has been established, as has the means of drainage for the development. In light of the positive comments of the Councils Drainage Engineer, it is considered that the amendments to the previously approved scheme that are sought in this application are acceptable in relation to surface water drainage matters. The scheme therefore complies with policy DP41 of the DP.

Foul drainage

It is proposed that foul drainage from the proposed development will discharge into the public foul sewer situated outside the entrance to the site in the London Road.

As Members will know, developers have an absolute right to connect to the public foul sewer system, which has been confirmed in the Supreme Court. If there are capacity issues in the public foul sewer network the normal way to resolve this is to impose a planning condition that requires details of the drainage works that are required before a development can be occupied. This can require works off site to provide the necessary capacity.

In this case, Southern Water have stated that they can facilitate foul sewerage disposal for the development. Southern Water are the statutory body responsible for providing foul sewerage disposal in this part of the District. Southern Water has requested a condition to control the details of the foul drainage. With such a condition in place the details of foul drainage for the replanned area of the site can be satisfactorily controlled and there would be no conflict with policy DP41 of the DP.

Affordable Housing and Housing Mix

Policy DP30 in the DP seeks to provide a mix of dwelling types and sizes to reflect current and future housing needs. Policy DP31 of the DP seeks to provide 30% affordable housing on sites such as this.

The proposal would result in an increase of 13 dwellings on the site, which generates a requirement for 4 of these units to be affordable. The layout shows two pairs of semi detached houses within the replanned area that would not be adjacent to one another. The Councils Housing Officer has stated:

'An application has previously been approved to provide 36 affordable dwellings (27 homes for rent and 9 for shared ownership) on the above site as part of a scheme totalling 120 units. A new application has now been received to revise this permission to provide for 13 additional dwellings including 30% affordable. If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable'.

The design of the proposed affordable units would be tenure blind. The provision of affordable housing is a corporate priority for the District Council and the provision of an additional 4 units of affordable housing should be afforded significant positive weight in the planning balance. The proposal complies with policy DP31 of the DP and policy HurstH7 of the HSCNP.

The proposal would result in a greater number of smaller units being provided in this part of the site. The table presented earlier in this report sets out the differences between the consented and proposed housing mix. The provision of a greater number of smaller units of accommodation is welcomed. There would be an increase in the number of units overall, which would assist the Council in meeting its housing requirement. The District Councils Housing and Economic Development Needs

Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination stated:

'...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.'

There is therefore clear evidence of the need for smaller units of accommodation. As such policy DP30 in the DP would be met by this proposal.

Infrastructure

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

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

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

The NPPF 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:

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

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

The following infrastructure requests have been made for the development:

County Council

Primary Education - To be reported.
Secondary Education - To be reported.
Libraries - To be reported.

District Council

Play space £5,411 - Reeds Lane playground
Kickabout £4,545 - Reeds Lane playground
Formal Sport £6,197 - Berrylands Recreation Ground
Community Buildings £3,554 - Sayers Common Village Hall
Local Community Infrastructure £4,026

It is considered that the above contributions meet the CIL Regulations and policy DP20 and will appropriately mitigate the impact of the development. Developers are only required to mitigate the impact of their development, they are not required to address any existing infrastructure deficiencies.

With a suitable legal agreement in place to secure the required infrastructure contributions the scheme would comply with policy DP20 of the DP.

Impact on Ashdown Forest

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

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

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

Recreational Disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure

and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric Pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Impact on heritage assets

Listed buildings

The site lies immediately to the south and west of Sayers and Aymers which is a grade II listed building. It is timber framed construction, possibly 17th Century, refaced with brick and tile hanging and was originally 4 rural workers cottages.

Where a planning application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings and Conservation Areas Act, the desirability of preserving the settings of listed buildings should be given 'considerable

importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

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.'

In granting outline planning permission for the development, the SoS stated *'The Secretary of State agrees with the Inspector at IR15.13 that there would be 'less than substantial' harm to the setting of Aymers and Sayers and that this harm carries considerable weight. In accordance with paragraph 134 of the Framework, he has weighed that harm against the public benefits of the proposal at paragraphs 45-46 below.'* He went on to conclude *'the Secretary of State agrees with the Inspector at IR15.13 that the benefits of the appeal scheme are collectively sufficient to outweigh the identified 'less than substantial' harm to the significance of Aymers and Sayers. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.'*

The impact on the setting of the listed building was further assessed during the determination of the reserved matters application (DM/19/1148) for the 120 dwellings at the site. It was accepted in the approval of the reserved matters consent, that the harm to the setting of this listed building was 'less than substantial' and that this harm was outweighed by the public benefits of the scheme.

In this case the proposed replan is on the western side of the site and would be some 116m from Aymers. The approved plans show consented new houses in between the listed building and the replanned area of the site. It is therefore considered that the harm to the setting of the listed building will not be changed from what has already been accepted by the approval of the outline planning permission and reserved matters application. The less than substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs and additional spending in the locality).

Kingscot is a grade 2 listed building on London Road. This would be some 167m from the replanned area, with consented new dwellings in between Kingscot and the proposed replan area. As with Aymers it is therefore considered that the harm to the setting of the listed building will not be changed from what has already been accepted by the approval of the outline planning permission and reserved matters application. The less than substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs and additional spending in the locality).

Archaeology

Policy DP34 of the DP seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological

The application is supported by a report detailing the results of a trial trench archaeological evaluation previously undertaken across the site in association with an earlier application. The archaeological evaluation report is acceptable and details the excavation of forty trial trenches across the site. Despite an intact subsoil being present across the site which shows a good potential for archaeological survival, no archaeological features were encountered which pre dated the late post medieval period. The Councils Archaeological Consultant has concluded that *'As on balance, it can be demonstrated that there is a low potential for the proposals to impact on any previously unknown below ground archaeological remains, and therefore I do not consider that there is a need for any additional archaeological evaluation or mitigation work here and have no further archaeological concerns regarding this proposal.'* There are no reasons to disagree with this assessment.

CONCLUSION

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

The application site lies in countryside, outside the built up area of Sayers Common and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 and DP15 of the DP.

It is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, planning law says the LPA must also have regard to other material considerations, including the NPPF.

The site lies within an area where planning permission has been granted for a major housing development and works have commenced to implement this planning permission. In recognition of this fact, the sites allocation DPD proposes to amend the built up area boundary for Sayers Common so that the site of this application would be within the built up area. It is considered that these facts, in particular the fact that there is an extant planning permission for residential development on the site are very significant material planning considerations that mean that despite the conflict with policies DP6, DP12 and DP15 in the DP, there are no grounds to object to the principle of this development.

It has been clearly established that policy HurstH3 in the HSCNP does not impose a cap on the number of houses that can be provided in Sayers Common. There is

therefore no basis on which to object to the principle of the application in relation to policy Hurst3.

It has been established from the previous planning permission that the whole site can be satisfactorily drained. The applicants have provided information with this application to demonstrate that the replan of this part of the site can be satisfactorily drained.

The access into the site has already been approved and the proposed replan of the site would not result in an increased level of vehicular traffic that would cause a severe impact on the highway network.

The proposed replanned area would not have any adverse impact on the amenities of the existing occupiers to the south and east of the site and there would be no adverse impact on prospective occupiers within the site.

There would be no adverse impact in relation to ecological matters. The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and would not have a likely significant effect, alone or in combination, on the Ashdown Forest Special Area of Conservation (SAC).

As such these points are neutral in the planning balance

There would be no change to the impact on the listed buildings to the east of the site compared to the scheme that has been granted planning permission. The less than substantial harm to these heritage assets is clearly outweighed by the public benefits of making more efficient use of a site that already has the benefit of planning permission.

The proposal would provide a net gain of 13 dwellings which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. The proposal would make more efficient use of the site, which accords with policy DP26 in the DP and the aims of the NPPF. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight. A New Homes Bonus would be received but this is given very limited weight in the consideration of this proposal.

The proposal would therefore comply with policies DP17, DP20, DP21, DP26, DP30, DP31 and DP41 in the DP and policies Hurst6 and HurstH7 in the HSCNP.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this

conflict is significantly reduced because of the extant planning permission for the residential development of the site and the fact that the sites allocations DPD proposes to amend the built up area boundary of Sayers Common to include the site within the built up area, thus reflecting the fact that planning permission has been granted for a major residential development and this is being implemented. There is also 'less than substantial harm' to the setting of Aymers and Kingscot, however the impact on the setting of these listed buildings is no different to what has already been accepted following the original grant of planning permission for the development of this site.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with some of the polices in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site already having the benefit of planning permission and it being proposed to be included within the defined built up area of Sayers Common means that the principle of this proposal is considered to be acceptable. There will be no incursion into the countryside beyond what has already been granted planning permission. The proposal would optimise the use of the site which is an aim of development plan policy and the NPPF.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No development above slab level shall take place 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.

In order to meet with this condition, we will need to receive and be satisfied with:

- an amended drainage layout plan for the entire site that incorporates the amended area

- any amended technical drainage details
- any amended drainage calculations
- a copy of the finalised Maintenance and Management plan (which may have to be amended to reflect the proposed amendment).

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

3. No development above slab level shall take place until details of the following matters have been submitted to and approved in writing by the Local Planning Authority.
- The facing materials;
 - The position of the rainwater downpipes on the front elevations;
 - The boundary treatment of the rear gardens which face the streets;
 - The design of the canopies on the type E houses.

The development shall 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.

4. With the exception of individual domestic curtilages, no external lighting, including security lighting, is to be installed other than in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority.

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

5. The development hereby permitted shall not be occupied until details, including the position, design, materials, finish and type of all boundary treatments, and a timetable for implementation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

6. The development shall be implemented in accordance with the Construction Management Plan details that were approved under condition 12 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

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 DP26 of the Mid Sussex District Plan 2014 - 2031.

7. Works of demolition, site clearance, or construction, including the use of plant and machinery on the site, shall not take place outside 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, nor at any time on Sundays or bank/public holidays.

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 Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

8. No building hereby permitted shall be occupied until the junction of the site access with the B2118 London Road, including the visibility splays shown on Plan No 55027- 107B, has been constructed in accordance with the details that approved pursuant to condition 14 of planning permission reference DM/18/4331 and is fully operational.

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

9. Once formed, the visibility splays associated with the junction of the vehicular/pedestrian/cycle access with the B2118 London Road shall thereafter be retained and kept free of all permanent obstructions exceeding 0.6 metres above ground level.

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

10. The development shall be implemented in accordance with the Travel Plan details that were approved under condition 17 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the District Plan 2014 - 2031.

11. The development shall be implemented in accordance with the Archaeological details that were approved under condition 25 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

12. The development shall be implemented in accordance with the sustainability details that were approved under condition 26 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the site is sustainable in its use of energy and to comply with policy DP39 of the Mid Sussex District Plan 2014 - 2031.

13. The electric vehicle charging points shown on plan number P1506/25 F shall be provided and be available for use before the occupation of the dwellings that they are intended to serve.

Reason: To promote more sustainable transport choices and to comply with Policy DP21 of the District Plan 2014 - 2031.

14. The development shall be implemented in accordance with the details that have been submitted relating to condition 23 of planning permission reference DM/18/4331. No part of the development shall be occupied until a Completion

Report, confirming that the remediation has been carried out as approved, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the National Planning Policy Framework.

15. If, during development, contamination not previously identified, is found to be present at the site, then no further development on that part of the site (unless otherwise agreed in writing by the local planning authority) shall be carried out until remediation works in accordance with a Method Statement for remediation, including a timetable, that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the National Planning Policy Framework.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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
Planning Layout	P1506/21	K	07.08.2020
Planning Layout	P1506/22	F	07.08.2020
Planning Layout	P1506/23	E	07.08.2020
Planning Layout	P1506/24	E	07.08.2020
Parking Layout	P1506/25-2		07.08.2020
Parking Layout	P1506/25	F	07.08.2020
Planning Layout	P1506/26	D	07.08.2020
Planning Layout	P1506/27	E	07.08.2020

Location Plan	P1506/28	B	07.08.2020
Street Scene	P1506.SS.P2.01	A	07.08.2020
Tree Survey	LIN22887-03	(North)	07.08.2020
Tree Survey	LIN22887-03	(South)	07.08.2020
Landscaping Details	LIN22887 11	s1-Soft	07.08.2020
Landscaping Details	LIN22887 11	s2-Soft	07.08.2020
Landscaping Details	LIN22887 11	s3-Soft	07.08.2020
Landscaping Details	LIN22887 11	s1-Hard	07.08.2020
Landscaping Details	LIN22887 11	s2-Hard	07.08.2020
Landscaping Details	LIN22887 11	s3-Hard	07.08.2020
General	7657/502-04	P1	07.08.2020
General	7657/509-04	P1	07.08.2020
Landscaping	LIN218710 DR		07.08.2020
Proposed Floor and Elevations Plan	P1506.2.P2.01		07.08.2020
Proposed Roof Plan	P1506.2.P2.01		07.08.2020
Proposed Floor Plans	P1506.AL.P2.01		07.08.2020
Proposed Roof Plan	P1506..AL.P2.01		07.08.2020
Proposed Elevations	P1506..AL.P2.02		07.08.2020
Proposed Floor and Elevations Plan	P1506.B.P2.01		07.08.2020
Proposed Roof Plan	P1506.B.P2.01		07.08.2020
Proposed Floor and Elevations Plan	P1506.CW.P2.01		07.08.2020
Proposed Roof Plan	P1506.CW.P2.01		07.08.2020
Proposed Floor and Elevations Plan	P1506.CW.P2.02		07.08.2020
Proposed Roof Plan	P1506.CW.P2.02		07.08.2020
Proposed Floor and Elevations Plan	P1506.CW.P2.03		07.08.2020
Proposed Roof Plan	P1506.CW.P2.03		07.08.2020
Proposed Floor and Elevations Plan	P1506.E.P2.01		07.08.2020
Proposed Roof Plan	P1506.E.P2.01		07.08.2020
Proposed Floor and Elevations Plan	P1506.E.P2.02		07.08.2020
Proposed Roof Plan	P1506.E.P2.02		07.08.2020
Proposed Floor and Elevations Plan	P1506.E.P2.03		07.08.2020
Proposed Roof Plan	P1506.E.P2.03		07.08.2020
Proposed Floor and Elevations Plan	P1506.E.P2.04		07.08.2020
Proposed Roof Plan	P1506.E.P2.04		07.08.2020
Proposed Floor and Elevations Plan	P1506.E.P2.05		07.08.2020
Proposed Roof Plan	P1506.E.P2.05		07.08.2020
Proposed Floor Plans	P1506.M.P2.01		07.08.2020
Proposed Roof Plan	P1506.M.P2.01		07.08.2020
Proposed Elevations	P1506.M.P2.02		07.08.2020
Proposed Elevations	P1506.M.P2.03		07.08.2020
Proposed Floor Plans	P1506.M.P2.03		07.08.2020

Proposed Roof Plan	4 P1506.M.P2.0		07.08.2020
Proposed Elevations	4 P1506.M.P2.0		07.08.2020
Proposed Floor and Elevations Plan	5 P1506.P.P2.01		07.08.2020
Proposed Roof Plan	P1506.P.P2.01		07.08.2020
Topographical Survey	13211RB	1 of 4	07.08.2020
Topographical Survey	13211RB	2 of 4	07.08.2020
Topographical Survey	13211RB	3 of 4	07.08.2020
Topographical Survey	13211RB	4 of 4	07.08.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Refusal ' The Parish Council strongly objects. There is still no indication of the outline plans for phase 2. The impact of the additional dwellings on the surface water run-off has not been commented on, only the foul water. These additional dwellings represent a 50% increase within this block, on the original plan for phase 1, which was already totally disproportionate to this small settlement and its available amenities. It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.

County Planning Officer

TBR

County Planning - Minerals & Waste Planning Authority

Joint mineral Local Plan (2018)

The application site is within an identified Brick Clay Safeguarding Area, and the proposed number of dwellings (133) exceeds the consultation threshold criteria of 10. It is therefore considered that the proposed development would, if approved, result in sterilisation of the mineral resource.

However, the site has previously gained outline permission (12/01540/OUT) for residential development, and reserved matters have been approved under DM/19/1148. No mineral concerns were raised as per the previous approvals. Therefore, the MWPA would offer No Objection on the basis that the application meets the exemption criteria detailed within 2.4 of the Minerals and Waste Safeguarding Guidance (March 2020, found here).

WSSC Waste Local Plan (2014)

There are no identified safeguarded waste operators within proximity of the site that would have their operations prevented or prejudiced as a result of the development. The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

West Sussex County Council Fire and Rescue Service

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service 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:

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Amended comments

I have viewed the plans and the provision of 3 hydrants will be sufficient for this phase, dependant on their location and spacing; we look to ensure there is a fire hydrant within a maximum of 175 metres of all properties, a requirement for all dwellings and within 90 metres of any commercial properties.

As part of the original e-mail sent we also need evidence a fire appliance has access to within 45 metres of all parts of all dwellings and would not need to reverse more than 20 metres to make their exit from the property they are attending. There appears to be a dead end situation more than 20 metres in length with no turning area at the top of the site near to White Oaks, which does not comply with AD-B Volume 1 section 13.

Highway Authority

The highway authority has no objection to the proposed use.

The application includes a transport addendum note setting out the impacts of the proposal on traffic, parking and access for large vehicles. Other matters have already been considered at outline and reserved matters stages.

The note estimates the vehicle trip impact additional to that already agreed as follows:

Peak Period	In	Out	Total
AM Peak	+3	+6	+9
PM Peak	+5	+3	+8

Table 2.3: Additional Two-Way Vehicle Movements for 13 Residential Units

It is suggested that these additional trips will be within daily variation on London Road and we agree. The proposal is for a reduction in larger homes where car use tends to be greater and an increase in smaller homes; we therefore contend that the actual traffic impact may not be significantly different to that already agreed.

The current site road access to London Road is adequate to hold the estimated additional traffic.

42 parking spaces are proposed with a proportion having access to electric vehicle charging. This amount is adequate for the needs of the site. Bicycle parking is accounted for within dwelling curtilages.

Tracking drawings show that the reconfigured site is accessible to all vehicles likely to require access.

We assume that all relevant conditions agreed at previous planning stages will also apply to this new proposal. However, we suggest that the following be added with regard to provision for charging electric vehicles:

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

West Sussex County Council Lead Local Flood Authority

I can confirm that the LLFA have no objection to the amendment to DM/19/1148 provided the conditions suggested by the District Drainage Engineer are applied.

Archaeological Consultant

No Archaeological Concerns:

The Historic Environment Planning Team, Surrey County Council provides advice to borough and district councils located within Surrey, in accordance with appropriate Local Plans and the National Planning Policy Framework.

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

The application is supported by a report (CgMs 2019) detailing the results of a trial trench archaeological evaluation previously undertaken across the site in association with an earlier application. The archaeological evaluation report is acceptable and details the excavation of forty trial trenches across the site. Despite an intact subsoil being present across the site which shows a good potential for archaeological survival, no archaeological features were encountered which pre dated the late post medieval period.

The excavated trial trenches did vary from that agreed in the Written Scheme of Investigation, with 10 trenches unable to be excavated due to access issues, largely in the south of the site. As this forms a significant area of the site, it would usually be preferable to ensure that these are undertaken to ensure full evaluation coverage. However as the remaining nearby trenches were wholly negative, and in terms of finds only a handful of unstratified prehistoric flints were recovered from the rest of the site, it is unlikely that the southernmost portion of the site contains remains of significant archaeological activity.

As on balance, it can be demonstrated that there is a low potential for the proposals to impact on any previously unknown below ground archaeological remains, and therefore I do not consider that there is a need for any additional archaeological evaluation or mitigation work here and have no further archaeological concerns regarding this proposal.

Sussex Police

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 and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

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

This application seeks to redesign the western area of the site that currently holds 27 detached and semi-detached private dwellings with 40 detached, semi-detached and terraced dwellings in a mix of both private and affordable tenures, an addition of 13 dwellings.

I have no concerns with this application other than to recommend that a shared gate (lockable from both sides) be fitted to the front of the building line between plots 23 & 24 where unobserved access is gained to the rear gardens and the space between the dwellings.

I have had the opportunity to examine the amended site plan and visit my previous comments. From a crime prevention perspective I have concluded that further crime prevention advice is not necessary other than my above comment. The previous advice given within my correspondence of PE/MID/19/09/A dated 17th April applies and remains extant.

Southern Water

Thank you for your letter dated 25/08/2020.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer immediate vicinity of the site. The exact position of the public foul sewer

must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works. Please refer to: [southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf](https://www.southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf).

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Environment Agency

This application falls outside our External Consultation Checklist so we do not have any comments to make.

Ecological Consultant

TBR

Contaminated Land Officer

The previous decision notices for the development 12/01540/OUT (permitted under appeal AP/13/0007) and DM/15/1467 included conditions to assess and, if necessary, land that may be contaminated. These are sufficient to control the environmental risks from land contamination.

Environmental Health Officer

The conditions included in the decision notices for 12/01540/OUT (allowed under appeal AP/13/0007) and DM/15/1467 are sufficient to address any adverse environmental impacts. So long as these are transposed into any new approvals, if indeed that is necessary, no additional conditions are required. I have no objection to the proposal.

Leisure Officer

Thanks for the opportunity to comment on the revised housing mix for the Kingsland Laine development.

The additional contributions required toward leisure infrastructure are as follows:

Play £5,411 - Reeds Lane playground
Kickabout £4,545 - Reeds Lane playground Formal Sport £6,197 - Berrylands Recreation
Ground Community Buildings £3,554 - Sayers Common Village Hall

Housing Officer

An application has previously been approved to provide 36 affordable dwellings (27 homes for rent and 9 for shared ownership) on the above site as part of a scheme totalling 120 units. A new application has now been received to revise this permission to provide for 13 additional dwellings including 30% affordable. If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable.

Drainage Engineer

FLOOD RISK

It has been shown by the Ambiental FRA addendum, that the amendment should not alter the already approved modelled flood extents associated with the designed swales and watercourses that run through and adjacent to the site. Therefore, it will not be necessary to re-run these models.

As a result, the flood risk to the proposed amended area should remain at low flood risk, with safe access and egress remaining available.

SURFACE WATER DRAINAGE

The Barter Hill technical Note informs that the proposed amendment makes only a small increase in impermeable area in comparison to the already approved area. To manage the increased run-off generated by the increased impermeable area, whilst still keeping the discharge rates to the swale the same under DM/19/1148, it is proposed to increase the storage volume. This is shown in the submitted micro-drainage calculations and would be considered as acceptable.

FOUL WATER DRAINAGE

It is proposed that the development will follow the already approved design.

SUGGESTED CONDITIONS

In order to control the proposed amendments to the drainage system design, and to ensure that MSDC keeps accurate records, we will require copies of the most up-to-date plans, details and information for the whole site which includes the proposed amended area. We therefore suggest the below condition.

In order to meet with this condition, we will need to receive and be satisfied with:

- an amended drainage layout plan for the entire site that incorporates the amended area
- any amended technical drainage details
- any amended drainage calculations
- a copy of the finalised Maintenance and Management plan (which may have to be amended to reflect the proposed amendment).

C18F - MULTIPLE DWELLINGS/UNITS

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.

GENERAL DRAINAGE REQUIREMENT GUIDANCE SURFACE WATER DRAINAGE

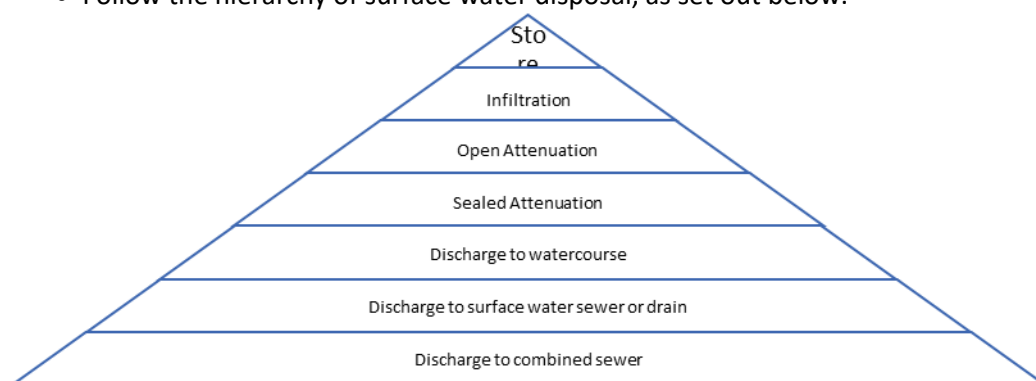
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide 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' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

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

			✓	✓	✓	Development Management & Construction Phasing Plan
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USEFUL LINKS

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

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

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

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

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

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 (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> 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.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Multiple plot development	<ul style="list-style-type: none"> • A Maintenance and Management Plan 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.
Public sewer under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> 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. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within 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.</p> <p>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	<ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> 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>Infiltration e.g. Soakaways</p>	<ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans 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. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</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 <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council 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>Outfall to public sewer</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>
<p>SuDS and attenuation</p>	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> 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>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

Tree Officer

TBR

Urban Designer

This revision of the consented scheme has been the subject of pre-application consultation and it largely accords with drawings that have informally been agreed.

The road layout is largely the same as the consented scheme and differs mostly in terms of the size rather than the character of the houses. The approach to the different street frontages is consistent with the façade treatment established by the defined character areas set out in the consented scheme. Plots 1-10 is the most prominent frontage and is cohesively organised with a series of gable frontages and featuring clay hanging tiles. Plots 34-40 has a more contemporary aesthetic featuring black boarding that is consistent with the other houses in the street. The other houses have a blander all brick facades however they are more tucked away on the west boundary of the site and in the cul-de-sac, and the clay-hung tiling that feature on the pair of semi's on plots 20/21 and the corner houses on plots 10 and 33 (NB: the latter needs showing on streetscene drawing) break this up a little.

The larger number of units generates more parking. This has now been adequately accommodated. The parking in between plots 2 to 9 and 34 to 40 features timber pergola enclosures that help to reduce the impact of parking by containing it. The impact of the parking in the cul-de-sac has been softened by trees and planting.

The canopies on the type E houses are differently configured in the streetscenes provided on drawing P201 rev A and in the DAS, and this is not clarified by the detailed elevations as they do not show the semi-detached configurations. As advised at the pre-app stage the canopies would be more tidily designed so they just define the entrance door and don't extend across the toilet window (ie. as per plot 8+9) and allows the vertical division between the plots to be clearly read.

In conclusion, I believe this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6; I therefore raise no objections. I would nevertheless recommend that conditions are included seeking the further approval of:

- The facing materials;
- The position of the rainwater downpipes on the front elevations;
- The boundary treatment of the rear gardens which face the streets;
- The design of the canopies on the type E houses.

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MID SUSSEX DISTRICT COUNCIL

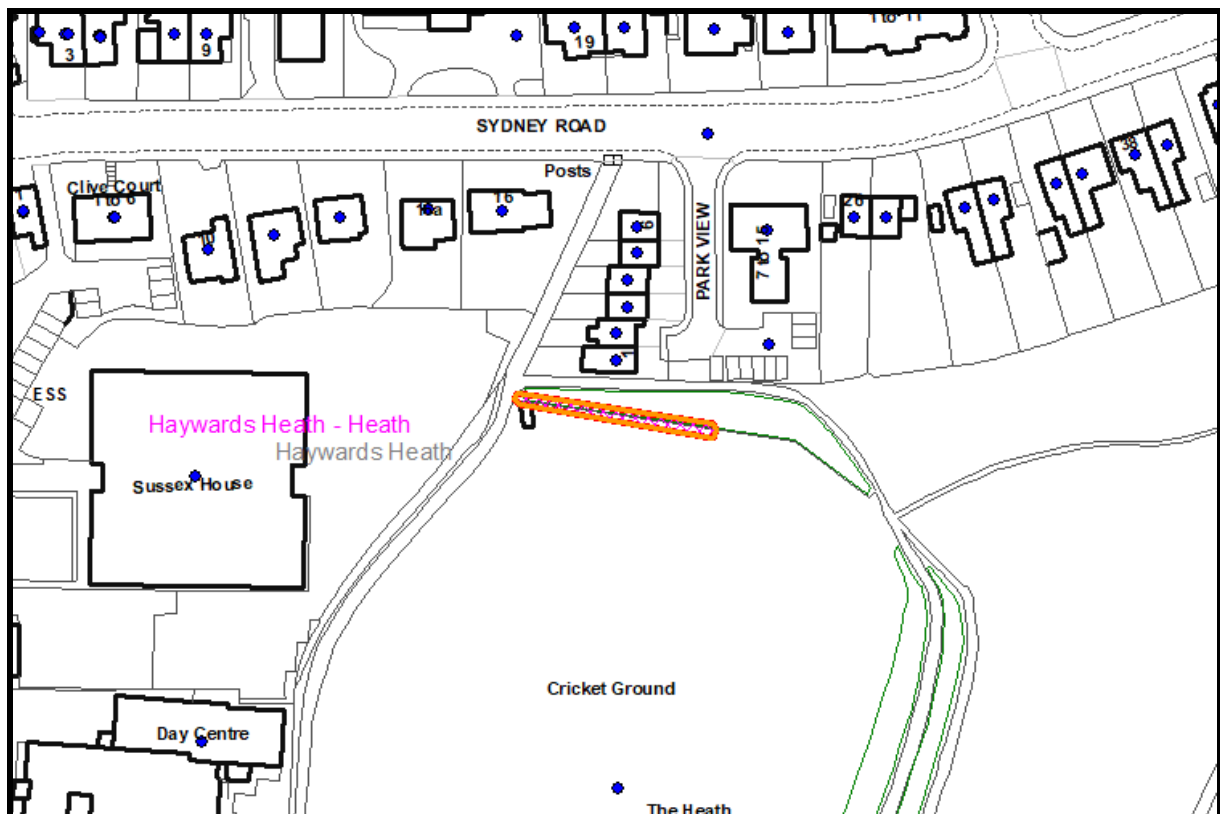
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/2976



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**THE HEATH RECREATION GROUND PERRYMOUNT ROAD HAYWARDS
HEATH WEST SUSSEX RH16 1DF
TO INSTALL A 40M X 8M HIGH BALL STOP FENCE ALONG THE
NORTHERN BOUNDARY OF HAYWARDS HEATH CRICKET PITCH
MR PETER STUART**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area
Boundary / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 13th November 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

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 40 metre long and 8 metre high ball stop fence which would be positioned along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground.

This application is a resubmission of application DM/19/1742 which was granted permission at committee on 26th September 2019 for the erection of a 75 metre long and 8 metre ball stop fence in the same position as the current application. The length of the fence has been reduced due to the discovery of several man holes under the position of part of the approved fence.

Last year tree works were undertaken for the removal of a row Poplar trees along the northern boundary of the cricket pitch however a number of Hornbeams have been recently planted on the bank to replace the poplars. The planting of these trees was part of a condition under the previous application which was discharged.

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

The proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees. Therefore, the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Haywards Heath Neighbourhood Plan policies E9 and L9, 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

Two letters of representation were received in the original proposal and raised the following concerns:

- Unclear is the proposal offers protection to the gardens of the houses in Park View
- Does not appear to meet the intended purpose, to prevent cricket balls from landing in neighbouring gardens
- Overbearing impact on the north end of the park
- Poor use of Council money
- Netting should only be erected during matches

SUMMARY OF CONSULTATIONS

HAYWARDS HEATH COUNCIL OBSERVATIONS

The Town Council **SUPPORTS** this application. Whilst noting resident concerns, the principle of installing a ball stop fence in this location has already been established with the granting of permission for an earlier application (DM/19/1742 refers).

Conservation Officer

No objection

Tree Officer

No objection, subject to condition

Introduction

The application seeks permission for erection of a 40 metre long and 8 metre high ball stop fence along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground. The proposal would also be within The Heath Conservation Area and the built up area of Haywards Heath.

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

Relevant Planning History

06/02251/FUL - The building of an outdoor practice facility for cricket club. Consists of a single cricket lane enclosed within a security fence. The nets to be sited in area to northwest of outfield parallel to existing chainmail fence. Security fence to be 25m x 4.5m wide x 3.6m high. Existing fencing could form northern side. Granted

DM/18/4994 - Demolition of timber shed at North West corner of playing field and replacement with a permanent and secure equipment store. granted

DM/19/1742 - Installation of a 75m x 8m high ball stop fence along the northern boundary of Haywards Heath Cricket Club pitch (amended plans and description 25.07.2019, amended plans 14.08.2019). granted

DM/20/0094 - Discharge of condition 3 of permission DM/19/1742. Granted

Site and Surroundings

The Heath Recreation Ground has a verdant character with mainly residential properties around the perimeter. The Haywards Heath Cricket Club pitch is located within the recreation ground and Conservation Area and is accessed via public footpaths running east-west and north south around the outside of the pitch. The pitch itself is relatively flat with the ground level increasing in height to the east, which gives the immediate locality an enclosed verdant character.

To the north of the pitch was a line of Poplar trees that divided the recreation ground from the residential properties of Park View, which are positioned in a significantly lower ground level, however these trees have subsequently been removed. These trees included additional netting within the canopy however this was also removed leaving the chain link boundary fence of the recreation ground. Under the previous application for the ball stop fence further planting was conditioned, this planting included Hawthorn trees on the slope to the north of the proposed fence line.

Application Details

The proposed fencing would the recently removed netting within the Poplar trees and would have a height of 8 metres and a length 40 metres. The fencing would run along the northern edge of the cricket pitch

The fencing would include 2 No. steel trussed columns with 50mm x 50mm stop ball netting positioned 3 metres above the ground.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP35 - Conservation Area

DP37 - Trees, Woodland and Hedgerows

HAYWARDS HEATH NEIGHBOURHOOD PLAN (made December 2016)

E9 - Design

L9 - Play Fields and Sporting Facilities

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124, 127 and 175 are considered to be relevant to this application.

Assessment

Impact on the character of the Conservation Area

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

In considering development proposals, account will be taken of the need to maintain a range of types of housing in each settlement."

Paras 192-196 of the NPPF state:

'192. In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

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

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks and gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse

consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

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

Mid Sussex District Plan policy DP35 states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

The Council's Conservation Officer has considered the application. Along with the comments provided for the previous application, the officer has the following additional comments:

'The application site is within the Heath Recreation Ground, at the heart of the at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original Haywards Heath. The Recreation Ground was created around the turn of the 19th/ 20th centuries, as the development of the town proceeded around it. The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.

The current proposal follows the recent granting of planning permission for a ball stop net 8m high by 75m long and extending slightly to the south of the current proposal, which is for a net of reduced dimensions 8m high by 40m long. Although the current application does not make it clear, I am assuming that the current proposal supersedes the existing permission rather than being proposed to coexist with it. The current proposal also includes 12 new hornbeam trees to be planted adjacent to the new net to its northern side, partially as replacements for previously removed poplar trees along this boundary.

As the proposal appears with the exception of the reduced dimensions of the net to be similar to the existing permission, and the replacement tree planting should subject to detail provide an element of screening, I do not consider that there would be any objection to the scheme on heritage grounds. The proposal is considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.'

The proposed fencing would be visible from within the recreation ground and from Park View, with distance views from Sydney Road. The fencing would be seen within the context of the cricket pitch and the recreational use of the land as a whole and would be similar in appearance to the previous netting and existing fencing. The purpose of the fencing is to protect the properties and residents of Park View from cricket balls and to also allow the continued leisure use of the cricket pitch, which are both considered to constitute public benefits.

Given the existing permission for a significantly longer fence, and the public benefits of the proposal, any harm caused to the special character and appearance of the Conservation Area would be outweighed, and it considered acceptable on heritage grounds.

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);"

The proposed fencing would be visible from Park View, with No. 1 Park View closest to proposed fence. These properties are positioned on a significantly lower ground level than proposed fencing with a footpath than runs in between. Although the fencing would be visible from these neighbours it would be similar in design to the previous netting and the existing fencing. It is therefore considered that given the nature and form of the proposal, and the existing relationship within the fencing, the proposal would not cause significant harm to the amenities of these neighbouring properties.

The proposal would also be visible from the properties located on the southern side of Sydney Road, however the closest neighbouring property No. 26 Sydney Road would be 44 metres from the proposed fencing and would be seen across the existing garages of Park View and would be partly obscured by an area of trees. It is considered that given the separation distance and the existing screening the proposed fencing is not considered to cause significant harm to the amenities of this neighbouring property.

Impact on Trees

Mid Sussex District Plan policy DP37 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.'

The Council's Tree Officer has been consulted on the application and has no objection to the proposal however would request a condition to protect the newly planted hornbeam trees adjacent to the fence including that should any fail within the first 5 years they are replaced like for like.

Planning Balance and Conclusions

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

The proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees.

Therefore, the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Haywards Heath Neighbourhood Plan policies E9 and L9, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

3. In the event that any of the Hornbeam trees planted to the north of the proposed fencing die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP35 and DP37 of the Mid Sussex District Plan 2014 - 2031.

4. The trussed columns hereby approved shall be black in metal unless otherwise approved by the Local Planning Authority.

Reason: To ensure this aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP35 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.

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
Illustration	A 004		11.08.2020
Illustration	A 005		11.08.2020
Proposed Elevations	A 007		11.08.2020
Proposed Elevations	A 008		11.08.2020
Photographs			11.08.2020
Proposed Elevations	19138		11.08.2020
Location Plan			11.08.2020
Site Plan			11.08.2020
Tree Survey			11.08.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council SUPPORTS this application. Whilst noting resident concerns, the principle of installing a ball stop fence in this location has already been established with the granting of permission for an earlier application (DM/19/1742 refers).

Conservation Officer

Comments on the above application. Please read these in conjunction with my comments on the previous similar proposal on this site, reproduced below.

The application site is within the Heath Recreation Ground, at the heart of the at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original Haywards Heath. The Recreation Ground was created around the turn of the 19th / 20th centuries, as the development of the town proceeded around it. The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.

The current proposal follows the recent granting of planning permission for a ball stop net 8m high by 75m long and extending slightly to the south of the current proposal, which is for a net of reduced dimensions 8m high by 40m long. Although the current application does not make it clear, I am assuming that the current proposal supersedes the existing permission rather than being proposed to coexist with it. The current proposal also includes 12 new hornbeam trees to be planted adjacent to the new net to its northern side, partially as replacements for previously removed poplar trees along this boundary.

As the proposal appears with the exception of the reduced dimensions of the net to be similar to the existing permission, and the replacement tree planting should subject to detail provide an element of screening, I do not consider that there would be any objection to the

scheme on heritage grounds. The proposal is considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

Tree Officer

Following on from discussions I understand that the relocated fence will no longer impact any trees, and therefore no further comments are required from me.

I would however like to request a condition to protect the newly planted hornbeam trees adjacent to the fence stating that should any fail within the first 5 years they are replaced like for like.

MID SUSSEX DISTRICT COUNCIL

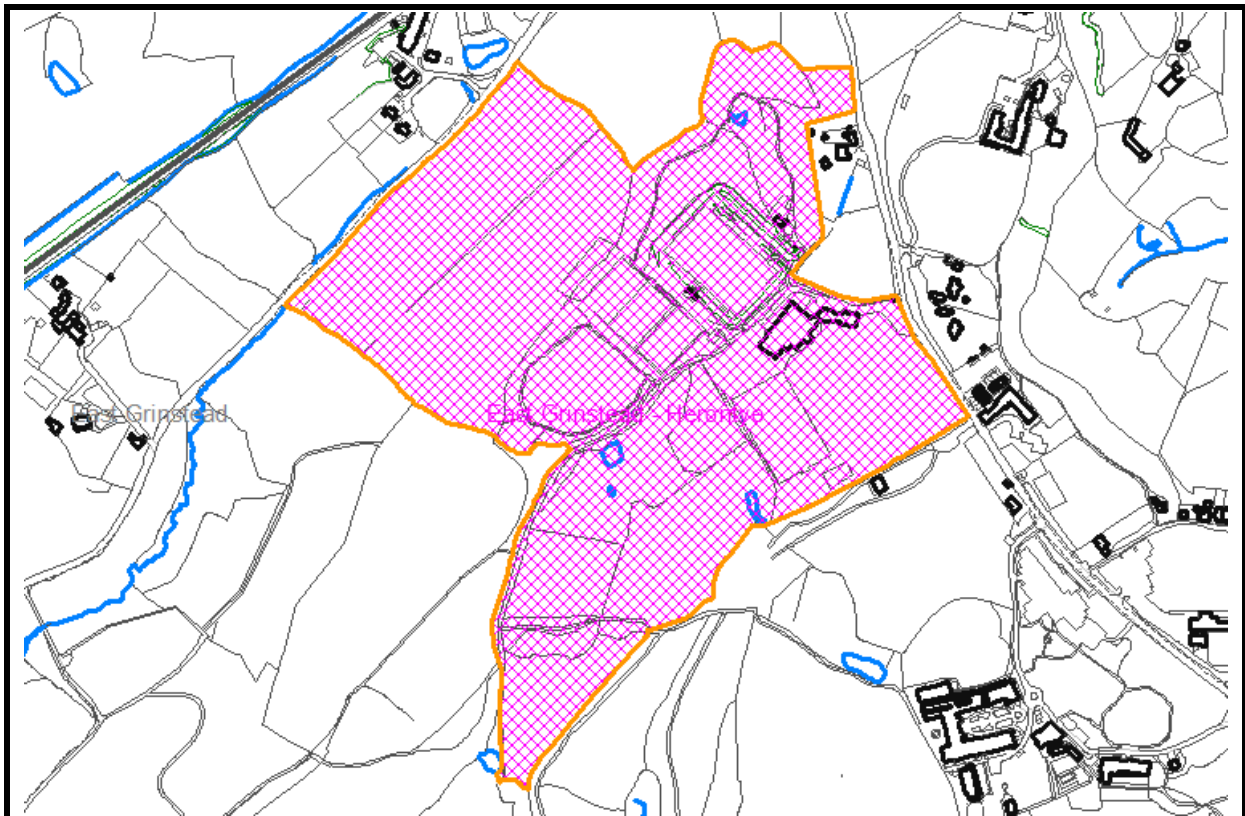
Planning Committee

12 NOV 2020

RECOMMENDED FOR REFUSAL

East Grinstead

DM/20/1647



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**EAST GRINSTEAD SPORTS CLUB SAINT HILL ROAD EAST GRINSTEAD
WEST SUSSEX
CHANGE OF USE FROM AGRICULTURAL TO A SPORTS FIELD WITH
THE ERECTION OF A YURT.
EAST GRINSTEAD SPORTS CLUB**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Miscellaneous Charges / Public Right Of Way / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order /

Highways and Planning Agreement (WSSC) / Minerals Local Plan
Safeguarding (WSSC)

ODPM CODE: Change of Use

8 WEEK DATE: 12th August 2020

WARD MEMBERS: Cllr Dick Sweatman / Cllr Adam Peacock /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for a change of use of an agricultural field to a sports field and the erection of a yurt at East Grinstead Sports Club, Saint Hill Road, East Grinstead.

Planning law states that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case the development plan comprises the District Plan (2018) and the East Grinstead Neighbourhood Plan (EGNP) (2016). The National Planning Policy Framework (NPPF) is an important material planning consideration. The planning history of the site is also a material planning consideration.

The site is within the countryside and policy DP12 in the DP states that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in this area provided it maintains or where possible enhances the quality of the rural and landscape character and is supported by a specific policy reference elsewhere in the plan.

The proposal would enhance the facilities that are offered at the site and would allow an increased use of the field for football. These improvements and an extension of the use of the field are supported by policies DP24 and DP25 in the DP. As such these matters weigh positively in the planning balance.

As well as being in the countryside, the site is within the High Weald AONB, where policy DP16 in the DP states that development will only be permitted where it conserves or enhances natural beauty. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

It is your officer's view that the proposed yurt would be located in a relatively unobtrusive part of the site, in the southwest corner of the field. It is felt that this

structure would conserve the AONB. With regards to the increased use of the field, this would serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to the impact of the proposal on the amenities of neighbouring properties, policy DP26 of the DP seeks to protect the amenities of existing residents from development that causes a significant loss of amenity. It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since 2011 when a similar application was refused, with one of the reasons for refusal relating to the impact on neighbour amenity. There are objections from the occupiers of the neighbouring properties to the current proposal who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's Environmental Protection Officer (EPO) does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The Planning Practice Guidance (PPG) advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

In respect of highways matters, there are no objections to the proposal from the Highway Authority. The access to the public highway would not change and nor would the internal layout within the site. It is therefore felt that there are no grounds to resist the application based on highways matters.

With respect to ecological matters, the site is adjacent to Ancient Woodland. The Council's Ecological Consultant has not objected to the application and has recommended conditions to protect ecology. With such conditions in place it is considered that there are no grounds to resist the scheme on ecological matters.

Drawing all the matters together, there is policy support for the enhanced facilities that would be offered by this proposal, which weighs in favour of the proposal. In your officer's view, it would be difficult to resist the application based upon the impact on neighbouring amenity when there is no objection to the scheme from the EPO. If Members were concerned about this element of the application, officers consider that a temporary planning permission could be used to allow a trial run of the proposal to assess the impact on neighbouring amenity. If this was the view of the committee, officers would suggest that a period of 18 months would be reasonable.

Weighing against the scheme is the fact that the site is within the High Weald AONB and the increased use of the field would serve to formalise and make permanent this change of use of the land in an area that is separated from the buildings and existing facilities at the sports club. It is not felt that this would conserve the appearance of the AONB. In this respect the position has not changed since a similar application was refused by the Local Planning Authority (LPA) in 2011.

To conclude it is considered that this is a finely balance application, which has generated a significant number of representations, both in support and against the proposal. It is considered that on balance, the proposal would not conserve or enhance the character and appearance of the High Weald AONB and for this reason, the application cannot be supported.

Recommendation

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

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the proposal conflicts with policy DP16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan and paragraph 172 of the NPPF.

SUMMARY OF REPRESENTATIONS

30 letters of objection:

- Will have a detrimental impact on the character of the High Weald AONB;
- A yurt is a temporary structure but the application indicates the applicants intend it to be a permanent feature;
- A previous application for a change of use of this field (11/01469/COU) was refused by the Council on 30 August 2011 and the reasons for refusal of the scheme remain valid now;
- Site is an exposed and elevated position and the granting of this application would be the first incursion into the Hazelden Valley;
- Will be contrary to the High Weald Management Plan;
- Contrary to the East Grinstead Neighbourhood Plan;
- Application is misleading as it makes no mention of using the site for football pitches which is the intention of EGSC;
- Current use of the land already causes noise disturbance;
- Will disturb wildlife, including deer;
- Car parking is inadequate and this will cause further highway safety and parking issues;

- Lack of toilet and waste facilities for increased usage - local residents around the site (including at Saint Hill Road, Hazelden Place and Turners Hill Road) already experience players using the field and surrounding areas as toilets;
- East Grinstead Sports Club have a history of non-compliance and retrospective use of the planning process which is well evidenced;
- The size of the yurt does not require the full 33 acres to be converted and the application is misleading;
- The erection of the yurt is just a pretext to convert 33 acres of legally protected land within an AONB into football pitches;
- Opens the floodgates for more development, including floodlighting

53 letters of support:

- This is a fantastic opportunity to provide much needed sports facilities which the town severely lacks;
- We are limited to Imberhorne Rec, East Court or King George's Field and the repair and maintenance of the fields is minimal. This site will give extra space for children to play football and should be supported;
- I think the yurt is a great idea because it will allow the children to stay within the proximity of their base camp should the weather turn bad and therefore maintain that nature connection even when it rains hard, it will increase the children's safety as they will not have to cross a busy carpark, it will, overall, allow everyone involved to adhere to government's guideline related to this pandemic as the children will be able to remain in their safety bubble throughout the year and especially in Autumn and Winter;
- Will allow children to explore the great outdoors;
- I am sure that planning legislation was not designed to inhibit children playing sport in an otherwise unused field

East Grinstead Society: Recommend refusal. While this application appears to be laudable this is yet another incursion into the AONB. What restrictions are proposed to limit the number of children participating and to stop the area being used for yet further activities in the future. We are still concerned about the adequacy of the pavementless Saint Hill Road which is the only access to the Sports Club.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Ecological Consultant

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

Leisure Officer

The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.

Environmental Protection Officer

I have no objection to this application.

TOWN COUNCIL COMMENTS

Would Support Approval

INTRODUCTION

This application seeks planning permission for a change of use of an agricultural field to a sports field and the erection of a yurt at East Grinstead Sports Club, Saint Hill Road, East Grinstead.

RELEVANT PLANNING HISTORY

Outline planning permission for a new sports pavilion and sports hall at East Grinstead Sports Club was originally granted in 1992. Since this approval and the construction of the pavilion there have been a number of subsequent applications for various proposals at the site, a number of which relate to internal uses of the approved building.

Of most direct relevance to this application, is a previous application that sought consent for a change of use from an agricultural land to a sports field (reference 11/01469/COU). This field is the same site as the current application. This previous application was reported to the North Area Planning Committee on 25th August 2011 and was refused in accordance with the officer's recommendation for the following reasons:

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the application is deemed to fail to comply with Policies CC1 and CC6 of the South East Plan and policies C1, C4 and R8 of the Mid Sussex Local Plan.
2. It is considered that the open and elevated position of the site, in combination with its proximity to adjacent residential dwellings will have a significant detrimental impact on the amenity of the nearby residents by virtue of noise and disturbance, contrary to the aims of Policy B3 of the Mid Sussex Local Plan.

It is also relevant to note that the Sports Club have been using the land the subject of this application for occasional sporting purposes under Part 4 of the Town and Country Planning (General Permitted Development) Order, which allows the use of any land for any purpose for not more than 28 days in total in any calendar year, and the provision on that land of any moveable structure for the purpose of the permitted use.

SITE AND SURROUNDINGS

East Grinstead Sports Club occupies a substantial amount of land on the western side of Saint Hill Road, close to the Hazeldene crossroads on the outskirts of the town of East Grinstead. The site currently hosts a substantial two-storey club building/pavilion located close to Saint Hill Road, with sports fields to the front and rear.

Car parking for the club is located mainly on the western side of the building, however there is some parking at the entrance to the site immediately adjacent Saint Hill Road, and along the access road leading to the main car park.

The site the subject of this specific application lies to the north west of the main sports club site at a lower level to the netball courts. It is a relatively flat area of land, particularly the southernmost part of the site, the land having been raised and levelled with the material removed during the construction of the adjacent netball courts. At the western extremity of the site, the land drops sharply down to the Turners Hill Road. The opposite side of which are the dwellings at Hazeldene Farm.

The site is within the countryside as defined by the District Plan and is also within the High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

The application seeks a change of use of a field at the western side of the site from an agricultural to a sports field. The field in question is broadly rectangular in shape and measures some 340m by 110m.

The proposed yurt would be located in the south-eastern corner of the field the subject of this application. The yurt is some 7.25m in diameter.

The applicants have provided a supporting statement to explain their proposal. In summary it makes the following points:

- *East Grinstead Sports Club (EGSC) is a not for profit charity established to provide sporting facilities for the community of East Grinstead and the surrounding areas for both members and non-members. The facility is open to the general public. It is the home of over 20 sports clubs and organisations and used by local visitors of all ages, abilities and backgrounds.*
- *EGSC wants to encourage the very young to its facilities to encourage them into participating in sporting and recreational activities provided and encourage family usage. The education for young children is the first step in*

this chain and to build the yurt in the dip of the field, where it is shielded from all neighbouring properties and out of sight is a good use and linked to EGSC's goal of providing education & recreational activities on the property it owns.

- *The club is set in grounds of approximately 33 acres, which includes woodland and a field currently designated for agricultural use. Since October 2018 EGSC has allowed Treehoppers Forest Kindergarten (TFK) to use some of the outdoor space & an area of woodland to create a small outdoor nursery and forest school.*
- *At present TFK uses only temporary shelters and storage facilities on site. However, the winter of 2019/20 with regular high winds, storms and an unprecedented level of rainfall made this a particularly challenging time for them. This application is to obtain permission for TFK to erect a yurt in the corner of the field to provide them with more sturdy, weatherproof storage and an outdoor shelter for the children to use in very poor weather.*
- *Parking from Kindergarten parents has not been an issue to date as there is ample car parking available at EGSC and pick up and collections do not occur during the club's peak times.*

In response to questions about the proposed use of the field the applicants have responded as follows:

- *There is no intention to erect floodlights or to reprofile the land. The land is used by The Meads FC a junior Club for youths up to 18. Currently the land is used 28 days a year*
- *During the pre season (July to September) midweek activity would be limited to Tuesday to Thursday from 6pm to 8.30pm*
- *During the season (September to April) activity would be limited to:*
 - *Saturday mornings (9am to midday) and afternoons (2pm to 4pm)*
 - *Sunday (9am to midday)*
- *The number of attendees at any one time for matches would be in the region of 30 to 40 people depending on the age group*
- *Its not envisaged that there will be a greater demand for car parking as the football club already uses the area and we are only looking to increase the number of days we run the sessions, not the numbers attending any session*
- *The field would be used at the quieter times of other sports who use the EGSC. The peak sessions for other sports is mid-week evenings during the winter months when the field will not be used*

LEGAL FRAMEWORK AND LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP12 Protection and enhancement of countryside
DP16 High Weald Area of Outstanding Natural Beauty
DP21 Transport

DP24 Leisure and cultural facilities and activities
DP25 Community facilities and local services
DP29 Noise, air and light pollution
DP37 Trees, woodlands and hedgerows
DP38 Biodiversity

Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made on 2 November 2016 and forms part of the development plan for this part of Mid Sussex.

Policy EG1 Protection of the High Weald AONB
Policy EG2 Areas of Development Constraint
Policy EG15 Alternative Sports Provision

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF 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.*'

Paragraph 38 of the NPPF 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.*'

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the East Grinstead Neighbourhood Plan (EGNP).

There are a number of important issues to be considered in the assessment of this application. These are:

- Planning Policy
- Impact on character of the site and AONB landscape
- Neighbour amenity
- Highways matters
- Biodiversity
- Planning balance and conclusion

ASSESSMENT

Planning Policy

The site lies within the countryside as defined in the DP. Policy DP12 states:

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

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

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

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

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded'

Therefore as a matter of principle, development within the countryside should maintain or where possible enhance the quality of the rural and landscape character of the District and either be necessary for agriculture or be supported by a specific policy on the DP or Neighbourhood Plan.

Policy DP24 in the DP states:

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

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

Policy DP25 in the DP states:

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

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

The EGSC is a community facility that provides important leisure users and opportunities. It is considered that as a matter of principle, policies DP24 and DP25 do provide support for this application and can be viewed as the 'specific policy reference' that is referred to in policy DP12. The Councils Leisure Officer advises that *'The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.'* The report to the Scrutiny Committee for Community, Customer Services and Service Delivery on 8th July 2020 set out the Playing Pitch Study for the District and the associated indicative implementation plan. The indicative implementation plans within the report refers to additional football pitch provision at the East Grinstead Sports Club. It states *'Investigate further land options on the site and whether 'Dave's Field' or adjacent provision could fulfil requirements (may have planning constraints).'* It is clear therefore that the Council is considering whether there is scope for additional pitch provision at this site, whilst recognising that there may be planning constraints that impact on this.

In light of all the above it is considered that the change of use of the land could be considered favourably as a matter of principle, given the above policies and the fact that the EGSC is a well established sports facility in the countryside.

The provision of the yurt would improve the facilities that are provided by Treehoppers Forest Kindergarten (TFK) on the site. It is considered that the provision of the yurt and the enhanced facilities offered by TFK weigh positively in the planning balance.

Impact on character of the site and AONB landscape

Policy DP16 in the DP states:

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

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

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

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

Policy EG1 in the EGNP states:

'Within the High Weald Area of Outstanding Natural Beauty planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF.

Planning permission for other forms of development will be granted where the proposals are for the:

- (i) Conversion of redundant buildings;*
- (ii) Replacement, on a like for like basis, of existing buildings; or*
- (iii) Extension of an existing dwelling house relate to agricultural development or some other minor recreational use;*

Provided that for each of the above (i, ii and iii) all of the following criteria are met:

- *The highest standards of Design are achieved;*
- *The natural and scenic beauty of the landscape is conserved or enhanced;*
- *The proposals do not result in an obtrusive feature in the landscape.*

The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.'

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'.

With regards to the physical impact on the character of the AONB from the change of use of the agricultural field, the application does not propose any further reprofiling of the land and does not propose any floodlighting. The land is broadly level and the grass is cut to allow this area of land to be used temporarily as sports pitches under permitted development rights. The physical changes would therefore be limited to the marking out of the pitches and the stationing of goal posts. The applicants have stated that the goal posts would be the same as are on site at present and they would be stored in a similar position to the current location when not in use. They have also advised that the pitch markings would be done on a week by week basis as required during the playing season only and would not be permanent markings. They state the line marking used would be a water-based, biodegradable and environmentally-friendly product and it is not their intention to permanently mark the pitches as this they have found this creates ruts in the surface.

In the assessment of the impact of the 2011 application (11/01469/COU) on the AONB, the officers report stated 'it is considered that the use of this land as a formalised sports pitch will negatively affect the natural characteristics of the landscape, contrary to the aims of Policy C4 of the Mid Sussex Local Plan. This is particularly emphasised by the very open nature of the site, at its elevated position with no natural screening to the north-west boundary. This is a large area of land, which is quite visually detached from the existing sports club facilities and to further extend the sports club pitches into this location is considered inappropriate and harmful to the rural qualities of the locality.'

The development plan has changed since this 2011 application was determined. In 2011 the development plan comprised the South East Plan and the Mid Sussex Local Plan. The development plan now comprises the District Plan and the East Grinstead Neighbourhood Plan. The site remains within the High Weald AONB.

With regards to policy DP16, it is not considered that the proposal would enhance natural beauty. Whilst there would be limited physical changes from the proposed

change of use of the land (which it is acknowledged has already been altered to have a more man made appearance to allow the playing of sport), the proposal would nonetheless serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to policy EG1 in the EGNP, the site of the planning application is more than 1 hectare and therefore it is classed as 'major' development by The Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 172 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks⁵³ and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major developments⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

Footnote 55 states that *'For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'*

Therefore, there can be a difference between a proposal that is a 'major' development for the purposes of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and a 'major' development for the purposes of paragraph 172 of the NPPF.

Legal advice provided to the South Downs National Park by James Maurici QC, known as the "Maurici opinions", in 2011 and 2014 states that it is wrong to apply the rigid criteria contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015, for defining major development in designated areas.

The purposes for which the High Weald AONB has been designated is set out within the High Weald AONB Management Plan Statement of Significance. The Statement of significance in part states:

'Five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

- 1. Geology, landform and water systems - a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams.*
- 2. Settlement - dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries.*
- 3. Routeways - a dense network of historic routeways (now roads, tracks and paths).*
- 4. Woodland - abundance of ancient woodland, highly interconnected and in smallholdings.*
- 5. Field and Heath - small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.*

- Land-based economy and related rural life bound up with, and underpinning, the observable character of the landscape with roots extending deep into history. An increasingly broad-based economy but with a significant land-based sector and related community life focused on mixed farming (particularly family farms and smallholdings), woodland management and rural crafts.*
- Other qualities and features that are connected to the interaction between the landscape and people and which enrich character components. Such qualities and features enhance health and wellbeing, and foster enjoyment and appreciation of the beauty of nature. These include locally distinctive features which enrich the character components such as historic parks and gardens, orchards, hop gardens, veteran trees, along with their rich and varied biodiversity, and a wide range of appealing and locally distinctive historic buildings including oast houses, farm buildings, Wealden Hall houses and their associated features such as clay-tile catslide roofs. People value the wonderful views and scenic beauty of the High Weald with its relative tranquillity. They appreciate the area's ancientness and sense of history, its intrinsically dark landscape with the opportunity to see our own galaxy - the Milky Way - and the ability to get close to nature through the myriad public rights of way.'*

The proposal is not considered to be major development in terms of NPPF footnote 55 because it would not result in significant change to the five matters highlighted from the High Weald AONB Management Plan Statement of Significance.

Policy EG1 in the EGNP refers to major development proposals in the AONB being refused unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF. The EGNP was adopted when the 2012 version the NPPF was in force and this version of the NPPF did not contain a footnote to explain what 'major' development meant in the context of the AONB. It is your officers view that whilst the EGNP refers to major development in the AONB being refused, as the 2019 version of the NPPF is more recent, it is reasonable to give more weight to paragraph 172 in the NPPF which requires an assessment as to whether the proposal is a 'major' development for the

purposes of the NPPF rather than whether it is a 'major' development under The Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposed yurt would be located in the southwestern corner of the field. It would be reasonably well tucked away and it is felt that its positioning would conserve the character and appearance of the AONB.

Taking all of the above into account, whilst this is not felt to be a major development in the AONB as referred to in the NPPF, in this case it is felt on balance, that the formalisation and permanent use of this field for sports pitches would negatively impact on the existing quality of the protected landscape and therefore there is a conflict with both policy DP16 in the DP and policy EG1 of the EGNP.

Neighbour amenity

Policy DP29 in the DP relates to noise, air and light pollution and 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;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- *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.'

With regard to the impact on neighbour amenity there have been a large number of objections raised in relation to this proposal, from both immediate neighbours and those living further afield. Most of them comments on the effects of the existing sports club in terms of the effect of the existing flood lighting and noise disturbance.

This application does not propose the erection of flood lighting. As such light pollution is not an issue with this application. The impact on the amenities from noise disturbance is considered to be a key consideration in the assessment of this proposal.

The closest neighbours lie to the north west of the application site, at a distance of some 135 metres at the very closest. Due to the fall in ground levels from the site to these closest dwellings they are prominent when viewed from the application site.

The Councils Environmental Protection Officer (EPO) has no objection to the application and is of the view that the nearest properties are a sufficient distance away for there not to be an effect on their amenities arising from noise from the proposal that would justify a recommendation to refuse the application. Whilst the previous application in 2011 was refused on neighbour amenity grounds in relation to noise, the Councils EPO was not consulted on that application. It is acknowledged that consistency is important within the planning system, but it is also the case that each application must be determined on its individual merits. Therefore this application must be looked at afresh having regard to the current planning policy, national guidance and the facts on the ground as they are now.

In terms of the differences between this proposal and the previously refused application, the applicants have stated that the site would be used by EG Meads FC, which is a youth football club. They state that there would be no adult football which should ensure no bad language, which was a concern with the 2011 application.

In 2011, the officers report to committee stated '*..it is likely that sounds (shouting, whistle blowing etc.) travelling down to these dwellings will be extremely noticeable and amplified by the natural fall in ground levels. Whilst no noise surveys have been submitted with the application to demonstrate the impact on these closest neighbours, either existing or proposed, the closer proximity of the proposed pitches*

will undoubtedly bring the current disturbances experienced by these neighbours, as evidenced by their objections, even closer.

Policy B3 of the Mid Sussex Local Plan seeks to protect the amenities of existing residents from development that causes unacceptable noise and disturbance. It is considered that the proposed use of this large expanse of land so much closer to these adjacent dwellings will cause a significant loss of amenity to the residents, above and beyond the disturbance they currently experience, contrary to the aims of this policy.'

It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since the 2011 application and there are objections from the occupiers of these properties to the current proposal who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's EPO does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The PPG advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

Highways matters

Policy DP21 in the DP states:

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

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

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

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

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

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

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

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

The reference to avoiding severe additional traffic congestion reflects paragraph 109 in the NPPF which states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal does not involve any changes to the existing access to the site onto Saint Hill Road or to the car parking within the site. The Highway Authority state *'Considering the potential of the existing use, and that the yurt will replace temporary shelters/structures, the LHA does not anticipate that this proposal would give rise to a material intensification of movements to or from the site. Furthermore, from inspection of local mapping, there is ample parking provision on site.'*

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.' They conclude by stating *'The LHA does not consider that this proposal would have an unacceptable*

impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'

With regards to car parking, there are some 207 spaces at the site and the applicants have advised that a further 20 will be created when money is available. The applicants have stated that they do not envisage a greater demand for car parking at the site as the field would be in use at quieter times of other sports who use the East Grinstead Sports Club.

Whilst concerns have been raised about the level of car parking on the site, the use of the field for football is taking place under permitted development rights for 28 days a year at present and the evidence from the Highway Authority is that this has not caused a problem in relation to highway safety. The Highway Authority have raised no objection to the application. In light of these points it is not considered that the application should be resisted on highway grounds.

Biodiversity

Policy DP37 in the DP relates to trees, woodland and hedgerows. Amongst other things the policy seeks to protect ancient woodland and states 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.

The site is adjacent to a belt of Ancient Woodland that runs alongside the south-eastern boundary of the site.

Paragraph 175 (c) in the NPPF states that when determining planning applications *'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.'*

Policy DP38 in the DP seeks to protect bio diversity.

In respect of the proposed yurt, the Councils Ecological Consultant has stated *'Whilst the indicated position for the yurt appears to be within 15m of ancient woodland, given the low impact and temporary nature of a yurt and its intended use for outdoor education, I am of the view that this would be unlikely in itself to lead to deterioration of the woodland ecosystem. Therefore, I do not consider that the proposal is contrary to the purpose of DP37 of the district plan or the NPPF. The activities it facilitates are, in principle, important in teaching children about nature and encouraging them to cherish these important habitats. There is obviously a balance to be struck between this and ensuring that the intensity of use is not so great as to threaten the thing they are there to enjoy and learn about, but it is encouraging to see that advice has been sought from the wildlife trust and I realise that use of the woodland this is outside the scope of the application in any case.'* In light of these comments it is not considered the yurt should be resisted on ecological grounds.

With regards to the impact of the change of use of the field on ecology, the Councils Ecological Consultant has stated *'The comments on the grassland being re-seeded in 2008 are supported in part by historic aerial imagery which shows a large proportion of the area being bare soil around this time. Assessment of the remaining portion from aerial imagery and consideration of the management it has clearly been subject to suggests that the remainder is improve and of low conservation value.'*

I note that it is not proposed to light the sports field, which addresses this issue.

I note the intention to maintain a 10m buffer between the edge of the ancient woodland and any fertilizer use. Research indicates that a 10m buffer may be sufficient to avoid the most damaging impacts on woodland associated with adjacent agricultural use of herbicides and fertilizers, but that impacts on sensitive species have been shown as far as 12 m . Whilst the minimum 15m ancient woodland buffer required by Policy DP37 is not designed specifically with spray and fertilizer drift in mind, it does serve the purpose of keeping an adjacent strip of land as natural as possible / preventing further intensive land use to protect edge habitats and species using woodland edges such as bats, that rely on invertebrate diversity which is negatively associated with the use of agrochemicals; it would also provide a safety margin over the maximum distances for effects found in the study cited. Therefore, if consent is granted, I would recommend a condition prohibiting application of fertilizers or pesticides within 15m of the ancient woodland.'

It is considered that a condition could be imposed to address the issue of fertilizer use to prevent this taking place within 15m of the ancient woodland. In light of all the above it is considered that there are no grounds to resist the application on ecological matters.

CONCLUSION

To conclude it is considered that this is a finely balance application, which has generated a significant number of representations, both in support and against the proposal. Planning law states that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case the development plan comprises the DP and the EGNP. The NPPF is an important material planning consideration. The planning history of the site is also a material planning consideration.

The site is within the countryside and policy DP12 in the DP states that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in this area provided it maintains or where possible enhances the quality of the rural and landscape character and is supported by a specific policy reference elsewhere in the plan.

The proposal would enhance the facilities that are offered at the site and would allow an increased use of the field for football. These improvements and an extension of the use of the field are supported by policies DP24 and DP25 in the DP. As such these matters weigh positively in the planning balance.

As well as being in the countryside, the site is within the High Weald AONB, where policy DP16 in the DP states that development will only be permitted where it conserves or enhances natural beauty. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

It is your officers view that the proposed yurt would be located in a relatively unobtrusive part of the site, in the southwest corner of the field. It is felt that this structure would conserve the AONB. With regards to the increased use of the field, this would serve to formalise and make permanent the change of use of the land. The site remains detached from the main sports club and it is in an exposed and elevated position. On balance it is not considered that the change of use that is proposed could be said to conserve the natural beauty of this part of the AONB, as set out in policy DP16.

With regards to the impact of the proposal on the amenities of neighbouring properties, policy DP26 of the DP seeks to protect the amenities of existing residents from development that causes a significant loss of amenity. It is considered that assessing the impact on the amenities of the neighbouring occupiers from noise is a difficult judgement to make. The site has not changed since the 2011 application when a similar application was refused, with one of the reasons for refusal relating to the impact on neighbour amenity. There are objections from occupiers of the properties adjacent to the site who cite noise disturbance from the existing use of the field in their objections to this application. Weighed against this is the fact that the Council's EPO does not raise an objection to the scheme. The views of the EPO should be afforded significant weight as they provide an informed professional view about the likely impact from noise from the proposal.

Given the clear views of the EPO, on balance, it is not felt that it would be appropriate to recommend refusal on the grounds of noise disturbance to the occupiers of the properties around the site. If Members were minded to approve the application, given the planning history of the site and the fact that there are objections in relation to noise from surrounding occupiers, it is considered that this is a case where (if there were no other objections) a temporary planning permission could be granted. The PPG advises that a temporary planning permission may be appropriate where a trial run is needed in order to assess the effect of the development on an area. As the only physical development proposed in this application is the erection of the yurt, which could be easily removed, a temporary planning permission would not be unreasonable in this regard.

In respect of highways matters, there are no objections to the proposal from the Highway Authority. The access to the public highway would not change and nor would the internal layout within the site. It is therefore felt that there are no grounds to resist the application based on highways matters.

With respect to ecological matters, the site is adjacent to Ancient Woodland. The Council's Ecological Consultant has not objected to the application and has recommended conditions to protect ecology. With such conditions in place it is considered that there are no grounds to resist the scheme on ecological matters.

Drawing all the matters together, there is policy support for the enhanced facilities that would be offered by this proposal, which weighs in favour of the proposal. In your officer's view, it would be difficult to resist the application based upon the impact on neighbouring amenity when there is no objection to the scheme from the EPO. If Members were concerned about this element of the application, officers consider that a temporary planning permission could be used to allow a trial run of the proposal to assess the impact on neighbouring amenity. If this was the view of the committee, officers would suggest that a period of 18 months would be reasonable.

Weighing against the scheme is the fact that the site is within the High Weald AONB and the increased use of the field would serve to formalise and make permanent this change of use of the land in an area that is separated from the buildings and existing facilities at the sports club. It is not felt that this would conserve the appearance of the AONB. In this respect the position has not changed since a similar application was refused by the Local Planning Authority in 2011.

Therefore it is considered that on balance, the proposal would not conserve or enhance the character and appearance of the High Weald AONB and for this reason, the application cannot be supported.

APPENDIX A – REASONS FOR REFUSAL

1. It is considered that the formalisation of the site, which is remote and detached from the main sports club building, in an exposed and elevated position will have a significant and detrimental impact on the rural character of the area and natural characteristics of the wider Area of Outstanding Natural Beauty. As such the proposal conflicts with policy DP16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan and paragraph 172 of the NPPF.

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			05.06.2020
Block Plan			12.05.2020
Proposed Sections	CH-401		12.05.2020
Proposed Roof Plan	CH-403		12.05.2020
Proposed Roof Plan	CH-402		12.05.2020
Proposed Floor and Elevations Plan	WWC/24/101A		12.05.2020

APPENDIX B – CONSULTATIONS

Highway Authority

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.

Summary

This proposal is for the change of use from agricultural to sports field and erection of a yurt. The site is located on Saint Hill Road, a C-classified road subject to national speed limit in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

The applicant proposes no alterations to the existing access arrangement. There are no apparent visibility issues at the access onto Saint Hill Road. Considering the potential of the existing use, and that the yurt will replace temporary shelters/structures, the LHA does not anticipate that this proposal would give rise to a material intensification of movements to or from the site. Furthermore, from inspection of local mapping, there is ample parking provision on site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Ecological Consultant

Recommendation

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

A minimum buffer of 15m shall be maintain adjacent to ancient woodland within which no pesticides, herbicides or fertilizers shall be applied.

Reason: To prevent negative impacts on biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Comments

Further to additional information provided by the applicant regarding my previous queries regarding the proposed change of use to sports field, I offer the following advice.

The comments on the grassland being re-seeded in 2008 are supported in part by historic aerial imagery which shows a large proportion of the area being bare soil around this time. Assessment of the remaining portion from aerial imagery and consideration of the management it has clearly been subject to suggests that the remainder is improve and of low conservation value.

I note that it is not proposed to light the sports field, which addresses this issue.

I note the intention to maintain a 10m buffer between the edge of the ancient woodland and any fertilizer use. Research indicates that a 10m buffer may be sufficient to avoid the most damaging impacts on woodland associated with adjacent agricultural use of herbicides and fertilizers, but that impacts on sensitive species have been shown as far as 12 m. Whilst the minimum 15m ancient woodland buffer required by Policy DP37 is not designed specifically with spray and fertilizer drift in mind, it does serve the purpose of keeping an adjacent strip of land as natural as possible / preventing further intensive land use to protect edge habitats and species using woodland edges such as bats, that rely on invertebrate diversity which is negatively associated with the use of agrochemicals; it would also provide a safety margin over the maximum distances for effects found in the study cited. Therefore, if consent is granted, I would recommend a condition prohibiting application of fertilizers or pesticides within 15m of the ancient woodland.

Leisure Officer

Thank you for the opportunity to comment on the planning application for a change of use from agricultural to a sports field with the erection of a yurt at East Grinstead Sports Club. The Council's Playing Pitch Study, which is documented evidence for the District Plan, identifies the need for additional football pitch provision in East Grinstead and this land as a potential site for expansion (subject to Planning constraints) so we would have no objections to this proposal.

Environmental Protection Officer

I have no objection to this application.