
12 January 2021

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, 21ST JANUARY, 2021 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 10 December 2020. **3 - 8**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

6. DM/20/1388 - 2-6 The Broadway, Haywards Heath, West Sussex, RH16 3AH. **9 - 62**
7. DM/20/4096 - Fairfield Recreation Ground, Fairfield Road, Burgess Hill, West Sussex. **63 - 70**

- | | | |
|-----|--|------------------|
| 8. | DM/20/2740 - The Emperor Restaurant, 1 Cyprus Road, Burgess Hill, West Sussex, RH15 8DX. | 71 - 104 |
| 9. | DM/20/3780 - Ote Hall Farm, Janes Lane, Burgess Hill, West Sussex, RH15 0SR. | 105 - 144 |
| 10. | DM/20/1333 - Land at Junction of Blackwell Farm Road and Holtye Road, East Grinstead, West Sussex, RH19 3JW. | 145 - 204 |

Items Recommended for Refusal.

None.

Other Matters.

None.

11. 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

**Minutes of a meeting of Planning Committee
held on Thursday, 10th December, 2020
from 4.00 - 4.40 pm**

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

G Allen
R Cartwright
E Coe-
Gunnell White

R Eggleston
A MacNaughton
C Phillips

M Pulfer
D Sweatman

Absent: Councillors J Dabell and N Walker

Also Present: Councillors

1 TO RECEIVE APOLOGIES FOR ABSENCE.

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

2 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

Apologies were received from Councillor Walker and Cllr Dabell.

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

Cllrs Allen, Coe-Gunnell White, Cartwright and Eggleston declared a personal interest in Agenda Item 6 DM/19/4077 as Members of Burgess Hill Town Hill Council as the application potentially provides funding for a Burgess Hill Town Council facility. Cllr Eggleston also informed the Chairman that he was a Trustee of The Beehive.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 12 NOVEMBER 2020.

The Minutes of the meeting of the Planning Committee held on 12 November 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/19/4077 - 60-64 CHURCH WALK, BURGESS HILL, RH15 9AS.

Steve Ashdown, Team Leader for Major Development & Investigations introduced the application which sought approval for the development of 15 residential units above the existing Iceland retail store in Church Walk, Burgess Hill. The scheme would consist of a change of use of the existing first-floor space and an additional two new storeys of accommodation above.

The Team Leader expressed the view that the design would add value to the local area. He noted that due to lack of available space, there would be no provision for car parking. He noted that while there is a conflict with policy S4 in the Neighbourhood Plan, which is related to car parking, there is no objection by the Local Highway Authority and there will be opportunities for alternative modes of transport due to the site's sustainable location. The principle of development is supported, and it will make a positive contribution to the Council's housing supply. He noted that the application has been subject to an independent viability assessment and it cannot provide a policy compliant amount of affordable housing, however it is proposed that an affordable housing contribution equating to 2 affordable units be secured via a S106 Agreement, with a review at a future date. Overall, he believed the Design complied with the Council's Development Plan and recommended it for approval.

Robert Robeson spoke in support of the application.

A Member reflected on the current state of the high street in Burgess Hill and other towns across the country, and the pace of change, which had increased significantly because of the pandemic. He referred to studies that express the view that a town centre should be a combination of retail, commercial and residential. He believed that including residential developments in a town would lead to increased economic activity.

A Member congratulated the Mid Sussex Design Team for their design for this development, which he believed would improve the area. The overall design is good for the character of the town but also for future residents.

A Member enquired about access to the building and if there was a lift on the premises. The Team Leader replied that there was an entrance at the front and rear of the building and there was no planning requirement for a lift however it maybe a building regulations issue. The Member expressed concern about the absence of a lift for residents and it was suggested that the applicant check with building regulations first to ensure they meet requirements.

With regard to parking, it was noted that there was an informal agreement for the applicant to provide 6 parking spaces on a short-term lease in The Martlets, until that land is required. A Member did express concern as to the parking arrangements after this point, but it was noted that the site is adjacent to a public car park.

A Member asked if the people on the second floor would be inconvenienced by the retail outfit. Another Member added that there could be noise pollution resulting from the fridges in the supermarket, which operate all day and night, and about the cladding arrangements for the building.

The Team Leader replied that noise pollution was considered by Environmental Protection Officers and their comments are set out on page 40 of the report. He added that the Environmental Protection Officers had not raised any objections. Regarding the building's cladding requirements, it would be of sheet metal material.

A Member enquired about the night-time activity of the Iceland supermarket and if there would be noise disturbance resulting from this for the residents. The Chairman noted that there was a reduction in restrictions for night-time activity in supermarkets, a direct result of the Covid-19 pandemic.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet, which was proposed by Councillor Coote and seconded by Cllr Eggleston.

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

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

RESOLVED

RECOMMENDATION A

That permission be granted, subject to the completion of a section 106 planning agreement to secure an affordable housing contribution £126,000, a viability review clause based upon upper quartile build costs and GDV included in DSP's Viability Assessment (and allowing for 7% build contingency necessary), the necessary infrastructure contributions and the conditions listed at Appendix A with the suggested amendments set out in the Agenda Update Sheet.

RECOMMENDATION B

If a satisfactory legal agreement has not been entered by 10th March 2021 then the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason: The proposal fails to provide the necessary infrastructure to serve the development and fails to provide the required affordable housing. The scheme therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031.

7 TP/20/0002 - AYRTON HOUSE, BORERS ARMS ROAD, COPTHORNE, CRAWLEY, WEST SUSSEX RH10 3LH

The Members were asked to consider whether to confirm a new Tree Preservation Order (TPO). The Order concerns a mixed group of oak, ash, sycamore, and understory holly and an individual semi-mature Cedar tree.

Steve Ashdown, Team Leader for Major Development & Investigations drew Members' attention to the Agenda Update Sheet, noting that the matter is before members as an objection by the owner of the trees has been received. He noted that a TPO does not prevent good management of trees and any application for reasonable works would be considered favourably. He considered that the trees contribute to the street scene and therefore the order should be confirmed.

A Member commented that this was discussed in 2018 and a decision was made at that point not to apply a TPO. He also noted that a neighbouring resident had expressed concern about the ongoing work. He noted that trees are a necessary part of the scenery, though some issues include tree branches overhanging the road, causing a nuisance, or colliding with buses and other vehicles. He noted his disappointment that there had not been more communication between the Tree Officer and the residents, which he felt could have avoided the current situation.

The Team Leader confirmed that while there had been communication in relation to the planning application associated with the site, it is not standard procedure for a Tree Officer to discuss a potential Tree Preservation Order with the owners of the tree(s).

The Chairman reminded Members that Tree Preservation Orders are often the result of members of the public expressing concern with trees in the public space.

The Chairman took Members to the vote to confirm the Tree Preservation Order in accordance with the Officer Recommendation.

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

Councillor	For	Against	Abstain
G Allen	Y		

R Cartwright	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
R Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

That the Tree Preservation Order be confirmed.

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

None.

The meeting finished at 4.40 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/1388



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**2 - 6 THE BROADWAY HAYWARDS HEATH WEST SUSSEX RH16 3AH
DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
RETAIL UNIT (CLASS A1-A5 USE) AND 19 RESIDENTIAL APARTMENTS,
WITH ASSOCIATED VEHICLE PARKING, LANDSCAPING AND
ANCILLARY WORKS, AND RETENTION OF EXISTING ACCESS
(AMENDED PLANS RECEIVED INCLUDING AMENDED RED LINE PLAN).
FRONTIER ESTATES LTD**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 23rd September 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of the existing building and construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances 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.

As the proposed development is within the built up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan and policy H8 of the Haywards Heath Neighbourhood Plan. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development. The residential element of the application is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

Furthermore, policy DP2 seeks to encourage development in town centres, including mixed use, subject to the development being appropriate in scale and function to its location including the character and amenities of the surrounding area. In

addition, policy B2 of the Haywards Heath Neighbourhood Plan relates to town centre development and supports development or change of use that will encourage a diverse range of uses in the town centre including new retail or residential uses.

Para's 117 and 118 of the NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed use schemes and promoting the development of under-utilised land and buildings. The principle of the re-development of this site is therefore considered to be acceptable and compliant with policy.

Following amendments to the scheme, the proposed design and scale of the development are considered acceptable and would not cause harm to the character and appearance of the area. The MSDC Design Guide has been adopted 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. Within the Design Guide there is support for site optimisation and mixed use development which contributes to the overall town centre regeneration. The Design Guide nevertheless defines this site as being within the urban area that is characterised as being fine grain with the potential for modest/incremental change. The addition of two storeys can be considered more than an incremental change, however, in this case it is considered that the building's corner position gives it some justification for its additional height as principle DG13 states that new development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Principle DG39 also states that it is often appropriate to emphasise a junction and terminate a street axis.

No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

A viability exercise showed that the scheme could not provide any affordable housing units. The applicant has demonstrated that the scheme is currently on the margins of viability without any affordable housing contribution and therefore cannot support the required affordable housing from a viability and deliverability perspective.

Weighing in favour of the scheme is that it will deliver positive social and economic benefits through the redevelopment of the site in a key commercial area within the town, the additional housing will make a minor but positive contribution to the district's housing supply and 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. However, because of the small scale of the development proposed these benefits would be limited.

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

The Council would receive a New Homes Bonus.

On the basis of the above, the application complies with policies DP1, DP2, DP6, DP20, DP21, DP26, DP30, DP31, DP38 and DP41 of the District Plan and policies E8, E9, B3, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan, and the aims of the National Planning Policy Framework. Accordingly, the application is recommended for approval, subject to the completion of a S106 Obligation.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 10th March 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 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

SUMMARY OF REPRESENTATIONS

1 letters of OBJECTION concerning the following points:

- Building will be higher than its neighbour Chelsea House and out of proportion with other buildings in the area. Height should be restricted.

2 letters generally in support but following comments made:

- The application to include a restaurant/bar on the ground floor with opening hours until 11pm does concern and would be interested to see means of controlling noise and also providing ventilation to the space.
- Concerned at the quality of the door/detailing to the bin store to ensure it is in keeping and does not detract.
- some concerns about the lack of vehicle parking, (except 1 disabled bay and 2 car club bays) is not appropriate. Insufficient cycle parking provision.
- With the primary mode of transport being bicycle & train, the development should provide some funding to improve the cycle infrastructure in the area.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection.

WSSC - Flood risk

No objection.

Southern Water

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

Sussex Police

No major objections.

MSDC Environmental Health - contamination

No objection subject to conditions.

MSDC Environmental Health - Protection

No objection subject to conditions.

MSDC Planning Policy

No objection.

MSDC Urban Designer

In conclusion, I raise no objections to this revised planning application but to secure the quality of the design, I would recommend conditions requiring the submission of the following further drawings and information.

Mid Sussex Design Review Panel

Original Plans - Objects

Amended Plans - No further comments received

MSDC Leisure

S106 Contributions Sought:

Play - £1,188

Kickabout - £998

Formal Sport - £1,360

Community Buildings - £6,864

MSDC Housing

A viability appraisal was submitted with the application, to support the applicant's position that the scheme could not viably support any affordable housing. This appraisal has been assessed by DSP, an independent firm of valuers. As a result it is agreed that since it would appear that the scheme is currently on the margins of viability without any affordable housing contribution, we will not be requiring any on-site affordable housing.

MSDC Drainage Engineer

No objection subject to conditions.

MSDC Planning Policy

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Street Name & Numbering

Informative.

HAYWARDS HEATH TOWN COUNCIL

The Town Council has enjoyed substantial pre-application discussions with this developer. The design is much improved; however, Members note the passion for more red bricks and see no need for a blend in with previous mistakes. Members prefer to anchor and mirror the design with the nearby Broadway Chambers (25 The Broadway), Central House (25-27 Perrymount Road) and Halifax building (Orchard House, 32-36 South Road), and critically prefer to create architectural distance from the monstrous Aberdeen House/NatWest building (South Road/1 Muster Green) which is diagonally opposite.

The Town Council has concerns regarding the parking provision of only three spaces and would ideally like to see considerably more. Members would like to see the provision of electric vehicle charging points in all spaces and/or conduit to facilitate expansion.

Members are given to understand that the provision of affordable housing is a challenge on this site and they delegate the decision to Mid Sussex District Council Officers to make the best decision for the community.

The Town Council would like to see:

- the removal of the pre-existing steps leading from the pavement on the southern side of the site, in order to improve site amenity and the street scene;
- provision made for the roof to support the installation of solar panels.

The Town Council welcomes the potential improvement this site will deliver for the community, with the provision of employment space. It supports the application, subject to the inclusion of the above comments.

INTRODUCTION

Planning permission is sought to demolish the existing building and for the construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

RELEVANT PLANNING HISTORY

DM/17/1254 Change of use of the existing retail unit (class A1) to a restaurant unit (class A3). Approved 28.06.2017.

SITE AND SURROUNDINGS

The application site is located on the corner of The Broadway and Church Road and currently contains a vacant three-storey building with a retail use on the ground and first floor and three residential apartments at second floor.

To the east of the site there is a car park with access off Church Road. To the north of the site there is a four-storey building with ground floor retail units, office floorspace above and car parking to the rear, known as Chelsea House. On the opposite side of church Road there is a restaurant building and on the other side of The Broadway there is a row of two storey buildings, with retail on the ground floor and some residential uses above and also the Star Inn public house. To the rear is a car park and the further along Church Road there is a block of retirement flats, Petlands Lodge.

The site is identified as being within the built-up area of Haywards Heath and the site is also defined as a Secondary Shopping frontage as set out in the District and Haywards Heath Neighbourhood Plan.

APPLICATION DETAILS

Planning permission is sought to demolish the existing building and for the construction of a retail unit (Class A1-A5 use) on the ground and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

A contemporary designed building is proposed with a mansard roof, which would be 5 storeys high on The Broadway frontage and four storeys on the Church Road frontage due to the difference in site levels. The elevations would feature recessed balconies.

The mix of residential apartments is as follows:

Studio x 1
1-bed x 14
2-bed x 4

The existing retail floorspace of 263sqm would be replaced by a comparative commercial unit, with 263sqm of floorspace proposed for a flexible A1-A5 use.

The proposed materials are red/brown brick for the elevation with metal standing seam to the mansard roof and aluminium framed windows.

Three car parking spaces are proposed including a disabled parking which would use the existing vehicular access off Church Road. A cycle store (20 cycles) for residents is proposed and an enclosed bin stores for the retail unit and apartments. Landscaping between the southern elevation and Church Road is also shown on the plans.

LIST OF POLICIES

District Plan

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

Relevant policies include:

DP1 - Sustainable Economic Development
DP2 - Town Centre Development
DP4 - Housing
DP6 - Settlement Hierarchy
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP30 - Housing Mix
DP31 - Affordable Housing
DP38 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Supplementary Planning Guidance and Documents

Mid Sussex Development Infrastructure and Contributions

Mid Sussex Affordable Housing

Sites Allocations DPD

The Council has published a draft site allocations document for consultation which identifies sufficient housing sites to provide a five year housing land supply to 2031; and also makes sure that enough land is allocated to meet identified employment needs.

The District Plan policies are complemented by five additional strategic policies set out in the Site Allocations DPD. Policy SA34 relates to existing employment sites.

This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes.

Haywards Heath Town Centre Masterplan 2007

Haywards Heath Town Centre Masterplan SPD 2020

The Council has published a new draft masterplan document which was subject to a 6-week consultation, that closed on Monday 21st December.

This document currently has limited weight in the determination of planning applications. However, once adopted this document will supersede the 2007 masterplan and be treated as a material consideration in the assessment of all future planning schemes.

West Sussex County Council Guidance on Parking at New Development, September 2020

Mid Sussex Design Guide Supplementary Planning Document (SPD) November 2020

Haywards Heath Neighbourhood Plan

The Neighbourhood Plan is made and forms part of the Development Plan for the District and can be given full weight. The following policies are relevant;

B2- Development in Town Centre
E8 - Sustainable Development
E9 - Design and Character
E11 - Visual impact
B3 - Employment
T1 - Connectivity
T2 - Cycle Routes
T3 - Car Parking
H8 - Windfall sites

National Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

ASSESSMENT

Principle of development

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

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

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

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

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

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

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

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan.

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.

The proposal is for the redevelopment of the existing mixed-use commercial site and residential site for a mixed use of commercial and residential scheme.

It is considered that the principle of a mixed use commercial and residential scheme within this location is appropriate and is supported by the Government's requirement to maximise development on sites and promote mixed use schemes.

Furthermore, policy DP2 sets out that development in town centres, including mixed use, will be permitted providing it:

- Is appropriate in scale and function to its location including the character and amenities of the surrounding area;
- Has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.

In this case a comparative commercial floorspace would also be retained at ground floor in compliance with the aims of policy DP2.

In addition, policy B2 of the Haywards Heath Neighbourhood Plan relates to town centre development and supports development or change of use that will encourage a diverse range of uses in the town centre including new retail or residential uses which can be shown to support the core retail offer and generate vitality and add viability to the town centre, whilst avoiding harm to existing businesses and residential properties.

The proposal whilst replacing the existing building will retain the commercial use of the site on the ground floor proposing a flexible A1-A5 use and increase the residential element of the site on the upper floors.

Para's 117 and 118 of the NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed use schemes and promoting the development of under-utilised land and buildings.

The proposal is thereby considered to comply with policy DP2 of the District Plan, Policy B2 of the Neighbourhood Plan and paras 117 and 118 of the NPPF.

The intensification of the residential use

The proposal would provide 19 residential flats on the upper floors giving a net gain of 16 units over the existing three units on the site.

As the proposed development is within the built-up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

The proposal falls within the built-up area of Haywards Heath where windfall development is considered appropriate. In addition, Haywards Heath 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.

Policy H8 of the 'made' Haywards Heath Neighbourhood Plan relates to windfall sites and states:

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

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*

- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

Policy H8 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

The residential element is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

There are no objections therefore to the principle of the re-development of this site as proposed.

Design and Impact on Character of the Area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*

- *optimises the potential of the site to accommodate development.'*

In addition, policy E9 of the Neighbourhood Plan requires proposals to protect and reinforce the local character within the locality of the site. This will include amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

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.'*

The MSDC Design Guide has been adopted 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. Within the Design Guide there is support for site optimisation and mixed-use development which contributes to the overall town centre regeneration.

While the draft Haywards Heath Masterplan currently has limited weight, it is noted that it does identify the site as a potential site for redevelopment and states:

This corner building, located in a prominent location at the end of The Broadway, is well-positioned to host food and beverage uses at ground level with potential to spread to the storey above, due to the topography change on Church Road. It could comfortably accommodate four storeys, with residential or small business units above.

In this case the site occupies an important and visible corner at the junction of the Broadway and Church Road. Its main frontage is opposite the Star Public House which along with the adjacent Victorian shopping parade is modestly scaled.

The Design Review Panel (DRP) objected to the original application drawings. While its rational articulation was commended they were unconvinced about the treatment of the Broadway/Church Road corner that they felt was too underplayed. The DRP were also concerned about the height and massing of the Broadway elevation in relation to the modest buildings opposite. The Urban Designer was also in general agreement with the concerns of the design panel.

Following both the comments of the DRP and the concerns of the Urban Designer, negotiations took place and amended plans have been submitted. The amended plans have been reviewed by the Urban Designer who is now generally satisfied with the design and has also considered the application with regard to the draft Design Guide, commenting:

The articulation of the corner has been improved by treating it differently to the main elevations. The narrow corner façade is now given more vertical emphasis by employing narrow windows grouped across the first, second and third floor windows in an extended projecting metal frame. The verticality is further emphasised by employing grey panels (rather than brick) between the windows that should help it to read as a single 3 storey height aperture. The design also now incorporates 3 storey height recessed brick panels on either side that also contributes to make the corner a visual focus; however, this will need to incorporate a generous reveal to ensure it is visible and generates light and shade.

The modifications that have been made to reduce the scale of the building are more subtle. They involve raising the front parapet wall that along with a marginal set-back of the mansard which helps reduce the perceived height of the top floor. It will still look large in relation to the two-storey frontage opposite.

However, there are other considerations:

- *The building is well designed and detailed. It benefits from crisp detailing and deep window reveals (providing it features the projecting metal frames). The vertical subdivision also provides the scheme with strong rhythm and responds to the bay widths of other frontages on the Broadway that is reinforced by the vertical niches/shadow gaps.*
- *The proposal is a significant improvement to the drab existing building that presents a negative impression at this key entrance point to the Broadway.*
- *Chapter 5 of the Design Guide SPD recognises that increasing the intensity of development in the most accessible locations will help to deliver much needed homes and employment space in the most sustainable places reducing both the need to travel and the pressure to build on the countryside. Furthermore, towns form the centres of activity within the District and are the focus for shops, community and employment uses. These centres offer the potential for intensification to provide much needed homes and jobs in the most accessible and sustainable locations. The Design Guide nevertheless defines this site as being within the urban area that is characterised as being fine grain with the potential for modest/incremental change.*

- *The addition of two storeys can be considered more than an incremental change, however, the building's corner position gives it some justification for its additional height as principle DG13 states that new development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Principle DG39 also states that it is often appropriate to emphasise a junction and terminate a street axis. This can be achieved by accentuating the façade treatment and/or exaggerating the vertical proportions of a façade either through clever articulation or, by raising the height of the building (at the corner or end of the axis) above the prevailing height.*
- *While the opposite buildings are modest in scale, the adjacent Chelsea House rises to 4 storeys and at just one storey more, this proposal can be argued to incrementally step up to the corner.*

For the above reasons, I believe that on balance the additional height and massing is acceptable in this case, but it is essential the quality of the design reflected in the elevation drawings is achieved, including the incorporation of the expressed / projecting frame that defines the upper floor windows.

In other respects, the proposal responds well to its context. It successfully defines not only the corner, but also the street edges on the Broadway and along the return Church Road frontage by following the existing building line. The scale of the Church Road façade is reduced by the slope of the road which naturally gives it a four-storey frontage.

The building addresses its threshold both on the Broadway elevation with the shopfront, and on Church Road with the entrance to the flats.

The rear elevation is also prominent because of a long gap in the street frontage along Church Road. This has been suitably addressed by treating this elevation the same as the front and side.

Solar photovoltaics are proposed on the roof and the mansard has been designed with a lip to help screen the panels from view. However, a further drawing is needed to demonstrate this in detail.

Officers agree with the comments of the Urban Designer and it considered that overall, following the positive amendments secured to the scheme, the application is now acceptable in design terms, subject to conditions relating to the finer details of the design. These design details will be considered further by the Council's Urban Designer as part of a separate condition discharge application. It is noted that the Town Council have questioned the use of red bricks and the final materials will also be subject to a condition.

In regard to the proposed landscaping and stepped area mentioned by the Town Council, the Urban Designer has commented that:

The Church Road frontage also features a re-landscaped threshold with soft-landscaping incorporated in a series of planting beds that step up the slope in a

formation that is reminiscent of terraced fields. It is particularly important this features suitable sized trees of sufficient height that provides the necessary screening and softening of the building.

While the landscaping show in the drawings is considered acceptable, it is noted that, as set out in the Highways section of the report below, the final details of the landscaping of this area are not certain at this stage. This is because the removal of the existing steps would require the agreement of WSCC as the highway authority for the land to be stopped up to remove the highways rights. While the applicants are in discussions with WSCC no agreement has yet been reached. Therefore, a condition requiring the details of the landscaping forms part of the recommendation.

It is therefore considered that given the above the design of the scheme is acceptable subject to conditions and complies with policy DP26 of the District Plan and the MSDC Design Guide SPD.

Highways, Access and Transport

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

Policy T1 of the Neighbourhood Plan states:

'Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles.'

In addition, policy T3 requires sufficient on-site car parking and states:

'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'

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:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- safe and suitable access to the site can be achieved for all users; and*
- 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.'

WSCC Highways has considered the information submitted regarding Highways, Access and Transport and has not raised an objection to the principle of the scheme. However, while the original plans showed the existing access is to be used, the plans showed a new kerbed radii with new dropped kerb tactile paving points either side for pedestrians. Initially WSCC commented that:

considering the low vehicle numbers anticipated using this access, it should be retained as the existing dropped kerb crossover arrangement with no additional works proposed. Inclusion of tactile paving could remove priority for pedestrians and is considered more suitable for busier access points.

Amended plans have been received in line with the comments of WSCC regarding the access and they are now satisfied with the access arrangements.

It is noted that WSCC have also commented on the proposed landscaping to the south of the site:

Removal of the steps currently within the public realm and landscaping changes would require that the land is stopped up to remove the highways rights. Stopping Up is controlled by Section 247 of Town and Country Planning Act and would be subject to a separate process administered by the Department for Transport's National Casework Team (see informative). The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is also no guarantee that this process would be successful. The comments made here would not constitute the Highway Authority's formal position regarding any future Stopping Up.

Further details of the final landscaping design would be secured by condition and an informative to remind the applicant of the need for a stopping up order forms part of the recommendation.

In terms of car parking only three spaces are proposed one of which would be a disabled parking space, while the WSCC Car Parking Demand Calculator would require 20 car parking spaces for the development of 19 flats and it is noted that the

Town Council have commented that they would like to see more car parking. However, the site is in extremely sustainable location, close to Haywards Heath town centre and Haywards Heath train station is within easy walking distance from the site. WSCC Highways have raised no objection to the low level of parking given the sustainable location and have commented:

Various leisure, retail, education and health facilities are within walking distance including the Orchards shopping centre just 375m from the site. Many other facilities are within 800 m and can be reached by foot or bicycle and thus reliance on private car for all daily journeys is reduced in line with the reduced car parking provision at the site.

In conclusion it is considered that in this case, due to the sustainable location, there are justifiable reasons for the low parking provision at the site.

Regarding trip generation, the LHA considers that any increase in trips, especially by vehicle, would be considered insignificant when balanced against the existing level of traffic on the nearby road network. A detrimental impact to the capacity of the nearby road network is therefore not anticipated and no traffic capacity concerns are raised.

The Town council have also stated that they would like to see the provision of electric vehicle charging points in all spaces and/or conduit to facilitate expansion and the proposals include the provision of electric charging points to all three of the spaces. This is required by condition should planning permission be granted.

In view of the above the proposal is deemed to comply with policy DP21 of the District Plan, policies T1 and T3 of the Neighbourhood Plan and para 108 of the NPPF.

Impact on amenities of surrounding occupiers and future occupiers

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

The nearest residential properties are flats on the opposite side of The Broadway above the commercial units, which are some 20m away and to the rear on Church Road there is a block of retirement flats, Petlands Lodge, which are some 48m away. In view of the location and distances between the proposed development and existing residential properties it is considered that there would be no significant impact on residential amenity arising from the development.

In regard to future occupiers' amenity an acoustic report was submitted with the application that has been considered by Environmental Health. The report concludes that due to the high background noise levels in the area, acoustic glazing will be necessary, along with alternative means of ventilation, for noise sensitive rooms on the western and southern façades.

The report also considers the need for adequate sound insulation of the flooring between the proposed commercial use and the proposed residential. While Part E of the building regs deals with sound insulation between domestic properties, but it does not provide standards for commercial to residential, because as the report states, the noise levels from different commercial uses are vastly different, and the level required will depend on the use. In view of this Environmental Health have recommended that the flooring between the commercial and residential be conditioned to achieve a minimum airborne sound insulation value, to protect the residents above.

The report considers the potential for noise nuisance from possible new plant and machinery associated with the commercial unit and Environmental Health Officers have recommended that this conditioned to ensure the new plant installed meets the standards outlined in the acoustic report. It is also recommended that any plant and machinery be installed on anti-vibration mounting to ensure there is no structural transmission of noise and vibration to future residents.

Finally, Environmental Health Officers have recommended that the times the commercial unit is open to the public should also be conditioned to be open between the hours of 07:00 to 23:00, along with the times for deliveries and collections so as to ensure any impact to residents is kept to reasonable hours.

It is considered that with the recommended condition set out above, the development should not have any significant impact on the amenities of nearby residents or the future occupiers of the proposed units. The suggested conditions therefore form part of the recommended condition set out in appendix A.

It is therefore considered that subject to conditions the application would comply with Policy DP26 of the Mid Sussex District Plan.

Dwelling Space Standards

Policy DP27 of the District Plan sets out the minimum nationally describe space standards will be applied to all new residential development and that all dwellings will be required to meet them, other than in exceptional circumstances.

The plans show that the proposed scheme can achieve these standards and the application therefore complies with Policy DP27 of the Mid Sussex District Plan.

Housing Mix and Affordable Housing

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs. Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership, the policy also states:

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.

In this case a viability appraisal was submitted with the application to support the applicant's position that the scheme could not viably support any affordable housing. This appraisal has been assessed by an independent firm of valuers. The conclusion is that it is agreed, in this case, that the applicant has demonstrated that the scheme is currently on the margins of viability without any affordable housing contribution and therefore cannot support the required affordable housing from a viability and deliverability perspective. Housing officers have commented that while the conclusions of the viability assessment are agreed a viability review will be required in the future:

A viability review will however be required at a later stage in the project, when more accurate information about costs and values will be able to be provided. This review will be based on the build costs and GDV in the break-even appraisal DSPv005. It will establish whether as a result of increased values or reduced costs, there is a requirement for a payment towards off site affordable housing. This is a requirement in the Development Viability SPD for a scheme where policy requirements are not being met in full when planning permission is granted. The requirement for a viability review will be included in the S106 agreement.

The applicant has agreed to the viability review and this would be secured in the S106 agreement.

The applicant has demonstrated to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective and therefore there is no requirement for affordable housing and the proposal is considered to comply with policy DP31 of the District Plan.

Infrastructure contributions

Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

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

- *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: £2,518

Education - Secondary: £2,710

Libraries: £3,662

TAD: £14,476

District Council Contributions

Play - £1,188

Kickabout - £998

Formal Sport - £1,360

Community Buildings - £6,864

Local Community Infrastructure - £7,999

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

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.

Drainage

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

The Drainage Engineer has considered the submitted details and has raised no objection and considers that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.

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

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 planning statement submitted with the application states that that development will include solar voltaic panels on the roof and will have a fabric first high performance building envelope.

Kitchens and bathrooms will be provided with efficient fittings to reduce water consumption and the units will have suitable levels of natural lighting. A condition requiring further details of the solar voltaic panels on the roof forms part of the recommendation.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. In this case, the development is situated in a highly sustainable location close to the town centre as well as a bus stop and the railway station.

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

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 permission is sought for the demolition of the existing building and construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances 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.

As the proposed development is within the built-up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan and policy H8 of the Haywards Heath Neighbourhood Plan. The site is within the built-up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development. The residential element of the application is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

Furthermore, policy DP2 seeks to encourage development in town centres, including mixed use, subject to the development being appropriate in scale and function to

its location including the character and amenities of the surrounding area. In addition, policy B2 of the Haywards Heath Neighbourhood Plan relates to town centre development and supports development or change of use that will encourage a diverse range of uses in the town centre including new retail or residential uses.

Para's 117 and 118 of the NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed-use schemes and promoting the development of under-utilised land and buildings.

The principle of the re-development of this site is therefore considered to be acceptable and compliant with policy.

Following amendments to the scheme, the proposed design and scale of the development are considered acceptable and would not cause harm to the character and appearance of the area. The MSDC Design Guide has been adopted 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. Within the Design Guide there is support for site optimisation and mixed-use development which contributes to the overall town centre regeneration. The Design Guide nevertheless defines this site as being within the urban area that is characterised as being fine grain with the potential for modest/incremental change. The addition of two storeys can be considered more than an incremental change, however, in this case it is considered that the building's corner position gives it some justification for its additional height as principle DG13 states that new development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Principle DG39 also states that it is often appropriate to emphasise a junction and terminate a street axis.

No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

A viability exercise showed that the scheme could not provide any affordable housing units. The applicant has demonstrated that the scheme is currently on the margins of viability without any affordable housing contribution and therefore cannot support the required affordable housing from a viability and deliverability perspective.

Weighing in favour of the scheme is that it will deliver positive social and economic benefits through the redevelopment of the site in a key commercial area within the town, the additional housing will make a minor but positive contribution to the district's housing supply and 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. However, because of the small scale of the development proposed these benefits would be limited.

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

The Council would also receive a New Homes Bonus.

On the basis of the above, the application complies with policies DP1, DP2, DP6, DP20, DP21, DP26, DP30, DP31, DP38 and DP41 of the District Plan and policies E8, E9, B3, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan, and the aims of the National Planning Policy Framework. Accordingly, the application is recommended for approval, subject to the completion of a S106 Obligation.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-Commencement conditions

3. No development shall 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. 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, as necessary. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

4. No development shall take place, including any works of demolition, until a Construction Environmental 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:

- hours of construction working;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of controlling surface water 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;
- measures to control noise affecting nearby residents;
- dust control measures;
- pollution incident control.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and 29 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls and roofs of the proposed buildings. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

6. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale section and elevation (vignette) drawings that shows:

- (i) the entire central bay on Church Road including the entrance to the apartments, windows (including the projecting metal frame and panels), Juliet balconies, brick detailing, dormers and roof;
- (ii) Rainwater discharge arrangements;
- (iii) A section and plan of the roof that shows the solar PV's and other roof structures (including the lift housing) and their relationship with the front of the roof;

The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

7. Notwithstanding the details shown on the approved drawings;

- The upper floor windows including the corner windows will feature a projecting metal frame, unless subsequently otherwise approved in writing by the local planning authority;

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

8. 8. No development shall be built above ground floor slab level until the details of the recess of:

(i) the inset brick panels adjacent to the corner and
(ii) the vertical recesses/niches that articulate the bays have been submitted to and approved in writing by the local planning authority; and thereafter the development shall only be carried out 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 buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031.

Construction Phase

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

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

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

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

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

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

Pre-occupation conditions

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. The works shall be carried out in accordance with the approved details unless otherwise agreed with 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 such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

13. No part of the development shall be first occupied until visibility splays of 2.4 metres by 35 metres to the east and 2.4 metres by 26m to the west have been provided at the proposed site vehicular access onto Church Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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

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

15. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the desktop study undertaken by Wardell Armstrong, ref BM11580, dated February 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

16. 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: 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.

17. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the

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

Reason: 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.

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

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan.

Post-occupation monitoring/management conditions

19. The development hereby permitted shall not be occupied or brought into use until glazing and ventilation installed within the build that achieves as a minimum the requirements laid out in the Acoustic Report by Wardell Armstrong, dated March 2020, job reference BM11580.

Reason: To safeguard the amenities of the future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

20. The noise rating level (L_A,T_r) of plant and machinery within the build shall be at least 5dB below the background noise level (L_A90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties and future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

21. Before any plant and / or machinery is used on the premises, it shall be mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority. The approved details shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties and future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

22. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that any sound attenuation measures between commercial and residential are effective and achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB). Post completion testing shall be required to show this has been achieved. This shall be submitted to the LPA and approved in writing. The approved details shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

23. The proposed retail unit (Class A1-A5 use) shall only be open to the public between the hours of 07:00 to 23:00.

Reason: To safeguard the amenities of neighbouring properties and future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

24. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours:

07:00 - 18:00 Hours Monday - Friday,
09:00 - 13:00 Hours, Saturday,
No work permitted on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of neighbouring properties and future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

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

Accordingly, you are requested that:

- 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. A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
www.southernwater.co.uk/developing-building/connection-charging-arrangements.
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm>. If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. 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.
5. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
6. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
7. The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

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	A-02-200	A	19.11.2020
Block Plan	DR-A-100		19.11.2020
Existing Elevations	A-05-500		16.04.2020
Existing Floor Plans	DR-A-202		26.05.2020
Proposed Floor Plans	DR-A-300	A	23.10.2020
Proposed Floor Plans	DR-A-301	A	23.10.2020
Proposed Floor Plans	DR-A-302	B	06.11.2020

Proposed Floor Plans	DR-A-303	B	06.11.2020
Proposed Floor Plans	DR-A-304	B	06.11.2020
Proposed Roof Plan	DR-A-305	A	23.10.2020
Proposed Sections	DR-A-400	A	23.10.2020
Proposed Sections	DR-A-401	A	23.10.2020
Proposed Elevations	DR-A-501	B	06.11.2020
Proposed Elevations	DR-A-502	B	06.11.2020
Proposed Elevations	DR-A-503	B	06.11.2020
Proposed Floor Plans	DR-A-9801		16.04.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council has enjoyed substantial pre-application discussions with this developer. The design is much improved; however, Members note the passion for more red bricks and see no need for a blend in with previous mistakes. Members prefer to anchor and mirror the design with the nearby Broadway Chambers (25 The Broadway), Central House (25-27 Perrymount Road) and Halifax building (Orchard House, 32-36 South Road), and critically prefer to create architectural distance from the monstrous Aberdeen House/NatWest building (South Road/1 Muster Green) which is diagonally opposite.

The Town Council has concerns regarding the parking provision of only three spaces and would ideally like to see considerably more. Members would like to see the provision of electric vehicle charging points in all spaces and/or conduit to facilitate expansion.

Members are given to understand that the provision of affordable housing is a challenge on this site and they delegate the decision to Mid Sussex District Council Officers to make the best decision for the community.

The Town Council would like to see:

- the removal of the pre-existing steps leading from the pavement on the southern side of the site, in order to improve site amenity and the street scene;
- provision made for the roof to support the installation of solar panels.

The Town Council welcomes the potential improvement this site will deliver for the community, with the provision of employment space. It supports the application, subject to the inclusion of the above comments.

MSDC Culture

Thank you for the opportunity to comment on the plans for the development of 19 residential dwellings at 2 - 6 The Broadway, Haywards Heath RH16 3AH 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

Victoria Park, owned and managed by the Council, is the nearest locally equipped play area approximately 265m from the development site. This facility will face increased demand from the new development and a contribution of £2,185 is required to make improvements to

play equipment (£1,188) and kickabout provision (£998). 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 £1,360 is required toward tennis and / or football facilities at Victoria Park,

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 £6,864 is required to make improvements to The Yews 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.

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

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

SURFACE WATER DRAINAGE

It is proposed that the development will attenuate surface water via an attenuation tank, which will have a controlled discharge of 2 ls-1 to the public surface water sewer. As this is a brownfield development with no previous flow control, this equates to a discharge betterment of 77% (2 ls 1 from peak flow of 8.6 ls-1). This initial proposal has been designed to cater for the 1:100+40% event.

As part of meeting with the proposed condition, the applicant will need to submit evidence of approval to connect and discharge to the public surface water sewer from the sewerage undertaker.

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 utilise existing local public foul arrangements.

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.

Urban Designer

Drawings: Revised drawings received 9/11/20

The site occupies an important and prominent corner at the junction of the Broadway and Church Road. Its main frontage is opposite the Star Public House which along with the adjacent Victorian shopping parade is modestly scaled.

The Design Review Panel (DRP) objected to the original application drawings. While they agreed that the building's proportions worked better than the previous proposal, and its rational articulation was commended they were unconvinced about the treatment of the Broadway/Church Road corner that they felt was too underplayed.

The DRP were also concerned about the height and massing of the Broadway elevation in relation to the modest buildings opposite.

The revised drawings have endeavoured to address both issues. The articulation of the corner has been improved by treating it differently to the main elevations. The narrow corner façade is now given more vertical emphasis by employing narrow windows grouped across the first, second and third floor windows in an extended projecting metal frame. The verticality is further emphasised by employing grey panels (rather than brick) between the windows that should help it to read as a single 3 storey height aperture. The design also now incorporates 3 storey height recessed brick panels on either side that also contributes to make the corner a visual focus; however, this will need to incorporate a generous reveal to ensure it is visible and generates light and shade.

The modifications that have been made to reduce the scale of the building are more subtle. They involve raising the front parapet wall that along with a marginal set-back of the mansard which helps reduce the perceived height of the top floor. It will still look large in relation to the two-storey frontage opposite as the applicants have demonstrated in the diagram on page 13 of their 18/9/20 submission.

However, there are other considerations:

- The building is well designed and detailed. It benefits from crisp detailing and deep window reveals (providing it features the projecting metal frames). The vertical subdivision also provides the scheme with strong rhythm and responds to the bay widths of other frontages on the Broadway that is reinforced by the vertical niches/shadow gaps.
- The proposal is a significant improvement to the drab existing building that presents a negative impression at this key entrance point to the Broadway.

- Chapter 5 of the Design Guide SPD recognises that increasing the intensity of development in the most accessible locations will help to deliver much needed homes and employment space in the most sustainable places reducing both the need to travel and the pressure to build on the countryside. Furthermore, towns form the centres of activity within the District and are the focus for shops, community and employment uses. These centres offer the potential for intensification to provide much needed homes and jobs in the most accessible and sustainable locations. The Design Guide nevertheless defines this site as being within the urban area that is characterised as being fine grain with the potential for modest/incremental change.

The addition of two storeys can be considered more than an incremental change, however, the building's corner position gives it some justification for its additional height as principle DG13 states that new development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Principle DG39 also states that it is often appropriate to emphasise a junction and terminate a street axis. This can be achieved by accentuating the façade treatment and/or exaggerating the vertical proportions of a façade either through clever articulation or, by raising the height of the building (at the corner or end of the axis) above the prevailing height.

- While the opposite buildings are modest in scale, the adjacent Chelsea House rises to 4 storeys and at just one storey more, this proposal can be argued to incrementally step up to the corner.

For the above reasons, I believe that on balance the additional height and massing is acceptable in this case, but it is essential the quality of the design reflected in the elevation drawings is achieved, including the incorporation of the expressed / projecting frame that defines the upper floor windows.

Additional drawings will be needed to show the rainwater discharge arrangements and to demonstrate they do not detract from the elevations; I understand the rainwater downpipes will be neatly accommodated within the vertical niches otherwise they will need to be incorporated internally.

In other respects, the proposal responds well to its context. It successfully defines not only the corner, but also the street edges on the Broadway and along the return Church Road frontage by following the existing building line. The scale of the Church Road façade is reduced by the slope of the road which naturally gives it a four-storey frontage.

The building addresses its threshold both on the Broadway elevation with the shopfront, and on Church Road with the entrance to the flats.

The Church Road frontage also features a re-landscaped threshold with soft-landscaping incorporated in a series of planting beds that step up the slope in a formation that is reminiscent of terraced fields. It is particularly important this features suitable sized trees of sufficient height that provides the necessary screening and softening of the building.

The rear elevation is also prominent because of a long gap in the street frontage along Church Road. This has been suitably addressed by treating this elevation the same as the front and side.

Solar photovoltaics are proposed on the roof and the mansard has been designed with a lip to help screen the panels from view. However, a further drawing is needed to demonstrate this in detail:

- 1:20 scale section and elevation (vignette) drawings that shows the entire central bay on Church Road (as an example) including the entrance to the apartments, windows (including the projecting metal frame and panels), Juliet balconies, brick detailing, dormers and roof;
- Rainwater discharge arrangements;
- A section and plan of the roof that shows the solar PV's and other roof structures (including the lift housing) and their relationship with the front of the roof;
- Detailed hard and soft landscaping plans including boundary treatment; and
- Facing materials.

In addition to this, I would like conditions included that stipulate:

- The upper floor windows including the corner windows will feature a projecting metal frame;
- The inset brick panels adjacent to the corner and the vertical recesses/niches that articulate the bays will feature minimum 100mm deep reveals.

MSDC Housing

The applicant is proposing a scheme involving the demolition of an existing building and the construction of a retail unit and apartments. The resulting scheme will provide a total of 19 residential apartments comprising 1 x studio flat, 14 x 1 bed flats and 4 x 2 bed flats. Such a scheme gives rise to a policy compliant requirement of 6 affordable housing units. A viability appraisal was however submitted with the application, to support the applicant's position that the scheme could not viably support any affordable housing. This appraisal has been assessed by DSP, an independent firm of valuers. As a result it is agreed that since it would appear that the scheme is currently on the margins of viability without any affordable housing contribution, we will not be requiring any on-site affordable housing. A viability review will however be required at a later stage in the project, when more accurate information about costs and values will be able to be provided. This review will be based on the build costs and GDV in the break-even appraisal DSPv005. It will establish whether as a result of increased values or reduced costs, there is a requirement for a payment towards off site affordable housing. This is a requirement in the Development Viability SPD for a scheme where policy requirements are not being met in full when planning permission is granted. The requirement for a viability review will be included in the S106 agreement

Street Naming and Numbering

Informative (Info29)

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

Planning applications requiring SNN informative

DM/20/1388
DM/20/2060
DM/20/2215

MSDC Planning Policy

The National Planning Policy Framework (NPPF) published in February 2019 sets out that planning policies should recognise that residential development can play an important role in ensuring the vitality of town centres and encourage residential development on appropriate sites (paragraph 85(f)).

The Mid Sussex District Plan was adopted in March 2018. Policy DP2: Town Centre Development supports the regeneration of the town centres of Burgess Hill, Haywards Heath and East Grinstead. It seeks to maintain the overall objective of improving the services and attractiveness of the district's town centres by encouraging developments of mixed uses to meet the needs of the community.

This site is within the built-up area boundary of Haywards Heath and falls within the defined Haywards Heath Town Centre as shown on the adopted Policies Map.

Policy DP2 sets out that development in town centres, including mixed use, will be permitted providing it:

- Is appropriate in scale and function to its location including the character and amenities of the surrounding area;
- Has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.
- The site is also defined as a Secondary Shopping frontage as shown on the adopted Policies Map. Secondary shopping frontages are the smaller areas on the edge of, or beyond, the primary shopping frontages. A high proportion of Class A1-A5 uses appropriate to a shopping area, which contribute to the pedestrian flow and attractiveness of the area, should be retained. Policy DP2 sets out that within secondary shopping frontages, change of use will be permitted where:
 - The proposal would sustain and enhance the vitality and viability of the shopping area;
 - The cumulative effect of non-Class A1-A5 shop uses is not so great as to undermine the attractiveness of the shopping area.

From the 1st September 2020, changes to the Use Classes Order will come into effect. These changes will include a new use class: Use Class E for Commercial, Business and Service, into which current Use Classes A1, A2 and A3 will be transferred. Use Classes A4 and A5 will become Sui Generis. Other use classes will also become part of the new Use Class E. The intention of this new use class is to provide greater flexibility to change uses in town centres without the need for planning permission aiming to promote the vitality and viability of town centres. The implication of this might be that the shopping frontage aspect of Policy DP2 has reduced weight.

Neighbourhood plans are also part of the development plan. The relevant neighbourhood plan is the Haywards Heath Neighbourhood Plan which was made in December 2016.

Policies B1 and B2 of the Haywards Heath Neighbourhood Plan relate to town centre development. Policy B1 supports new retail development subject to a number of criteria:

- That it is in accordance with Policies E9 and E10 of the Neighbourhood Plan.
- The scheme has satisfactory access and servicing arrangements.
- The design will enhance the visual appearance of the town centre.
- It is supported by an appropriate level of car and cycle parking.
- Any harm to local amenity can be mitigated.

Policy B2 supports development or change of use that will encourage a diverse range of uses in the town centre including new retail or residential uses which can be shown to

support the core retail offer and generate vitality and add viability to the town centre, whilst avoiding harm to existing businesses and residential properties.

There are other District Plan and Neighbourhood Plan policies relevant to this planning application including District Plan Policies DP20: Securing Infrastructure and DP31: Affordable Housing.

WSSCC Highways

Comments on amended plans dated 11 December:

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for demolition of existing building and construction of retail unit plus 19 x apartments. In comments dated 15 July 2020 the LHA requested modification on the proposed access arrangements which were shown as kerbed radii with tactile paving. It was advised that the existing crossover arrangement be retained to maintain priority for pedestrians along the footway and as deemed appropriate for the low number of parking spaces this will serve.

Amended plans have been received showing additional access hatching for the disabled car parking bay. These also still show a radii across the access yet the plan has been annotated as 'dropped kerb crossover' and therefore the LHA are satisfied with the arrangements demonstrated (existing crossover - no additional access works required). Splays of 2.4m by 35m east and 26m (to the junction) west have been shown and pass through applicant land and public highway. It is advised that these are secured via condition.

Removal of the steps currently within the public realm and landscaping changes would require that the land is stopped up to remove the highways rights. Stopping Up is controlled by Section 247 of Town and Country Planning Act and would be subject to a separate process administered by the Department for Transport's National Casework Team (see informative). The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is also no guarantee that this process would be successful. The comments made here would not constitute the Highway Authority's formal position regarding any future Stopping Up.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative notes would be advised:

Car parking space

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

Reason: To provide car-parking space for the use

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 35 metres to the east and 2.4 metres by 26m to the west have been provided at the proposed site vehicular access onto Church Road in accordance with the approved planning drawings.

Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Construction Management Plan

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

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

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

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.

Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

INFORMATIVE

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

INFORMATIVE

The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

Original comments dated 15 July 2020:

The LHA previously provided pre-application advice for a residential development of 27 x units at the site. This included comments on the provided Scoping Note including advised content of the Transport Statement (TS) and principle of proposed access arrangements and anticipated trip generation.

The application is supported by technical plans, Planning Statement, Design & Access Statement and TS. The LHA does not wish to raise an objection to the principle of the scheme. Nevertheless, some modifications are required to the proposed access arrangements as set out in the following report.

Site Context

The site is located at junction of The Broadway (B2272) and Church Road (D class/unclassified highway) within Haywards Heath town centre. The existing three storey building comprises retail on ground and first floor and 3 x residential apartments on second floor (1 x 1-bedroom and 2 x 2-bedroom). There is an existing vehicle access in the form of a dropped kerb crossover from Church Road which serves a small car parking area. Surrounding properties on The Broadway are predominantly commercial retail and the area is considered sustainable in relation to proximity to amenities and public transport.

The new building will be part four/part five storey with an A1-A5 use on ground floor and 15 x 1-bedroom and 4 x 2-bedroom flats on upper floors. Bicycle storage will be internally located in a secure facility on the first floor which is level with the parking area on Church Road. Vehicle and pedestrian access to serve the flats will be from Church Road with the existing shop frontage to The Broadway retained.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been a number of recorded injury accidents on the wider highway network; however no incidents have been recorded at the site access nor at the junction of Church Road/The Broadway. There is no evidence to suggest the existing access arrangements and nearby road layout are operating unsafely.

Access Proposals

Both The Broadway and Church Road are subject to 30mph speed restriction, however due to the site access being in vicinity of the signalised junction, vehicle speeds are anticipated to be below the posted limit in this location. The TS refers to the existing crossover from Church Road to be retained however drawing no. ITL14016-GA-003 Rev B shows kerbed radii with new dropped kerb tactile paving points either side for pedestrians. Considering the low vehicle numbers anticipated using this access, it should be retained as the existing dropped kerb crossover arrangement with no additional works proposed. Inclusion of tactile paving could remove priority for pedestrians and is considered more suitable for busier access points. On the basis of the existing vehicle crossover being retained the LHA would not require a Road Safety Audit. The plans should be updated to indicate the extent of the existing retained crossover and omit the kerbed radii and tactile paving points.

Drawing no. ITL14016-GA-003 Rev B demonstrates that vehicular visibility splays of 2.4m by 35m to the left and 26m to the right are achievable upon a car exiting the existing access point. Greater splays are achievable from a 2m 'X' distance. Considering the anticipated speeds along Church Road in this location and anticipated low level use of the access, the LHA conclude that the existing access affords suitable visibility for the local road environment and its operation is anticipated to continue as existing.

Servicing

Servicing for the retail unit will continue to be from the existing loading bay on The Broadway. The residential units will be serviced from Church Road as per neighbouring properties. As per Manual for Streets (MfS) paragraph 6.8.9, a waste collection vehicle can get within 25m of the storage point, which is reasonably accessible.

Car Parking

The development will be 'low car' which is considered appropriate in light of the town centre location. Previously the car parking area provided 5 x spaces. This will be modified to provide 3 x spaces (2 x car club spaces for residents/general public and 1 x disabled space for residents). Swept path tracking plans show that each space is accessible and allows a car to turn within the site in order to exit in a forward gear. The disabled bay should be marked with additional hatching to the rear to allow for access, in line with Manual for Streets and Department for Transport guidance.

The WSCC Car Parking Demand Calculator envisions a demand for 20 x spaces for the development of 19 x flats. Whilst the A1-A5 unit may also result in parking demand this is considered existing scenario and visitors to the commercial element are expected to park in public car parks or use sustainable transport. WSCC Guidance on Parking at New Developments states that in some locations limited parking provision should form part of a strategy to exploit the potential for sustainable transport. The TS goes on to further justify the lack of car parking stating that the site is in close proximity to a number of local facilities, public transport connections and numerous on-street parking controls/restrictions that will prevent overspill parking onto nearby streets in locations that could be detrimental to highway safety. The LHA concur with this noting that car ownership data has also been utilised (from census data) to estimate the number of cars owned by occupants of the flats. Within Haywards Heath 'Heath' Town ward the number of flats with no car is 37% and thus 7 x flats could be car free and 12 x units could own one car or more.

There are a number of off-street public car parking facilities in the vicinity of the site including long and short stay at Heath Road, 5 minute walk from the site. There are a number of waiting restrictions on the nearby road network which protect on-street parking from occurring in locations that would be detrimental to highway safety. Church Road is subject to double yellow lines no waiting at any time for majority of its length with some areas restricted to on-street parking waiting time limited to 2 hours within certain times.

In conclusion the LHA ascertain that the sustainable location of the site, extent of nearby parking restrictions and aims to increase sustainable transport use in such as suitable location are justifiable reasons for the low parking provision at the site.

Trip Generation & Road Network Capacity

The TS sets out that the replacement retail unit on the ground floor will be a reduced footprint compared to the existing units on ground and first floors and thus the trip attraction is considered to be less or similar than existing and has been excluded from the TRICs assessment. For robustness the existing 3 x flats have also been excluded from the assessment.

Using comparable sites in TRICs (Trip Rate Information Computer Systems) database for privately owned flats the TS states that the residential development has the potential to generate 10 x two-way person trips in the AM and 15 in the PM peaks. Modal split data has been obtained from census data for the ward whereby 45.1% of trips are anticipated by car driver equating to 4 of the AM trips and 7 of the PM trips and a total of 46 x two-way vehicular movements over the 12 hour day period. In light of the limited car parking provided for the development it is considered that this is a worst case scenario and that vehicular trips may be less to reflect the significantly lower parking provision on site. On the assumption that one unit allocated a parking space will generate one departing trip in the AM and one

arrival in the PM peak hour then significantly less vehicular trips to and from the site are expected over the 12 hour day. The majority of travel to and from the site by residents is expected via rail considering the proximity to the Train Station, along with trips by other modes such as by foot and bicycle. The increase in trips, especially by vehicle, is therefore considered insignificant when balanced against the existing level of traffic on the nearby road network. A detrimental impact to the capacity of the nearby road network is therefore not anticipated and no traffic capacity concerns are raised as a result of the proposals.

Accessibility

The development site is located in a sustainable and accessible town centre with feasible options other than the private car for local travel.

The Broadway and Church Road feature well-lit footways of good width and are an inviting option for pedestrian travel. There are also a number of signalised pedestrian crossings to allow safe crossing of highways in the vicinity including crossing Church Road and The Broadway. There are also various cycle routes in and around the town that could be utilised and secure and covered bicycle storage for the flats will be provided in line with WSCC guidance.

Haywards Heath Train Station is 0.4 mile distant and provides regular services to London, Gatwick, Burgess Hill and other locations. It includes car and bicycle parking facilities. The site is also in close walking distance of bus stops from The Broadway with some hourly services to locations such as Uckfield, Crawley and East Grinstead.

The TS also sets out distance to local facilities and services which is in line with Institute of Highways & Transportation guidance which states most people will walk to destinations that are less than one mile. Various leisure, retail, education and health facilities are within walking distance including the Orchards shopping centre just 375m from the site. Many other facilities are within 800 m and can be reached by foot or bicycle and thus reliance on private car for all daily journeys is reduced in line with the reduced car parking provision at the site.

Appendix I of the TS details a draft Travel Plan Statement (TPS) which will be implemented for residents of the scheme. This includes details to promote sustainable transport for residents including:

- A new pedestrian access to the flats will be provided to Church Road facilitating travel by this mode. Information on walking routes will be provided to residents including promoting WSCC walking maps and journey planning tools and
- identifying walking route maps
- Suitable access to the bicycle storage area. Liaising with cycle shops for discounts on bicycles and equipment and promoting WSCC cycle maps and journey planning, promoting bike events
- Public transport information within the Welcome Packs etc.
- Car Club - two cars will be made available to existing nearby residents and new residents of the site, with the aim of reducing private car ownership the spaces are located in a good location for wider public use and should be provided with
- electric vehicle charging infrastructure.
- Sales pack for new residents to include sustainably credentials of site and welcome pack to provide further detail.

The finalised TPS should include details of a Travel Plan Coordinator through the Residents Welcome Pack and data from travel surveys including targets for uptake of sustainable transport modes. More detail on the Car Club and Residents Welcome Pack as well as details of travel voucher (for public transport season ticket for example) could be secured via condition.

Conclusion

In summary the application is considered acceptable from a highway safety and capacity point of view. Nevertheless, it would be more appropriate to the scale of the car parking area if the vehicle access remained as per the existing scenario (dropped kerb with no tactile paving proposed). Please ask the applicant to amend the plans to show that the existing extent of dropped kerb will be used to access the site. The disabled parking bay should also be marked up with additional rear access hatching in line with national guidance and the applicant is also advised to provide details of proposed electric vehicle charging infrastructure provision.

Please ask the applicant for these amendments and re-consult.

WSCC - FLOOD RISK

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. 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 along the boundary of the site or across 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.

Other locations, on The Broadway, north of the proposed site, have experienced surface water flooding.

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy included with this application state that below ground attenuation with a restricted discharge to the main sewer would be used to control the surface water runoff from the site.

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.

Mid Sussex Design Review Panel

The building's proportions worked better than the previous proposal, and its rational articulation was commended. However, the panel were unconvinced about the treatment of the Broadway/Church Road corner that was too underplayed. As it is highly prominent, it needs to be celebrated. More work was necessary to develop and resolve this crucial element.

There were still concerns about the height and massing of the Broadway elevation in relation to the modest buildings opposite. A street level drawing is needed that clearly shows this relationship. The panel agreed the mansard roof projects too far forward and needs to be set-back in relation to the brick face below.

It will also be necessary to soft landscape the building thresholds as much as possible, and this will need regular maintenance to avoid planters becoming litter-traps.

Some of the internal layouts of the flats were poor. For instance, the corner flats are unsatisfactorily small or awkwardly planned living rooms; the two-bed flats (no. 3, 12 etc) would work better with one bedroom that might allow more flexibility in addressing the external articulation of the Broadway/Church Road corner. Other flats have bathrooms incongruously accessed off living rooms.

It would be necessary to lose some space internally to facilitate the changes that were needed.

The fabric-first approach to sustainability was welcomed but would expect a building of this size and prominence to exceed part L requirements. It may be possible to discreetly accommodate low level PV's on the roof.

The large window opening on the ground floor of the southern end of the Broadway elevation could be better integrated with the rest of the façade; although this will need to be reviewed anyway in the light of the concerns about the corner.

Overall Assessment

The panel object to this proposal.

WSSC - s106
DISTRICT/BOROUGH COUNCIL: Mid Sussex

Application Number: DM/20/1388

The Provision of Service Infrastructure Related to 2 - 6 The Broadway, Haywards Heath, West Sussex, RH16 3AH

Planning Application details - Demolition of existing building and construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

Summary of Contributions

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	22.0		
	Primary	Secondary	6th Form
Child Product	0.0190	0.0190	0.0103
Total Places Required	0.1330	0.0950	0.0205
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,662		
Population Adjustment	22.0		
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	22.0		
Net Parking Spaces	-2		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£2,518
Education - Secondary	£2,710
Education - 6th Form	No contribution
Libraries	£3,662
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£14,476
Total Contribution	£23,367

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.

Sussex Police

Thank you for your correspondence of 26th June 2020, advising me of a planning application for the demolition of existing building and construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office 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.

I have looked at the application and the Design and Access Statement (DAS) and have some observations to raise regarding the information within them;

- The application mentions the demolition of the existing building and construction of a retail unit and 19 residential apartments, whilst the DAS states within DAS 1.2 introduction; The proposed development is for the retention and extension of the existing building at 2-6 The Broadway, with a change of use on the first floor from retail to C3 residential, second floor residential, and an additional two storeys (level 03 & 04) of residential accommodation.
- The DAS para 6.7. Secured by Design, is quoting PAS24-2012 certification for doors and windows, it should be PAS24-2016 certification for doors and windows. Please visit SBD Homes 2019 V2 for up to date and current information of the SBD scheme, its requirements and specifications.
- The application initially states A1 (retail) to A5 (take-away) usage for the retail element, however there is only mention of A1 usage within sections 17 & 19. Additionally no timings were given for either of the proposed retail outlets / usages. This is important for me from a crime prevention perspective in order for me to establish whether the retail elements would have any impact upon the resident's amenity when in use from noise, smells, deliveries, footfall and litter.

From a crime prevention perspective I was pleased to note the separate entrances to the residential element from the retail units, as well as separate refuse facilities. This definitely separates the retail unit from the residential element.

I was also pleased to note the inclusion of an access control system within the residential block. However, this must be backed up with a door entry system. Information on the current requirements for all doors and windows, access, postal arrangements, secure cycle stores, parking and lighting can all be found within SBD Homes 2019 V2 at the SBD website.

The proposed CCTV system overlooking the parking area will need to conform to the following;

Details regarding CCTV and Data Protection can be found at the Information Commissioners Office website

at https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=_default

CCTV guidance for Police requirements:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378449/09-05-UK-Police-Requireme22835.pdf

I am the Secured by Design Officer for this part of the county and I would welcome an SBD application from the applicant or their agent for the development. This would ensure full compliance of SBD principles and the scheme's requirements and specifications.

I look forward to providing more in-depth comments at reserved matters.

I thank you for allowing me the opportunity to comment.

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

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

Southern Water

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

Our initial investigations indicate that Southern Water can provide foul disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The drainage strategy report states that the post development surface water flows from the building are reduced from the current flow contributions. The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. Applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing

connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

Drainage from the attenuation tank is communicating to the Southern Water public sewerage systems. Please note Attenuation tank should be sealed with impermeable membrane to avoid ingress of ground water.

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:

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

www.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 should be in compliance with the hierarchy of 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.

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

Environmental Health - Protection

I have read the acoustic report by Wardell Armstrong, dated March 2020, job reference BM11580 submitted with the application.

The report has identified that due to the high background noise levels in the area, acoustic glazing will be necessary. Further because BS 8233 standards and WHO standards can only be achieved with the windows closed, the report has identified that alternative means of ventilation will also be required and has provided specification for this. It is recommended that both the glazing and ventilation be conditioned to achieve the specification outlined in the report or higher.

The report has also made comment upon the need for adequate sound insulation of the flooring between the proposed commercial use and the proposed residential. Part E of the building regs deals with sound insulation between domestic properties, but it does not provide standards for commercial to residential, because as the report states, the noise levels from different commercial uses are vastly different, and the level required will depend on the use. That said, it is still recommended that the flooring between the commercial and residential be conditioned to achieve a minimum airborne sound insulation value, in order to protect the residents above.

Additionally the report has made reference to the noise levels that new plant and machinery will need to achieve, in line with the councils standard condition. It is recommend this still be conditioned in order to ensure the new plant installed meets the standards outlined in the acoustic report. It is also recommend that any plant and machinery be installed on anti-vibration mounting in order to ensure there is no structural transmission of noise and vibration to proposed residents.

Further, I would suggest that the times the commercial unit is open to the public should also be conditioned, along with the times for deliveries and collections so as to ensure any impact to residents is kept to reasonable hours.

Recommendation: Approve with conditions

- 1) Glazing and ventilation installed within the build shall achieve as a minimum the requirements laid out in the Acoustic Report by Wardell Armstrong, dated March 2020, job reference BM11580.
- 2) The noise rating level (L_{Ar},T_r) of plant and machinery within the build shall be at least 5dB below the background noise level (L_{A90},T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.
- 3) Before any plant and / or machinery is used on the premises, it shall be mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

4) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that any sound attenuation measures between commercial and residential are effective and achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB). Post completion testing shall be required to show this has been achieved. This shall be submitted to the LPA and approved in writing.

5) No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours:

07:00 - 18:00 Hours Monday - Friday,

09:00 - 13:00 Hours, Saturday,

No work permitted on Sundays or Bank/Public Holidays.

6) The proposed commercial/ retail unit shall only be open to the public between the hours of 07:00 to 23:00.

Environmental Health - Contaminated Land

I have read the desktop study undertaken by Wardell Armstrong, ref BM11580, dated February 2020 and submitted as part of the application.

I agree that from their findings, and based on the previous nearby garage and electrical substation it will be necessary to undertake an intrusive investigation after the site has been cleared, but prior to any new development. It is therefore recommended that this is conditioned, along with a precautionary discovery strategy.

Recommendation: Approve with conditions

1) The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the desktop study undertaken by Wardell Armstrong, ref BM11580, dated February 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) 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.

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.

MID SUSSEX DISTRICT COUNCIL

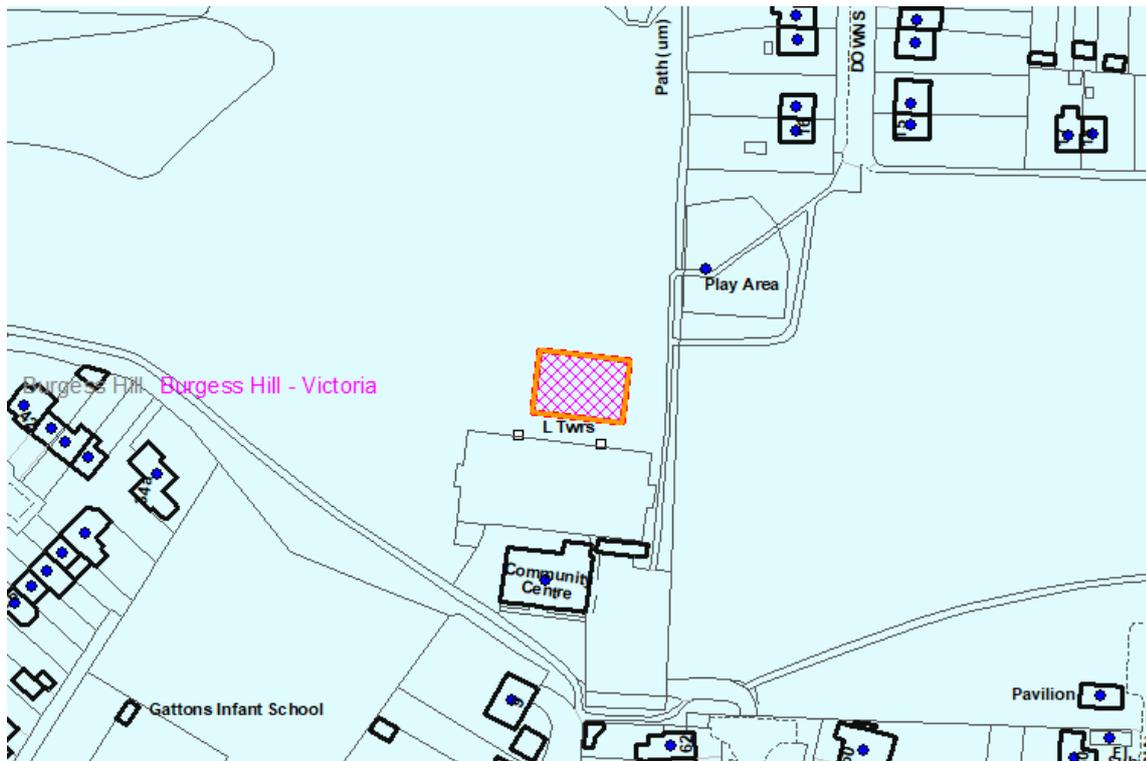
Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/4096



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FAIRFIELD RECREATION GROUND FAIRFIELD ROAD BURGESS HILL WEST SUSSEX CONSTRUCTION OF PETANQUE RINK AND TWO BENCHES. MR STEVEN CRIDLANDS

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone /

ODPM CODE: Minor Other

8 WEEK DATE: 25th January 2021

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 construction of a petanque court and two benches at Fairfield Recreation Ground, Fairfield Road, Burgess Hill.

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

The proposed petanque court and benches are of a design, size and scale which is in proportion and appropriate to the use of the recreation ground. Its positioning within the site would be seen in context with the multi-use games area (MUGA) and would be in keeping with the character of the area. In addition, the proposal would not cause significant harm to the amenities of nearby residential properties.

The proposed development is considered to comply with the requirements of policies DP24 and DP26 of the Mid Sussex District Plan, policy LR3 of the Burgess Hill Neighbourhood Plan, and the relevant provisions of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Leisure

Supportive of proposal.

BURGESS HILL TOWN COUNCIL

Recommend Approval.

INTRODUCTION

Planning permission is sought for the construction of a petanque court and two benches within Fairfield Recreation Ground, Burgess Hill.

The application has been referred to Committee because the site is on land owned by the District Council.

Relevant Planning History

BH/258/97 - Enlargement of existing floodlit play area to provide new multi-use area and floodlighting. Approved.

SITE AND SURROUNDINGS

Fairfield Recreation Ground is sited within the built up area of Burgess Hill and surrounded by residential properties. On the boundaries with the recreation ground to the north, south and west are trees and vegetation.

The recreation ground is relatively level and has footpaths through the site as well as a children's play area, a multi-use games area enclosed by wire mesh fencing, a single storey community centre and car park and a pavilion.

The petanque court is to be sited to the north of the existing multi-use games area (MUGA) set within Fairfield Recreation Ground near to the existing Fairfield Community Centre and car park.

APPLICATION DETAILS

The petanque court is to measure 22 metres by 18 metres. The court is to be 7 inches deep and filled with MOT type 2 and surface dressed with fine grit. The court would be surrounded by concrete kerb stones / sleepers. A French drain is to be dug around the perimeter and filled with shingle.

To the west of the proposed court are to be two benches on a concrete foundation.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Relevant policies:

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

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:

LR3 - Protect and Improve Existing Leisure and Recreations Facilities

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

ASSESSMENT

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) of the Planning and Compulsory Purchase Act 2004 provides:

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

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

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

Policy DP24 of the Mid Sussex District Plan supports new and enhanced leisure and cultural activities and facilities. This 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.'*

In addition Policy LR3 of the Neighbourhood Plan relates to protecting and enhancing existing leisure and recreational facilities. The Fairfield Recreation Ground has been identified as important by the local community and one of the facilities listed within this policy. It states in part:

'The existing formal leisure and recreational facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones. Proposals for the loss of leisure and recreational facilities will be resisted unless either they are supported by an assessment that demonstrates the facilities are no longer needed or they are to be replaced by equivalent or better alternative provision in a location supported by the local community.'

It is considered that the construction of a petanque court and two benches would support the existing leisure use and enhance it by the formation of a new facility within the recreation ground.

The proposal is considered to be in accordance with policy DP24 of the Mid Sussex District Plan and Policy LR3 of the Neighbourhood Plan and is thus acceptable in principle.

Character and Design

Policy DP26 of the Mid Sussex District Plan states:

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

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

The proposal is considered to be of a design, size and scale which is in proportion and appropriate to the character of the site. The petanque court is to be seen in context with the adjacent MUGA set to the south. Whilst the proposal would be visible within the recreation ground it will not be seen from wider views. Due to its surfacing and not being enclosed it is considered that the proposal would be in keeping with the character of the use of the recreation ground.

It is therefore considered that the proposal would not have an adverse impact on the character of the site, or the area generally and thereby complies with Policy DP26 of the District Plan.

Impact on the amenities of neighbouring properties

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*'.

The proposal is to be sited to the north of the existing MUGA, Fairfield Community Centre and car park set within the recreation ground. As such, the proposal is to be set away from the southern boundary the nearby residential properties which adjoin the recreation ground to the south. In addition, due to the size of the recreation

ground the petanque court is to be set some 86 meters from the rear boundary of properties to the north of the recreation ground. Due to the use of the recreation ground and the separation distance to the nearby residential properties, it is not considered that the proposal would harm the amenities of neighbouring properties to any significant degree.

The proposal thereby complies with policy DP26 of the District Plan.

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 proposal would improve the existing community and leisure facility of the recreation ground. The proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP24 and DP26 of the Mid Sussex District Plan, policy LR3 of the Burgess Hill Neighbourhood Plan and the relevant provisions of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

INFORMATIVES

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

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

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

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

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	-	-	18.11.2020
Block Plan	-	-	18.11.2020
Other	Bench details		09.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

MSDC Leisure

The project has been developed in partnership with the Council's Waste, Leisure and Landscapes team to meet local demand and we are fully supportive of this proposal. It will provide additional recreational facilities which will be fully accessible and available for community use.

MID SUSSEX DISTRICT COUNCIL

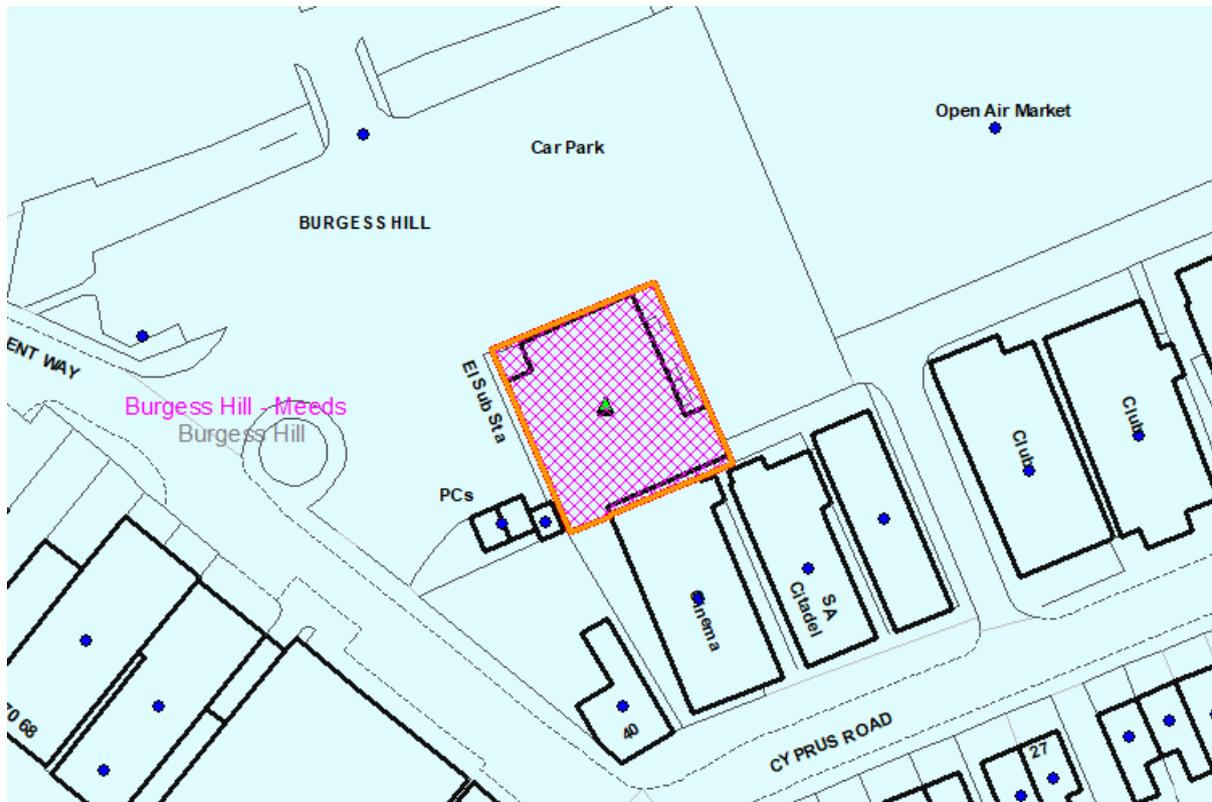
Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/2740



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THE EMPEROR RESTAURANT 1 CYPRUS ROAD BURGESS HILL WEST SUSSEX

PROPOSED AMENDMENT TO APPLICATION DM/17/4575 TO REDISTRIBUTE PROPORTION OF COMMERCIAL SPACE WHILST RETAINING 10 FLATS.

MR D MARTIN

POLICY: Brownfield Land / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 25th January 2021

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the proposed amendment to application DM/17/4575 to redistribute proportion of commercial space whilst retaining 10 flats.

DM/17/4575 granted planning permission on the 20th July 2018 for:

'Demolition of existing restaurant and ancillary staff accommodation. Creation of 10 new flats with a new restaurant and retail space on the ground floor. (Amended plans 05/04/2018 reducing number of units at third floor)'.

The main changes proposed to that permission include providing commercial space on the first floor and reconfiguring the layout of the flats on the 3 floors in order to still provide 10 flats, although now all 2 bedroom instead of two flats which were previously 3 bedroom. Externally the only change is a slight enlargement of the east and west facing dormer windows and two additional windows to the southern elevation.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies in the built up area of Burgess Hill, the proposal will maintain the commercial use of the ground floor with a net additional increase in 10 residential units on the three floors above. The proposal is considered to be sensitive 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.

The proposal would provide a mixed use scheme of residential and commercial,

while also providing contributions towards community facilities, while supporting the regeneration of Burgess Hill Town centre.

It is considered that the proposed development 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.

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

A New Homes Bonus would be received.

The application is thereby considered to comply with policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP39 and DP41 of the District Plan, policy TC1 of the Burgess Hill Neighbourhood Plan and the broader requirements of the NPPF.

RECOMMENDATION

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

Recommendation B: It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure requirements by the 21st March 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 DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTATIONS

WSSC Highways

No objection.

WSSC S106 Contributions

Contributions required:

Education - Primary: £12,590
Education - Secondary: £13,551
Education - 6th Form: £3,174
Libraries: £3,163
TAD: £13,756

MSDC Drainage

No objection subject to conditions

MSDC Environmental Protection Officer

No objection to this application, subject to the conditions.

MSDC Contaminated Land Officer

No objections subject to conditions.

MSDC Environmental Health Officer

Advice on minimum standards required.

WSCC Flood Risk Management

No Objection

WSCC Minerals and Waste

No Objection

Urban Designer

No objections

MSDC Community Leisure Officer

Contributions required:

Formal Sports: £16,606
Community Buildings £5,928

MSDC Street Naming and Numbering Officer

Recommend Informative.

Water and Access Manager

Any areas not within 45 metres distance of fire appliances will need to be mitigated by fitting domestic sprinklers.

TOWN COUNCIL OBSERVATIONS

Any Section 106 monies should go towards Community Infrastructure.

INTRODUCTION

Planning permission is sought for the proposed amendment to application DM/17/4575 to redistribute proportion of commercial space whilst retaining 10 flats at 1 Cyprus Road, Burgess Hill.

RELEVANT PLANNING HISTORY

05/01704/COU: Change of Use from Class D2 Assembly and Leisure to mixed use comprising: D2 (Assembly and Leisure), A3 (Restaurant) and A4 (Bar). REFUSED

05/01825/FUL: Change of use to restaurant and windows in south elevation. PERMISSION

05/02502/COU: Change of use of 1st floor office to staff accommodation. PERMISSION

05/02503/COU: Supplementary A5 use (take-away) as well as approved restaurant use, and change of operating hours to 12pm - 11:30 pm Sunday to Thursdays and 12 pm to midnight Friday to Saturdays. PERMISSION

BH/200/87: Proposed new shop front. PERMISSION

DM/17/4575: Demolition of the existing restaurant and ancillary staff accommodation. Creation of 10 new flats with a new restaurant and retail space on the ground floor. PERMISSION

DM/20/1181: Discharge of conditions 3, 4, 5, 6, 7/8, 9, 10, 15 and 18 in relation to DM/17/4575. PERMISSION

SITE AND SURROUNDINGS

The application site comprises of a large single storey restaurant (The Emperor Chinese), with a small first floor addition used for staff accommodation. The site is located within the Cyprus Road Car Park, which surrounds the building on three sides with the Orion cinema to the south eastern (rear) elevation. The building share the Cyprus Road car park access off Crescent Way.

The existing building has been constructed of facing brickwork, with a flat roof, and contains a glazed entrance canopy and a mono pitched front addition. At first floor, the staff accommodation is constructed of timber clad walls and a flat roof.

In terms of planning policy the site falls within the built up area of Burgess Hill as defined by the District and Neighbourhood Plans.

APPLICATION DETAILS

The existing building to be demolished measures a maximum of 24.4 metres in depth, by a maximum of 22 metres in width, with a maximum height of 8.4 metres.

Planning permission was previously granted for a replacement building consisting of commercial on the ground floor and residential above under application DM/17/4575. However this application seeks to change the internal layout to include commercial at ground and first floors.

The proposed replacement building would measure a maximum of 21.7 metres in depth, by a maximum of 21.2 metres in width, with an eaves height of 9 metres and an overall height of 11.3 metres. At ground floor the proposal would form:

- 157metres square retail unit
- 138 metres squared retail unit
- Commercial bin store
- Residential bin store
- Residential bike store; and
- Residential access.

At first floor the proposal would form:

- 1x2 bedroom flat with an internal floor area of 71 square metres
- 1x2 bedroom flat with an internal floor area of 77 square metres; and
- 156 square metres of commercial floor space

At second floor the proposal would form:

- 1x2 bedroom flat with an internal floor area of 71 square metres
- 1x2 bedroom flat with an internal floor area of 75 square metres; and
- 2x2 bedroom flats with an internal floor area of 77 square metres.

At third floor the proposal would form:

- 1x2 bedroom flat with an internal floor area of 63 square metres
- 1x2 bedroom flat with an internal floor area of 67 square metres; and
- 2x2 bedroom flats with an internal floor area of 77 square metres.

The proposed building has been shown to be constructed of facing brickwork walls, with corbelled and perforated brick detailing, grey aluminium framed windows, and zinc standing seam roof and bike/bin store.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP1: Sustainable Economic Development

DP2: Town Centre Development

DP4 - Housing

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP27- Dwelling Space Standards
DP39 - Sustainable design and construction.
DP41 - Flood Risk and Drainage

Neighbourhood Plan

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

Relevant policies:

Policy TC1: The civic and cultural quarter:

"This Quarter is focused on the Cyprus Road car park area with links through to Church Walk. Development that provides new, high quality and accessible community resources such as a new library, arts centre/theatre, civic offices and police station will be supported. Any development proposals will be required to provide public realm space including green areas, seating and outdoor space to create a focus for the community activities. New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained."

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Technical Housing Standards

The Council has adopted 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 was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

ASSESSMENT

The main issues for consideration are:

- the principle of the development:

- the impact to the character of the area;
- District Plan spatial strategy
- the impact to the amenities of surrounding occupiers,
- access and parking;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest;
- Other material considerations; and
- Planning Balance and Conclusion.

Principle of development

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

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

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

- 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 is up to date 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:

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

In addition Policy TC1 of the 'made' Burgess Hill Neighbourhood Plan states in part:

'New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained.'

Details of the community facilities provision is contained within the Infrastructure of this report.

Furthermore, DP1 of the District Plan states effective use of employment land will be made by:

'Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;'

While DP2 goes on to state:

'Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- *is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- *has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.'*

Impact to the character of the area

The application site is located within the built up area boundary of Burgess Hill and is surrounded on three sides by the Cyprus Road carpark. The existing building to be demolished is not considered to be of any particular merit, being of flat roofed design, with signs of additions and alterations that are not considered to add any interest to the building. Therefore, the demolition of the building would not be resisted.

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

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

Council's Design Guide was adopted on the 4th November 2020 and thus 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. Within the Design Guide there is support high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place 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.

The Council's Urban Designer has been consulted on this application and following some revisions to the plans has raised no objections to the proposal. Full details of these comments are available to view within Appendix B.

The proposed replacement building is larger than the existing building it is to replace, however, it is considered to be in-keeping with the surrounding dwellings, including the Orion Cinema to the south east elevation, which is higher than the proposal, while also being a significant improvement over the design of the existing building it

is to replace. As such the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the wider street scene.

In addition the proposal is very similar to the extant approved scheme DM/17/4575. The proposal thereby complies with policy DP26 of the District Plan and the requirements of the Mid Sussex Design Guide SPD.

District Plan Spatial Strategy

The NPPF sets out the principles of sustainable development. The District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy at DP6 of the District Plan. Burgess Hill is designated as a Category 1 settlement which is a settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements benefit from good public transport provision and will act as a main service centre for the smaller settlements within the District.

The application site is thus, in principle, a suitable and sustainable location for a mixed residential and commercial development.

Neighbouring Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'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'*.

A similar ethos to DP26 is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

As the site is surrounded on three sides by the existing car park and backing onto the Orion cinema, it is considered that the proposal would not cause a significant detrimental impact in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

In regards to noise the application has been submitted with a noise survey and assessment, the Councils Environmental Protection Officer has raised no objections to the proposal subject to conditions on construction hours, odour, plant and machinery, internal and external soundproofing, hours of opening and deliveries. Your planning officer does not disagree with this assessment, as such subject to this conditions, the proposal is not considered to result in significant harm to the neighbouring amenities and is thereby considered to comply with the above mentioned policy.

Access and Parking

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and

pedestrians, and seeks to provide adequate parking in relation to development proposals.

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.'

It is proposed that the proposal will use the existing vehicular access, which is shared with the Cyprus Road carpark. The proposal is not providing any off road parking provision, however 24 cycle spaces would be provided in the cycle store. In addition the site is only 0.3 miles from Burgess Hill railway station, together with a bus network within the town centre.

The Highways Authority has considered the application and raised no highway objection. They consider that *" The proposal appears to be for a reduction in the level of A3 restaurant space (this is not entirely clear in the new application). However, the change is minor the number of flats is to remain the same therefore the proposal is unlikely to have any impact on the public highway."*

As such it is considered that the development would not cause a 'severe' residual impact on the nearby road network and would therefore not be contrary to the National Planning Policy Framework. This is particularly the case given the existing planning permission for a very similar development.

Consequently the proposal is considered acceptable on highway safety and transport grounds, and complies with policy DP21 of the District Plan.

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 units would meet the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of each of the units proposed.

The Urban Designer has raised concerns over the windows, however all habitable rooms would have windows and rooflights as such this is considered acceptable for future occupiers.

Sustainability

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.'*

While DP39 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'*

A Sustainability Statement has been submitted with the application. It states that the proposal will achieve a thermal performance in excess on Part L1A 2013 guidelines, with potential for photovoltaics, solar hot water and air source heat pump, achieve 10% improvement of the dwelling emissions rate, high efficient class 5 boilers, efficient appliances installed, locally sourced building materials where possible, recycling facilities, water efficient taps, shower heads, dual flush toilets and low water use appliances.

In addition, the development is situated in a sustainable location close to the town centre as well as a bus stop.

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

Drainage

Policy DP41 of the Mid Sussex District Plan states:

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

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

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

- *For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*
- *SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

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

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

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

The MSDC Drainage Officer has raised no objections to the proposal subject to conditions. The planning officer does not disagree with these comments and therefore the proposal is deemed to comply with the above mentioned policies.

Ashdown Forest

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

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

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

Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in 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.

Infrastructure Contributions

Contributions are requested in accordance with the councils adopted Supplementary Planning Document "Development and Infrastructure" and are requested in accordance with Policy DP20 of the District Plan and the NPPF.

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are set out as follows:

Formal Sport: £10,336 (improvements towards pitch drainage at Fairfield Recreation Ground)

Playspace: £9,025 (improvements at Queens Crescent)

Kickabout: £7,581 (improvements at Queens Crescent)

Community Buildings £5,982 (Sydney West Community Centre)

Local Community £6,730 (towards CCTV at St Johns Park)

Education Primary: £ 12,590 (to be used towards additional equipment at Manor Field Primary School)

Education Secondary: £ 13,551 (to be used towards additional equipment at St Pauls Catholic College)

Education Sixth Form: £ 3,174 (to be used towards additional equipment at St Pauls Catholic College sixth-form department)

In accordance with the Recommendation it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

Planning Balance and Conclusion

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies in the built up area of Burgess Hill, the proposal will maintain the commercial use of the ground floor with a net additional increase in 10 residential units on the three floors above. The proposal is considered to be sensitive 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.

The proposal would provide a mixed use scheme of residential and commercial, while also providing contributions towards community facilities, while supporting the regeneration of Burgess Hill Town centre.

It is considered that the proposed development 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 employment in the commercial units.

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

The application is thereby considered to comply with policies DP1, DP2, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP39 and DP41 of the District Plan, policy TC1 of the Burgess Hill Neighbourhood Plan and the broader requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

1. **Approved Plans**

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

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

2. The 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.

3. The development shall be carried out in accordance with the approved materials and finishes as approved under reference DM/20/1181 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. The development shall be carried out in accordance with the design of the roof and roof structures with a section drawing of the roof supplied to show the skylights, lift overrun, plant and any other roof structure as approved under reference DM/20/1181 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. The development shall be carried out in accordance with the detailed 1:20 section and elevation drawings of the eaves and rainwater hopper / downpipe of one of the northern corners of the proposed building as approved under reference DM/20/1181 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.

6. The development shall be carried out in accordance with the detailed 1:20 section and elevation drawings of the brick pattering detail of the proposed building as approved under reference DM/20/1181 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.

7. The development shall be carried out in accordance with the Phase 1: Preliminary Risk Assessment (dated 29th

January 2020, reference: GPS-2020-1673-1 Final.) as approved under reference DM/20/1181 unless otherwise agreed with the Local Planning Authority.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and to accord with Policy DP29 of the District Plan.

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

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and to accord with Policy DP29 of the District Plan.

9. The development shall be carried out in accordance with the Construction Environment Management Plan as approved under reference DM/20/1181 unless otherwise agreed with the Local Planning Authority.

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

10. 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 and to comply with Policy DP26 of the District Plan.

11. Odour: The development hereby permitted shall not be brought into use as a Class A3 establishment until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with best practice eg the principles of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and shall include a Risk Assessment for Odour eg Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: To protect the amenity of local residents and to comply with Policies DP26 and DP29 of the District Plan.

12. Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (eg extract fans, condenser units etc) shall be no higher than 46 dBA Leq during the daytime hours (07:00 - 23:00) and 27dBA Leq

during night time (23:00 - 07:00) when measured in at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

13. Soundproofing (internal): The development hereby permitted shall not be brought into use as a Class A/business establishment until a soundproofing scheme, for the protection of the residential unit/s above the commercial use has been implemented and post installation testing documentation has been submitted and approved in writing by the LPA. The testing shall demonstrate that the Floors between the ground floor units and the first floor residential units achieve a sound insulation value of 5dB better than Building Regulations Approved Document E - resistance to the passage of sound performance standard (i.e. a minimum of 50 DnT,w + Ctr dB for airborne sound insulation) for purpose built dwelling-houses and flats (Table 0.1a).

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

14. Soundproofing (external): No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

15. Opening Hours: The business shall not operate outside of the following hours:

Mon to Thurs - 07:30 to 00:00 hrs
Fri and Sat - 07:30 to 01:00 hrs
Sunday - 09:00 to 00:00 hrs

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.

16. Deliveries and collections: No deliveries or collections of commercial goods or waste outside the following hours:
- Mon to Fri 07:00 to 19:00 hours
Sat 08:00 to 13:00 hours
- Reason: To protect the amenity of local residents and to comply with Policy DP26 of the District Plan.
17. 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 DP41 of the District Plan (2014 - 2031).
18. 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.
19. The residential and commercial units hereby permitted shall not be occupied until provision for bin and recycling storage has been made within the site in accordance with the approved plans unless otherwise agreed in writing by the local planning authority. Such provision shall thereafter be retained permanently.
- Reason: In the interests of sustainability and visual amenity and to accord Policy DP26 of the District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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
Proposed Floor Plans	D.001		20.11.2020
Proposed Floor Plans	D.02		20.11.2020
Proposed Floor Plans	D.03		20.11.2020
Proposed Floor Plans	D.04		20.11.2020
Proposed Roof Plan	D.05		20.11.2020
Sections	D.010		26.10.2020
Proposed Elevations	D.006		04.08.2020
Proposed Elevations	D.007		04.08.2020
Proposed Elevations	D.08		04.08.2020
Proposed Elevations	D.09		04.08.2020
Location and Block Plan	A.001		04.08.2020
Existing Floor Plans	LPS2076-2		28.07.2020
Existing Floor Plans	LPS2076-3		28.07.2020
Existing Elevations	LPS2076-4		28.07.2020
Existing Elevations	LPS2076-5		28.07.2020
Street Scene	LPS2076-6		28.07.2020
Street Scene	LPS2076-7		28.07.2020
Topographical Survey	LPS2076-1		28.07.2020

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

The Committee reiterated their previous comments from 2018.

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 follow:

Any Section 106 monies should go towards Community Infrastructure.

WSCC Highways

The proposal appears to be for a reduction in the level of A3 restaurant space (this is not entirely clear in the new application). However, the change is minor the number of flats is to remain the same therefore the proposal is unlikely to have any impact on the public highway.

WSCC S106 Contributions

Summary of Contributions

Education			
School Planning Area	Burgess Hill		
Population Adjustment	19.0		
	Primary	Secondary	6th Form
Child Product	0.0950	0.0950	0.0513
Total Places Required	0.6650	0.4750	0.1026
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£3,163		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	19.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	10		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	19.0		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£12,590
Education - Secondary	£13,551
Education - 6 th Form	£3,174
Libraries	£3,163
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£13,756
Total Contribution	£46,235

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 10 net dwellings.

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 Manor Field Primary 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 Sixth Form.

The contributions generated by this proposal shall be spent on 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.

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

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 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.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2020/2021 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

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

Comments 23rd October 2020:

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has no objection to the above proposed development in respect of surface water drainage.

Comments 2nd October 2020:

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.

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 near to the site's boundaries.

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 surface water flooding within the site? No

Comments:

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

Future development - Sustainable Drainage Systems (SuDS)

As per DM/17/4575, no FRA or Drainage Strategy has been included with this application. The application form states that a 'Main Sewer' will be used to dispose of the site's surface water.

There is not enough information contained within this application to comment further. Further information is required to help clarify as to whether Defra's Non Statutory Technical Standards for Sustainable Drainage Systems will be met.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

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

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.

MSDC Drainage

With regards to the above application we would request that the same drainage condition is placed on this application as the previous DM/17/4575 application.

We would advise that a discharge of conditions application for the drainage condition would need to be submitted based on any approved updated plans for this development.

MSDC Environmental Protection Officer

DM.20.2740 Proposed Amendment to DM.17.4575 The Emperor Restaurant, 1 Cyprus Road, BH

Planning Officer: Joe Swift

Consultee: Environmental Protection

Response: Conditions recommended

This application has the potential to negatively impact the residential amenity of the future residents of the flats, due to noise and possibly odour, most likely from the following sources:

Noise from kitchen extract fan

Odour from kitchen extract fan

Noise from condenser/refrigeration unit

Noise from customers and car park users

Noise from waste bins being filled/emptied

Noise from commercial unit eg kitchen staff preparing food and clearing down at end of shift, stock being moved in storage area, bottling out, equipment/machinery being used etc

The applicants have submitted an acoustic report which recommends standard double glazing as being sufficient to protect residents from external noise but relies on the windows being closed in order to afford sufficient protection during the night time period due to the high levels of noise at this time. As a result of this the flats will require alternative means of ventilation (see recommended condition below) in order to avoid residents being forced to choose between being kept awake by noise or overheating. The report recommends a

number of alternatives, in my opinion MEV or MVHR systems will be required in order to provide adequate ventilation/cooling.

Regarding noise from the commercial unit/kitchen and preparation area affecting the flat above given the late hours applied for, Building Regulations Part E covers the soundproofing of Dwelling Houses and Flats formed by material change of use as well as construction of new buildings but does not deal with the situation here where a residential flat requires protection from potentially noisy commercial premises. I therefore recommend that a soundproofing condition be imposed in order to protect the residents, should this development receive approval (see soundproofing condition below).

I feel that areas where there is an interface between commercial and residential property will always present a difficult challenge in trying to find a balance between encouraging local business, with its attendant social and economic benefits, and protecting the quality of life of nearby residents

In the event that planning permission is granted, I would recommend that the following conditions are applied:

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

Odour: The development hereby permitted shall not be brought into use as a Class A3 establishment until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with best practice eg the principles of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and shall include a Risk Assessment for Odour eg Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (eg extract fans, condenser units etc) shall be no higher than 46 dBA Leq during the daytime hours (07:00 - 23:00) and 27dBA Leq during night time (23:00 - 07:00) when measured or calculated at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Soundproofing (internal): The development hereby permitted shall not be brought into use as a Class A/business establishment until a soundproofing scheme, for the protection of the residential unit/s above the commercial use has been implemented and post installation testing documentation has been submitted and approved in writing by the LPA. The testing shall demonstrate that the Floors between the ground floor units and the first floor residential units achieve a sound insulation value of 5dB better than Building Regulations Approved Document E - resistance to the passage of sound performance standard (i.e. a minimum of

50 DnT,w + Ctr dB for airborne sound insulation) for purpose built dwelling-houses and flats (Table 0.1a).

Soundproofing (external): No development shall take place until a scheme for protecting the residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed. (NOTE - Standard double glazing will achieve the soundproofing part of this condition. The ventilation scheme will require either MEV or MVHR systems, passive ventilation will not be sufficient. The ventilation system should also comply with the noise requirements of the condition to ensure residents are not disturbed by noise from the ventilation).

Reasons for above: To safeguard the amenity of residents.

Opening Hours: The business shall not operate outside of the following hours:

Mon to Thurs - 07:30 to 00:00 hrs

Fri and Sat - 07:30 to 01:00 hrs

Sunday - 09:00 to 00:00 hrs

Deliveries and collections: No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 07:00 to 19:00 hours

Sat 08:00 to 13:00 hours

Reason: to protect the amenity of residents.

Noise Management Plan: The submitted noise management plan ref 4522_001m_1-0_ps shall be adhered to at all times. The plan shall be reviewed for suitability following the receipt of any noise complaint and any changes must be submitted to the LPA for approval in writing.

Urban Designer Comments

16.11.2020:

I will leave the assessment of the internal space to you as it is more of a DM issue.

When looked at in the round the double dormers do not justify an objection on this ground alone. Nevertheless, the dormers serving the bedrooms are inconsistently drawn in elevation and plan; as the latter suggests more solid face.

19.10.2020:

I feel they are squeezing in too much.

The top floor flats are constrained and the limited number of proper windows provides a poor outlook and cell-like internal environment. Unlike the DM/17/4575 drawing the 3rd floor plan does not clearly show the relationship of the roof and dormers that represents these

constraints more graphically. I consequently question the amount of usable space (section drawings would also be helpful).

I am also unhappy as I had previously negotiated single dormer windows in the last conditions applications. The double arrangement on the west and east elevations has squat proportions that are at odds with these otherwise vertically proportioned facades. The elevation drawing of these dormers also does not accommodate the clumsy internal dividing wall that will be necessary.

MSDC Street Naming and Numbering Officer

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.

Environmental Health Officer

I have been informed that you have applied for planning permission to carry out alterations to the above mentioned premises. I have examined your plans with respect to Housing Standards. Based on the plans submitted the following comments are made with specific reference to compliance with Housing Standards legislation. Please note that this may differ from planning legislation, but respective minimum standards must be followed.

I have attached the HMO Housing standard for Mid Sussex & Sussex wide authorities for your attention in relation to bedsit rooms and standards that are required.

Description:

Proposed amendment to application 17/4575 Redistribute proportion of commercial space whilst retaining 10 flats.

Comments:

Rooms sizes

Single bedroom: minimum size 6.5 square metres

Double bedroom minimum size 10 square metres

Please note specific requirements in the Technical Housing Standards - Nationally described space standard used by Planning Departments.

Means of escape

Means of escape in case of fire. 30 Minute fire doors to kitchen and living areas Suitable interlinked fire alarm systems installed in kitchens and living areas and hallways of all flats. The exit for the Ground Floor bedsit is past a high risk kitchen area.

Heating :

The system shall be capable of maintaining the following internal temperatures when the external temperature is -1degrees C
Living room and dining room 21degrees C
Bathroom 22degrees C
Elsewhere 18degrees C

All storage heaters shall have automatic charge control and thermostatically controlled damper outlet. Living rooms to be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.

Gas Central heating systems should satisfy the design and installation requirements of British Standard 5449: 1990 in accordance with Part L of the current Building Regulations (as amended).

Ventilation

All kitchen/living areas must be provided with open-able windows of a suitable size to ensure sufficient ventilation without causing excessive draughts.

Lighting

Provision of adequate natural lighting via windows to kitchen, bedroom and living rooms to provide adequate natural lighting. BS8206 Code of practice Parts 1 & 2. Also BRE guidance on Natural Lighting.

Contaminated Land Officer Comments

I have no comment to make with regards to the proposed application provided condition 9 of application DM/17/4575 remains in place.

Community Facilities Project Officer

Thank you for the opportunity to comment on the proposed amendment to application DM/17/4575 to redistribute proportion of commercial space whilst retaining 10 flats.

Although the housing mix has not changed, the Council adopted a new Development and Infrastructure Supplementary Planning Document in July 2018, and on this basis the following financial contributions would be required.

CHILDRENS PLAYING SPACE

Queens Crescent, owned and managed by the Council, is the nearest locally equipped play area approximately 380m from the development site. This facility will face increased demand from the new development and a contribution of £16,606 is required to make improvements to play equipment (£9,025) and kickabout provision (£7,581). 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 £10,336 is required toward improvements to the football pitch and ancillary facilities at Fairfield Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case

of this development, a financial contribution of £5,928 is required to make improvements to the Sydney West 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.

Water Access Manager

Having viewed the plans for the planning application no. DM/20/2740, evidence will be required that all areas of all domestic flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition para 13.1 (page 97); all points inside each dwelling is to be within 45 metres of a fire appliance. This is due to the minimum length of firefighting hose connected to the appliance used to fight fires.

Any areas not within the 45 metre distance will need to be mitigated by the fitting of domestic sprinklers.

WSCC Waste and Minerals

The MWPA would offer No Objection on the application as per subject line of this email.

We would not expect to be consulted on applications of this type as it is within brownfield land within the built up area.

There are no identified minerals or waste infrastructure located within close proximity of the proposed development area.

I would be grateful if this response could be distributed to the allocated case officer.

MID SUSSEX DISTRICT COUNCIL

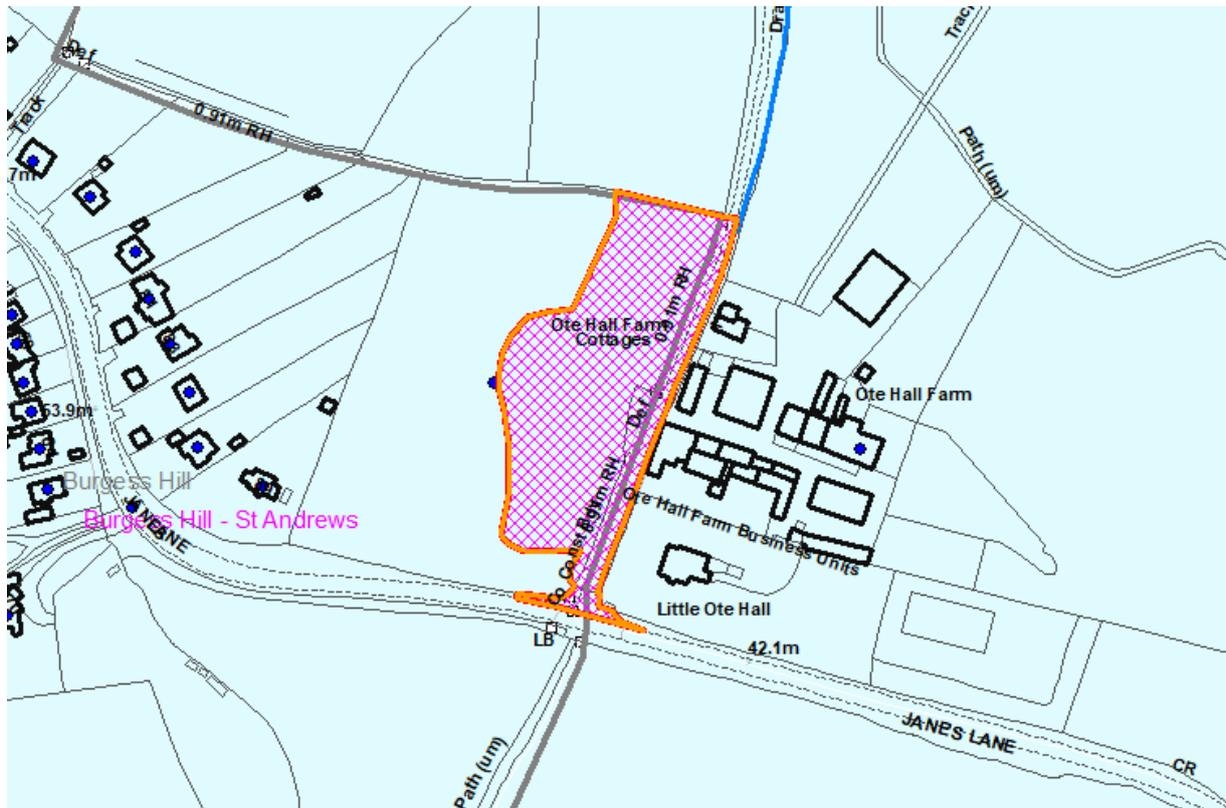
Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/3780



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OTE HALL FARM JANES LANE BURGESS HILL WEST SUSSEX ERECTION OF FARM SHOP AND CAFÉ/TEA ROOM BUILDING AND CAR PARK.

OTE HALL FARM

POLICY: Area of Special Control of Adverts / Countryside Area of Dev.
Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding
(CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Other

8 WEEK DATE: 22nd January 2021

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Joseph Swift

This application seeks a planning permission for the erection of a farm shop and café/tea room buildings and car park at Ote Hall Farm, Janes Lane, Burgess Hill.

It has been set out within the applicants planning statement that the proposed farm shop would sell high-quality, artisan products and will include a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station. In addition 20 per cent of the produce will be produced on the farm, 30 per cent will be produced locally (30 miles), 30 per cent will be regionally produced (60 miles) and 20 percent will be nationally produced.

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

National planning policy states that planning should be genuinely plan led. The District Plan is up to date and the Council is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

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 application site is designated within the Mid Sussex District Plan as being within the Countryside and subject to policy DP12. This policy requires that there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. DP12 states that 'development will be permitted in the countryside, provided it maintains or where possible enhances the quality of the rural and landscape character of the District.' At the national level the aim of protecting the character of an area is found in the NPPF at para 170 where it states that planning policies and decisions should recognise 'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits'.

The proposed retail and coffee shop development is not one of those development types that can be considered as an exception to the policy of restraint within DP12 i.e. it is not for the purpose of agriculture or fully supported by a specific policy elsewhere in the development plan. There is thus conflict with DP12 in this respect.

In respect of landscape effects, owing to the application site being located between

dwelling off Janes Lane to the east and the existing agricultural building to the west it is considered that this is more of an infill plot that would not extend built development into the wider countryside. It is considered that the rural character of the area would be maintained.

Policy DP1 of the District Plan allows for small-scale economic development within the countryside, including tourism (in accordance with the Development in the Countryside policies). A similar ethos is found within DP14 of the Mid Sussex District Plan which supports new small scale development in the countryside, provided it supports sustainable growth and the vitality of the rural economy, where possible utilises previously developed land, is of a scale consistent with the farm holding and would not prejudice the agricultural use.

In respect of DP14, due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale and as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm. The proposal would not, however, prejudice the agricultural use of the unit and would support the rural economy. The proposal is therefore not considered to be fully compliant with Policy DP14 of development plan.

At the national level Para 83 of the NPPF seeks to support a prosperous rural economy whilst Para 84 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

The site lies within the setting of the grade 1 listed Great Ote Hall. In this case it is considered that less than substantial harm will occur to this designated heritage asset.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development 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 securing its optimum viable use.

The less than substantial harm derives from the fact that the proposal will be extending into an undeveloped field that contributes to the rural approach to Great Ote Hall a grade I Listed Building. The Conservation Officer has confirmed that they considered the harm is towards the low- to mid range of the scale of 'less than substantial'.

Within the planning statement it sets out that the proposal is anticipated to create 25 full time jobs, it will improve access to the grounds of Great Ote Hall, a 'Godman Foundation' will be set up promoting education, training and mentoring of young people, including those with learning difficulties, by setting aside a percentage of the

profits from this new business, the proposal will also be used for local community events.

In addition the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside. The proposal subject to appropriate conditions is also deemed acceptable in regards to neighbours amenities, highways, flood risk and drainage, the Ashdown Forest SPA and SAC and land contamination.

Therefore, taking all the points in this report into account it is considered that whilst there is some conflict with elements of the the Development Plan there are also significant benefits and on balance it is considered that the development can be supported.

It is considered that the public benefits of the proposal outweigh the less than substantial harm to the setting of the Listed Building.

The application is thereby considered to comply with policies DP12, DP17, DP21, DP26, DP34 and DP41 of the District Plan, Planning (Listed Building and Conservation Areas) Act 1990, The Mid Sussex Design and the requirements of the NPPF.

RECOMMENDATION

Recommendation A: It is recommended that planning permission be approved subject to the conditions set in Appendix A.

CONSULTATION RESPONSES

ESCC Highways: No objections subject to conditions

Contaminated Land Officer: No objections

WSSC Highways: No Objections

Conservation Officer: Less than substantial harm

WSSC Fire and Rescue: Hydrant condition

Environmental Protection: Recommended conditions

Drainage Officer: No objections subject to conditions

WSSC Minerals and Waste: No Objection

Historic England: Council will need to weigh these benefits against the low degree of harm caused to the Grade I hall.

Street Naming and Numbering Officer: Info 29

Lewes District Council No Comments received

INTRODUCTION

This application seeks a planning permission for the erection of a farm shop and café/tea room buildings and car park at Ote Hall Farm, Janes Lane, Burgess Hill.

REPRESENTATION

54 Third party letters of representation have been received in support of the application for the following reasons:

- Preserve heritage for future generations
- Sympathetic to countryside
- Support local business
- Reduce food miles
- On route of a number of healthy walks
- High quality local produce
- Public benefits of visitors
- Support Ote Hall Farm
- Employment
- Additional amenities
- Good design
- Local hub for community

One third party letter of representation has been received neither supporting or objecting to the proposal and states:

- Would support if bridal way is provided.

RELEVANT PLANNING HISTORY

None

SITE AND ITS SURROUNDINGS

The application site is located to the north eastern side of Burgess Hill, the site is currently an undeveloped field to the northern (side) of Janes Lane, with the access road, serving the Ote Hall Farm Business Units, Great Ote Hall, Garage Cottages, No1 and 2 Garden Cottages and Walled Garden Lodge to the eastern (side) boundary, with agricultural land to the northern boundary and with the agricultural field backing onto the rear and side gardens of Nos 89, 87, 85 and 83 Janes Lane to the west.

The boundary with East Sussex County Council/Lewes District Council runs along the eastern (side) and northern (rear) boundaries of the application site, with the site

designated within the Mid Sussex District Plan as being within the Countryside. Great Ote Hall, to the north of the site is designated as being a Grade I Listed Building and is located within Lewes District.

APPLICATION DETAILS

This application seeks a planning permission for the erection of a farm shop and café/tea room buildings and car park at Ote Hall Farm, Janes Lane, Burgess Hill.

The proposed building would measure some 31 metres in width, with a depth of some 39.8 metres, with an eaves height of 3.5 metres and an overall height of 6.25 metres. It has been shown that the proposed building is to be constructed of timber structure columns, horizontal and vertical timber cladding walls, timber doors, with corrugated profile roofing, aluminium framed windows and roof lights.

The proposed new building will be 913 sq.m. and will comprise a retail area (350 sq.m.), tea-room area and toilets (383 sq.m.) and kitchen, cold store and delivery area (180 sq. m). There will also be a covered outdoor seating area associated with the tea-room.

The plans also show a car park to the south of the farm shop café which will provide 90. No car park spaces, of these 13 are shown allocated staff parking and 7 are accessible parking spaces. In addition 20 secure cycle spaces are to be provided.

It has been set out within the applicants planning statement that the proposed farm shop would sell high-quality, artisan products and will include a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station. In addition 20 per cent of the produce will be produced on the farm, 30 per cent will be produced locally (30 miles), 30 per cent will be regionally produced (60 miles) and 20 percent will be nationally produced.

POLICY CONTEXT

Mid Sussex District Plan 2014-2031

Adopted as part of the development plan.

DP1 Sustainable Economic Development
DP2 Town Centre Development
DP12 Protection and Enhancement of Countryside
DP14 Sustainable Rural Development and the Rural Economy
DP17 Ashdown Forest
DP21 Transport
DP26 Character and Design
DP34 Listed Buildings and Other Heritage Assets
DP41 Flood Risk and Drainage

Burgess Hill Neighbourhood Plan

However, there are no policies which are considered relevant to this application.

National Policy

The **National Planning Policy Framework** (February 2019) is a material consideration

OTHER PLANNING GUIDANCE

Mid Sussex Design Guide Supplementary Planning Document

The Council has adopted 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 was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

ASSESSMENT

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.'

Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan 2014-2031 and the Burgess Hill Neighbourhood Plan.

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.

MSDP Policy DP1 concerns the achievement of sustainable economic growth. Relevant parts state:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- *Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- *Supporting existing businesses, and allowing them room to expand;*
- *Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries;*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

Effective use of employment land and premises will be made by:

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan; '*

District Plan 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.'*

The proposed retail and coffee shop development is not one of those development types that can be considered as an exception to the policy of restraint and thus conflicts with DP12.

In this case, however, owing to the application site being between dwellings off Janes Lane to the east and the existing agricultural building to the west it is considered that this is more of an infill plot that would not extend built development into the wider countryside. The character of the area would be maintained.

Policy DP14 in part states:

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

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.*
- *diversification of activities on existing farm units will be permitted provided:*
- *they are of a scale which is consistent to the location of the farm holding; and*
- *they would not prejudice the agricultural use of a unit.'*

Paragraph 83 of the NPPF states:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Whilst Para 84 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

From the information provided and due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale. Furthermore, although the proposal would not prejudice the agricultural use of the unit, supports the rural economy and is considered to maintain the character of the countryside, as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm, the site is not previously developed land and owing to the fact that the local farm is only producing 20 per cent of the produce it is considered the farm shop is not of a scale that is consistent with the farm holding. The proposal is therefore not considered to be fully compliant with Policies DP1, DP12 and DP14 of the District Plan.

In addition DP2 in part states:

'A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

- *Applications for main town centre uses to be located in town centres; or, if suitable sites are not available*
- *In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available*
- *At accessible out of centre sites that are well connected to the town centre*

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.

Local Threshold for Retail Impact Assessments

Planning applications proposing the construction of 500m² or more gross floorspace for the sale of convenience or comparison goods outside a town centre must be accompanied by a Retail Impact Assessment in order to demonstrate that they would not have a significant adverse impact on a town centre, either on their own or cumulatively in the area.'

In this case that application site is within a rural location on the outskirts of Burgess Hill, the proposal has been submitted with a retail statement which considers that the sequential test is passed, having undertaken a site assessment. Nonetheless, it is accepted that the nature of a farm shop is that it would be located within a rural setting as it is typically located in close proximity to the farm from which produce will be sold through the farm shop. Furthermore, the farm shop element does not meet the threshold of 500 square metres and the applicants have recommended a condition to restrict the sale of good within the farm shop itself. Taking all the above into account it is not considered that a sequential test is required for this application.

Visual impact

With regards to design and character considerations, policy DP26 of the Mid Sussex District Plan states:

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

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

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

A similar ethos is found within the Mid Sussex Design Guide.

The principal aim of Policy DP12 of the District Plan states: "The countryside will be protected in recognition of its intrinsic character and beauty." The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is found in the NPPF at para 170 where it states that planning policies and decisions should recognise 'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits'.

The proposed farm shop and tea room would have a traditional agricultural appearance, with the timber cladding and corrugated roof. The proposal will result in the development of a previously undeveloped green nonetheless, a large section of the field is to remain, together with the proposal being set down in the land and closely located to the agricultural building to the east of the site. Importantly, therefore, it is not considered that the development would appear as an isolated development nor extend built form into the open countryside. Instead it would appear as more of an infill plot between the dwellings on Janes Lane and the existing agricultural buildings. The proposal also includes landscaping, including grasscrete car park and naturalistic shrub planting that will help soften the proposal. Consequently, the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside in accordance with the above mentioned policies.

Impact upon setting of the listed building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that:

'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'

The Courts further stated on this point 'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

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

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

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

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

A similar ethos is found within DG11 of the Mid Sussex Design Guide.

Historic England have been consulted on this application in summary they have stated:

'We think that constructing a building and associated landscape and parking would remove some of the rural character of Great Ote Hall's wider setting. While we note that the design has been set out to minimise harm, and that there are public benefits listed within the application documents, your Council will need to weigh these benefits against the low degree of harm caused to the Grade I hall.'

The Conservation Officer has been consulted on this application and has provided the following comments:

'The proposed development site is a field to the south of Great Ote Hall, a grade I listed building dating originally from c.1550 but extended c.1600 and later. The hall was the country residence of General Sir William Shirley, governor of Massachusetts, New England and the Bahamas during the early 18th century, and from 1761 of Selina, Countess of Huntingdon. There are various buildings associated with the estate, including cottages to the south and south west, and Ote Hall Farm to the south alongside the entrance track from Janes Lane, which was the principal historical approach to the Hall. Although close to the north western edge of Wivelsfield, the building has a rural setting and backdrop, including the principal approach from Janes Lane which is along a track flanked by hedgerows and fields, and stands in distinct separation from the intensive development of the nearby town. Several public rights of way (PROWs) pass close to the Hall, including one leading south-north along the track approaching it from Janes Lane, before forking to run east-west in both directions across the southern edge of the Hall's grounds.

I would consider that Great Ote Hall possesses historical evidential and illustrative value as an exceptional example of a timber framed building of the 16th century, with later extensions and adaptations, including its use during the 18th century and later as a country house of some pretension. It will also possess historical associative value through its links with prominent figures such as General Shirley and the Countess of Huntingdon, as well as aesthetic value which will rely partly on the use of vernacular materials such as timber and Horsham slate, viewed within the landscape from which they were drawn.

In my opinion the rural setting of and approach to the house makes a strong positive contribution to the manner in which its special interest is appreciated, in particular

that part of its significance which relies on its historical evidential and aesthetic interest. The sense of rural isolation and separation from nearby Wivelsfield is very important to the character of the setting and the contribution that this makes to the special interest of the Hall.

The current application follows on from a pre-application discussion and is for the construction of a farm shop and café with associated car parking to the eastern side of the field, on the opposite side of the approach to Ote Hall from the existing buildings of Ote Hall Farm.

As per the advice given at pre-application stage (repeated below) I remain of the opinion that a new building and associated hard landscaping in this location is contentious in principle in terms of its impact on the setting of and principal approach to Ote Hall, including views from Jane's Lane.

Although the scale of the development has been reduced in comparison to that seen at pre-application stage, including a reduction in the height of the proposed shop/café building, the development including the associated car parking remains a substantial intrusion into this currently open and verdant part of the setting of the Hall, which will be particularly prominent due to its location just to the north of Janes Lane, and adjacent to the principal approach to the Hall, occupying almost the entire length of the affected field adjacent to the driveway/PROW. The form and design of the development, including the extensive parking area, although incorporating some references to agricultural buildings, have in sum a character and form which is alien to the rural context and will exacerbate the impact of the proposal on the character of the site and area; this will be intensified by the impact of partial regrading of the site on the natural topography of the field. The impact on the hedging along the boundary with the adjacent approach to the Hall, including total loss or replacement of a significant proportion of this established hedgerow, will further increase the impact on the character of the approach to the Hall. The new building and car parking, and the associated increase in noise and busyness from the use of the shop would also adversely affect the sense of rural isolation and separation from the adjacent settlement of Wivelsfield which the Hall currently enjoys.

The proposal would therefore in my opinion detract from the contribution that the setting of the building makes to the special interest of the Hall and the manner in which this is appreciated, including by those viewing the Hall from Janes Lane and those approaching or passing it along the PROWs running past the Hall, including the principal historical approach from Jane's Lane. This would be contrary to the requirements of District Plan Policy DP34.

In terms of the NPPF I would consider that the proposal would cause less than substantial harm to the special interest of the Hall, at the low-mid range of that scale. The criteria set out in paragraph 196 of the NPPF would therefore apply, being mindful also of the requirements of paragraph 193 which states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.'

Regardless of the degree of harm, this less than substantial harm still needs to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990.

In this case it is necessary to consider whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in final section of the report.

Residential Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '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'.

A similar ethos to DP26 is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The Council's Environmental Protection Team have been consulted on this application and has recommended conditions on commercial noise, hours of deliveries and burning of materials. Burning of material is covered by the 1990 Environmental Protection Act, as such it is not considered necessary to be attached as a condition. However, subject to the conditions on commercial noise and deliveries and owing to the rural location located surrounded by land owned by the applicant and set a significant distance from any residential dwellings it is considered that the proposal would not have a significant harmful impact on neighbouring amenities in terms or overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

Transport matters

Policy DP21 of the Mid Sussex 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.'

Both WSCC and ESCC Highways have been consulted on this application and both Local Highway Authorities have raised no objections to the proposal subject to conditions on access, parking, electric vehicle charging, construction management plan, cycle parking, travel plan and visibility splays. Subject to these conditions it is considered that the proposal is acceptable on highways grounds.

It is therefore considered that the proposal complies with policy DP21 of the Mid Sussex District Plan and Paragraph 109 of the NPPF.

Flood risk and drainage

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

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

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

The application has been considered by the Council's Drainage Engineer who has raised no objections subject to a condition, it is therefore considered that subject to the recommended condition that the proposal complies with policy DP41 of the Mid Sussex District Plan and Paragraph 163 of 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 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.

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

Atmospheric pollution

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

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

OTHER MATTERS

While it is noted the comments from third party representation about turning the footpaths into bridleways, these are outside the applicants ownership and control and would be a matter for WSCC Highways if they were to change the footpaths.

No objection has been received in regards to land contamination and WSCC Mineral and Waste in regards to the proposal and WSCC Fire and Rescue have requested a Hydrant condition for the proposal which the applicant has accepted.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the

development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The District Plan is up to date and the Council is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale. Furthermore, although the proposal would not prejudice the agricultural use of the unit and supports the rural economy, as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm, the site is not previously developed land and owing to the fact that the local farm is only producing 20 per cent of the produce it is considered the farm shop is not of a scale that is consistent with the farm holding. The proposal is therefore considered to be contrary to the development plan.

In this case it is considered that less than substantial harm will occur to a designated heritage asset.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development 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 securing its optimum viable use.

The less than substantial harm derives from the fact that the proposal will be extending into an undeveloped field that contributes to the rural approach to Great Ote Hall a grad I Listed Building. The Conservation Officer has confirmed that they considered the harm is towards the low- to mid range of the scale of 'less than substantial'.

Within the planning statement it sets out that the proposal is anticipated to create 25 full time jobs, it will improve access to the grounds of Great Ote Hall, a 'Godman Foundation' will be set up promoting education, training and mentoring of young people, including those with learning difficulties, by setting aside a percentage of the profits from this new business, the proposal will be used for local community events.

In addition the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside. The proposal subject to appropriate conditions is also deemed acceptable in regards to neighbours amenities, highways, flood risk and drainage, the Ashdown Forest SPA and SAC and land contamination.

When weighing this together, it is considered that the public benefits of the proposal is considered to outweigh the less than substantial to the setting of the Listed Buildings and the economic benefits of the proposal are a material consideration that is considered to overcome the proposal being contrary to the development plan.

The application is thereby considered to comply with policies DP12, DP17, DP21, DP26, DP34 and DP41 of the District Plan, Planning (Listed Building and Conservation Areas) Act 1990, The Mid Sussex Design and the requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approved Plans

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

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

2. The 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.

3. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls and roof of the proposed farm shop/tea room 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. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

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

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

6. No part of the development shall be first occupied until the visibility splays has been constructed in accordance with the approved proposed access arrangements plan. These 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 Mid Sussex District Plan.

7. 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 and to accord with Policy DP21 of the Mid Sussex District Plan.

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

9. 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 DP21 of the Mid Sussex District Plan.

10. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with DP21 of the Mid Sussex District Plan.

11. The use hereby permitted shall not come into use until scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

12. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the operating hours proposed in the application:

09:00 - 18:00 Hours Monday - Saturday, and 10:00 - 16:00 on Sundays.

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

13. Prior to the occupation of the farm shop and tea room hereby permitted full details of the hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. This shall include details of any boundary treatment and a replacement tree for the one being removed. 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.

Reason: In the interests of visual amenity and to accord with Policy DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031.

14. Prior to the commencement of the development, details showing the proposed location of 1 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 Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The F&RS Act 2004.

15. Prior to the first occupation of the farm shop and tea room the applicant 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.

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

16. Notwithstanding The Town and Country Planning (Use Classes) Order 2020 (or as amended), and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any succeeding orders, The proposal shall be used solely as a farm shop with an ancillary tea room in connection with Ote Hall Farm, with the farm shop comprising of a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station of which 20% will be produced on the Farm; 30% will be produced locally (30 miles radius), 30% will be regionally produced (60 miles radius) and 20% will be nationally produced unless the Local Planning Authority has given prior written approval to any variation.

Reason: To protect the character of the countryside and to prevent any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

17. Development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared by CSA Environmental (October 2020) unless otherwise agreed in writing by the local planning authority.

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

18. The use hereby permitted shall be restricted to the areas shown on the floor plan dwg number AP-100.

Reason: To protect the character of the countryside and to prevent any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

19. With 3 months from the date at which trading begins in the farm shop details of the sales figures shall be submitted in writing to the local authority, with figures broken down it to:

- Percentage of goods sold produced on the Farm;
- Percentage of goods sold produced locally (30 miles radius)
- Percentage of goods sold regionally produced (60 miles radius); and
- Percentage of goods sold produced nationally

And thereafter these details will be provided on request of the local planning authority.

Reason: To allow for the percentage of total sales attributable to the holding to be monitored and to assess compliance with condition 16 and to protect the character of the countryside through any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

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. 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.
3. 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.

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.

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
Ventilation/Extraction Details	AP-102		15.10.2020
Access Plan	003		02.12.2020
Landscaping Details	P20-0003-03b		09.10.2020
Tree Survey	RCo340/01		09.10.2020
Access Plan	P20-0003	FIGURE 2	17.12.2020
Location Plan	AL(0)_001		09.10.2020
Existing Site Plan	AP(0)_002		09.10.2020

Proposed Site Plan	AP(0)_003	A	09.10.2020
Proposed Site Plan	AP(0)_003		09.10.2020
Site Plan	AL(0)_004		09.10.2020
Proposed Floor Plans	AP-100		09.10.2020
Proposed Roof Plan	AP-101		09.10.2020
Proposed Elevations	AP-200		09.10.2020
Proposed Elevations	AP-201		09.10.2020
Existing Sections	AP-300		09.10.2020
Proposed Sections	AP-301		09.10.2020

APPENDIX B – CONSULTATIONS

Conservation Officer - Emily Wade

Burgess Hill Town Council

OBSERVATIONS: Recommend Approval

This application was a welcome addition to Burgess Hill.

The Committee would wish that the applicants use some form of renewable energy scheme, in line with District Plan Policy DP39.

East Sussex Country Council Original Comments:

Executive Summary

This application seeks approval for the erection of a farm shop and café, utilising the existing access road serving Ote Hall Business Park, farmyard, Great Ote Hall and residential properties. The site itself is within West Sussex and therefore West Sussex County Council are the relevant highway authority to comment on the internal arrangements for parking and turning etc. However, the county boundary runs along east of the site and cuts through part of the existing vehicle access point to Janes Lane the access to the site is partly within East Sussex and these comments refer to this only. A Transport Statement has been provided which details the transport related impacts and it is considered that the trips generated by the site would not have a significant impact on the local highway network in terms of capacity and congestion. The submitted plan showing the proposed access arrangements (P20-0003) indicates that visibility splays to the east of the access are commensurate with the national speed limit (subject to the removal of frontage vegetation). Although it is considered that these splays can be achieved within land in the applicant's control (blue site boundary) or the highway limits the land should be included within the red site. At present it appears that the full splays cannot be solely achieved within the highway boundary. Subject to a revision to the red site boundary I do not object to the application and recommend the following conditions.

Response

Access

The proposed development will be accessed via the existing access point off Janes Lane (C655). Improvements to the existing access road are proposed which include widening of the access and a segregated footway link with crossing point across Janes Lane to improve provision for existing users of the PROW on the opposite side of Janes Lane. As the

proposed access alterations appear to be within West Sussex technical approval will be required from WSCC. Janes Lane is subject to National Speed Limit at the access however this reduces to 30mph approximately 70m to the west. Visibility splays of 2.4m by 120m to the west have been demonstrated which are suitable for a 40mph speed limit and visibility splays of 2.4m x 215m to the east can be achieved subject to removal of the frontage vegetation (currently positioned on the border of the highway boundary and blue site boundary) and alterations to the red site boundary.

The existing access is 6m in width which is suitable to accommodate two way vehicle flows. Swept path tracking diagrams show that a rigid truck can access the site from the private access road and manoeuvre to and turn around in the servicing area and exit in a forward gear. The swept path also indicates that a 12m delivery vehicle can safely and suitably manoeuvre in and out the junction with Janes Lane and the proposed site access.

Within the vicinity of the site there are a number of Public Right of Ways. Footpath 33 commences at the site access and leads along the existing access road beyond the northern boundary of the site. The proposals do not alter the route; however, an internal footpath link has been provided to the west of the access which would allow some separation between vehicles and pedestrians and improve the footway link.

Trip Generation/Traffic Impact

The development proposes 350sqm of A1 retail floor space and 383sqm of A3 cafe floor space. As there are a limited number of comparable farm shop/ cafe sites within the TRICS database, trip distribution figures from an earlier application DC/19/2014 for farm shop/cafe at Swallows Farm have been applied to the scheme. These figures have been agreed with WSCC and estimate peak hour movements to be 39 two-way vehicle trips in the AM peak and 32 two-way vehicle trips in the PM peak. The peak business hour has been identified as 14:00-15:00 with 183 additional two-way vehicle trips. Considering that the trips have been calculated on the premise that the shop and café trips will be separate number, when in reality a significant number will be linked trips it is considered a robust assessment and worst-case scenario. The methodology also indicates that all trips will be by car but given the PROW network and sustainable travel options there may be even fewer trips. No road network capacity issues are anticipated as a result of these increase in trips.

Accessibility

The nearest bus stops are within 250m of the site access and provides some hourly services to locations such as Brighton, Crawley and Haywards Heath. Wivelsfield Railway Station is located approximately 1.3 kilometres west of the site. In accordance with the ESCC Travel Plan at New Development Guidance a Travel Plan Statement should be provided to ensure the transport impacts of the development is mitigated. The Travel Plan statement should consider in particular how staff travel to and from the site.

Construction Traffic Management Plan

A Construction Traffic Management Plan will need to be provided prior to commencement. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the construction phase. Deliveries should also avoid AM and PM peak network..

Conditions

It is noted that WSCC have conditioned parking, turning, travel plan statement and construction management as such the only additional condition required is as follows;

1. The access shall not be used until visibility splays of 2.4m x 215m to the east of the access shown on the submitted plan (plan no P20-0003) have been included within the red site boundary are cleared of all obstructions exceeding 1050 mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
(Additional Comments:)

An amended plan showing the highway extent has been provided. I have not had a chance to update my response.

The Plan indicates that the visibility splays to the east are solely within the highway limits. It is noted that the splays pass along the outside edge of a tree trunk; however, it is considered that the tree is unlikely to completely obstruct visibility splays. Additionally, splays can be achieved in accordance with the national speed limit if taken to the centreline and given the alignment of the road overtaking at this point is considered unlikely. The splays as shown on the plan submitted and therefore accepted and can be conditioned.

East Sussex Country Council Additional Comments:

An amended plan showing the highway extent has been provided. I have not had a chance to update my response.

The Plan indicates that the visibility splays to the east are solely within the highway limits. It is noted that the splays pass along the outside edge of a tree trunk; however, it is considered that the tree is unlikely to completely obstruct visibility splays. Additionally, splays can be achieved in accordance with the national speed limit if taken to the centreline and given the alignment of the road overtaking at this point is considered unlikely. The splays as shown on the plan submitted and therefore accepted and can be conditioned.

Contaminated Land

Given the passed use of the land as agricultural with no former structures as far as I am aware, I have no objection to the proposal from a contamination perspective. I understand Andrew Berry has commented as an Environmental Protection consultee.

WSCC Highways Original Comments

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on proposals for farm shop and cafe with associated works including car parking. The county boundary runs along east of the site and cuts through part of the existing vehicle access point, to Janes Lane. East Sussex County Council, as the LHA to the east should be consulted on the proposals in terms of trip generation on the local road network and achievability of visibility splays to the east.

The development proposes 350sqm of A1 retail floor space and 383sqm of A3 cafe floor space with vehicle access improvements to the existing point on Janes Lane. The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber" with comments raised regarding "potential for significant traffic generation... is access visibility and parking ok?" The plans and documents provided, along with WSCC and local mapping have provided

the basis for the following comments and a site visit has not been undertaken at this stage. The application is supported by technical drawings, Planning Statement, Design & Access Statement and Transport Statement (TS). The LHA wish to provide the following comments.

Site Context

The site is located at Ote Hall Farm with the existing vehicle access serving Ote Hall Business

Park, farmyard and residential properties. Vehicular access is via a privately maintained access road which joins with the public highway at Janes Lane to the south. Janes Lane is subject to National Speed Limit (NSL) at the access however this reduces to 30mph approx. 70m west. To the west of the site Janes Lane links with Valebridge Road and Wivelsfield with Burgess Hill further south.

PROW footpath no. 4BH terminates opposite side of Janes Lane, opposite the access. It is understood that this link will continue through the site though the PROW running along the access road appears to be in remit of Lewes District/East Sussex County Council and thus any

proposals for upgrade to this should be commented on by the relevant authority.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five

years. There have been no recorded injury accidents at the junction with Janes Lane within WSCC. There is no evidence to suggest that the junction is operating unsafely, or that the proposed development would exacerbate an existing safety concern.

Access Arrangements

The existing access road will be widened and a segregated footway link provided, a dropped kerb tactile paved crossing point across Janes Lane will improve provision for existing users of PROW 4BH on the opposite side of Janes Lane and link to the wider footway network.

The

proposed access modifications appear to be within WSCC and thus an agreement and technical approval will be required from WSCC Implementation Team.

Visibility splays of 2.4m by 120m to the west has been demonstrated. This would be suitable for a 40mph posted limit. Whilst the access is within the NSL, it is considered that a car observed to the west would be travelling within the 30mph for a portion of this splay.

Furthermore, an assessment using WSCC extent of highway boundary mapping appears to indicate that a greater splay of approx. 165m is achievable within publicly maintained highway land. The LHA are therefore satisfied that suitable visibility exists at this established access point, in line with anticipated speeds. Nevertheless, the extent of highway boundary does not appear to be digitised right up to the county boundary. The LPA should consult with East Sussex County Council, as the LHA east of the site, in respect to the eastern visibility splay.

Trip Generation & Road Network Capacity

As there are a limited number of comparable farm shop/ cafe sites within TRICs, the agreed trip distribution figures from application DC/19/2014 for farm shop/cafe at Swallows Farm, Dial Post have been applied to the scheme, with modifications to take in to account the anticipated movements from the end user of this proposed scheme. The resultant figures estimate additional peak hour movements of 39 x two-way vehicle trips in the AM peak hour and 32 x two-way vehicle trips in the PM peak hour. The peak business hour has been

identified as 14:00-15:00 and estimates 183 additional two-way vehicle trips. Considering the anticipated significant number of linked trips (for both shop and cafe) and customer car sharing, this is considered a robust assessment and worst case scenario. The trips have been

reduced by 50% to account for this which results in an estimation of 138 x two-way vehicle movements in the business peak hour. The methodology suggests that all trips will be by car.

There are some opportunities for travel by sustainable means and thus the peak hours may produce less trips. Although there is an anticipated increase in vehicle trips at the access of over 50 x movements per day, the application is not classed as 'major' (is under 1000sqm floor space) and therefore the LHA does not consider that a Road Safety Audit (RSA) would be required in this instance. No road network capacity issue is anticipated as a result of these increase in trips.

Internal Layout

Swept path tracking plans indicate that servicing vehicles can manoeuvre the modified access

points. The floor plans indicate a servicing area to the north of the site yet it has not been demonstrated that servicing vehicles can turn within the site/ this area. The LHA request that additional clarification on servicing area and turning manoeuvres within the site are demonstrated, to show that such a vehicle can exit in a forward gear.

The segregated footway will provide an off-road link for pedestrians from the wider area with a crossing across the new car park access linking to the new building. It is advised that the internal segregated footway link be of suitable surface for all users.

Car Parking

Under WSCC Parking Guidance an A1 use (new 'E' class - commercial use) could see a demand for 1 x car parking space per 14sqm of floor space and an A3 cafe use could see 1 x

car parking space per 5sqm of public area with staff car parking to be clearly designated. On this basis the retail element (350sqm) could see a demand for 25 x spaces and the cafe (383sqm) could see a demand for 77 x spaces. This would result in a total requirement for 101 x spaces. 90 x spaces are shown across the site which is considered appropriate for the use proposed and anticipated proportion of linked trips.

It is stated that 25 x full time jobs will be created. A dedicated area for staff parking should be provided and identified on the site plan (is this proposed in the area south of servicing area?) There also appears to be provision for 7 x disabled bays which meets with WSCC guidance whereby a minimum of 5% of the spaces provided should be marked as disabled bays. The LPA may also wish to consider whether a number of electric vehicle charging spaces could be accommodated within the site.

Accessibility

The new footway and crossing will provide a link for pedestrians to the wider footway network on Janes Lane which features dropped kerb crossing points at key locations and to the wider PROW network.

No designated cycleways are present in the vicinity however cycling may be an attractive option to some and cycle parking should be provided in line with WSCC guidance (this can be

secured via condition).

With regard to public transport, bus stops are approx. 0.2 mile west of the site access and provides some hourly/ two-hourly services to locations such as Brighton, Crawley and Haywards Heath. Wivelsfield Train Station is approx. 0.7 mile to the west and thus it is considered that travel by rail could make up part of a sustainable journey.

The LHA consider that a Travel Plan Statement should be provided for staff of the new business to promote car sharing and other sustainable transport modes. Details of this can be secured via condition.

Conclusion

In summary the LHA are satisfied that the proposals have demonstrated that no severe impact on the safe operation of the nearby road network will result. Nevertheless, it is advised that tracking is provided to demonstrate service vehicles can turn within the site and that staff parking details are clarified.

WSCC Highways Additional comments

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for farm shop and cafe/tea room with associated works including car park. In comments dated 11 November 2020 the LHA requested further information in respect to access arrangements for servicing vehicles and staff car parking.

Additional information and plans have been provided. Swept path tracking diagrams show that a rigid truck can access the site from the private access road and manoeuvre to and turn around in the servicing area. The plan has also been updated to show 13 x staff car parking spaces northern side of site and 12 x additional spaces in the southern end of the site.

As per previous comments immediately east of the site access is East Sussex County Council, and thus they should be consulted regards the eastern visibility splay and trip generation impact. The western visibility splay is achievable within publicly maintained highway alone and thus would not require conditioning. Access alterations with the public highway would be subject to technical approval as per attached informative.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered P20-0003 Figure 2.

Reason: In the interests of road safety.

Car parking space

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

Reason: To provide car-parking space for the use.

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.

Construction Management Plan

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

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

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

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.

Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

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.

Conservation Officer

Comments on the above planning application. Please read these in conjunction with my previous comments on the related pre-application proposal.

The proposed development site is a field to the south of Great Ote Hall, a grade I listed building dating originally from c.1550 but extended c.1600 and later. The hall was the country residence of General Sir William Shirley, governor of Massachusetts, New England and the Bahamas during the early 18th century, and from 1761 of Selina, Countess of Huntingdon. There are various buildings associated with the estate, including cottages to the south and south west, and Ote Hall Farm to the south alongside the entrance track from Janes Lane, which was the principal historical approach to the Hall. Although close to the north western edge of Wivelsfield, the building has a rural setting and backdrop, including the principal approach from Janes Lane which is along a track flanked by hedgerows and fields, and stands in distinct separation from the intensive development of the nearby town. Several public rights of way (PROWs) pass close to the Hall, including one leading south-north along the track approaching it from Janes Lane, before forking to run east-west in both directions across the southern edge of the Hall's grounds.

I would consider that Great Ote Hall possesses historical evidential and illustrative value as an exceptional example of a timber framed building of the 16th century, with later extensions and adaptations, including its use during the 18th century and later as a country house of some pretension. It will also possess historical associative value through its links with prominent figures such as General Shirley and the Countess of Huntingdon, as well as aesthetic value which will rely partly on the use of vernacular materials such as timber and Horsham slate, viewed within the landscape from which they were drawn.

In my opinion the rural setting of and approach to the house makes a strong positive contribution to the manner in which its special interest is appreciated, in particular that part of its significance which relies on its historical evidential and aesthetic interest. The sense of rural isolation and separation from nearby Wivelsfield is very important to the character of the setting and the contribution that this makes to the special interest of the Hall.

The current application follows on from a pre-application discussion and is for the construction of a farm shop and café with associated car parking to the eastern side of the field, on the opposite side of the approach to Ote Hall from the existing buildings of Ote Hall Farm.

As per the advice given at pre-application stage (repeated below) I remain of the opinion that a new building and associated hard landscaping in this location is contentious in principle in terms of its impact on the setting of and principal approach to Ote Hall, including views from Jane's Lane.

Although the scale of the development has been reduced in comparison to that seen at pre-application stage, including a reduction in the height of the proposed shop/café building, the development including the associated car parking remains a substantial intrusion into this currently open and verdant part of the setting of the Hall, which will be particularly prominent due to its location just to the north of Janes Lane, and adjacent to the principal approach to the Hall, occupying almost the entire length of the affected field adjacent to the driveway/PROW. The form and design of the development, including the extensive parking area, although incorporating some references to agricultural buildings, have in sum a character and form which is alien to the rural context and will exacerbate the impact of the proposal on the character of the site and area; this will be intensified by the impact of partial regrading of the site on the natural topography of the field. The impact on the hedging along the boundary with the adjacent approach to the Hall, including total loss or replacement of a significant proportion of this established hedgerow, will further increase the impact on the

character of the approach to the Hall. The new building and car parking, and the associated increase in noise and busyness from the use of the shop would also adversely affect the sense of rural isolation and separation from the adjacent settlement of Wivelsfield which the Hall currently enjoys.

The proposal would therefore in my opinion detract from the contribution that the setting of the building makes to the special interest of the Hall and the manner in which this is appreciated, including by those viewing the Hall from Janes Lane and those approaching or passing it along the PROWs running past the Hall, including the principal historical approach from Jane's Lane. This would be contrary to the requirements of District Plan Policy DP34.

In terms of the NPPF I would consider that the proposal would cause less than substantial harm to the special interest of the Hall, at the low-mid range of that scale. The criteria set out in paragraph 196 of the NPPF would therefore apply, being mindful also of the requirements of paragraph 193 which states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.'

WSCC 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.

Environmental Protection

Comments :I recommend the following conditions:

Commercial Noise

The use hereby permitted shall not come into use until scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Hours for deliveries

No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the operating hours proposed in the application:

09:00 - 18:00 Hours Monday - Saturday, and 10:00 - 16:00 on Sundays.

Bonfires/burning materials on Site:

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

Drainage Officer

FLOOD RISK

The Flood Risk Assessment (FRA) submitted as part of the application confirms that the site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers).

Most of the site is not within an area identified as having possible surface water (pluvial) flood risk. However, there are small areas of low surface water flood risk and the FRA states that flood depths could be up to 300mm deep during a 1 in 1,000-year event.

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.

The FRA concludes that the flood risk to the development is low and that no mitigation measures are required.

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 soakaways is unlikely to be possible on site. This will need to be confirmed through infiltration testing on site.

It is proposed that the development will manage surface water drainage using attenuation storage before discharging to an existing ditch. Attenuation is proposed via a buried attenuation tank below the car park and an attenuation pond.

The drainage system has been designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. The proposed discharge rate into the existing ditch is 2.4l/s, the Greenfield QBar rate for the positively drained area.

Most of the car park is shown to be surfaced with grasscrete, which when used unlined is considered a permeable surface. However, the drainage strategy shows that the grasscrete would be lined and therefore surface water drainage for those areas of the car park is required.

We would advise the applicant that any areas surfaced with an unlined permeable surface treatment (grass, loose gravel, grasscrete etc) would not require any formal surface water drainage.

The proposed means of drainage is considered acceptable in principle. As part of the detailed drainage design we will require details of the existing ditch, including its condition and its connection to the wider ditch network. This is to ensure surface water is not discharged into an isolated ditch which could increase flood risk elsewhere.

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 utilise a package treatment plant to manage foul water drainage for the site. It is proposed that treated foul effluent is discharged into the adjacent existing ditch.

We would advise the applicant that under the latest Environment Agency General Binding Rules for Package Treatment Plants 2020 (<https://www.gov.uk/permits-you-need-for-septic-tanks/general-binding-rules>) treated effluent must be discharged into a ditch with constant running water.

As part of the detailed drainage design we will require evidence that the proposed foul drainage system meets with the General Binding Rules. If the system will not meet with the requirements, then we will require evidence that an Environmental Permit application has been submitted to the Environment Agency.

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

GENERAL COMMENTS

We would advise the applicant that should the access require the culverting of a ditch then Ordinary Watercourse Consent will be required. This is a separate process to Planning and details can be found on the West Sussex County Council's website; <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

SUGGESTED CONDITIONS

C18D - SINGLE DWELLING/UNIT

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

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

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

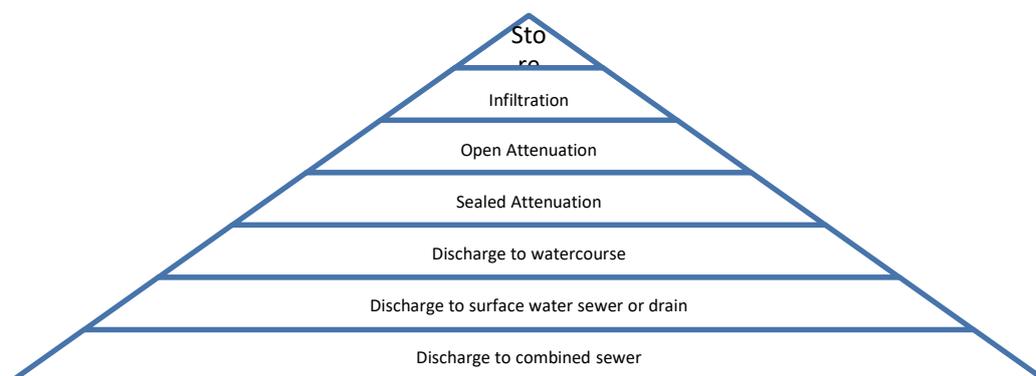
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. 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:

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



- o Protect people and property on the site from the risk of flooding
- o Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- o Match existing Greenfield rates and follow natural drainage routes as far as possible.
- o 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.
- o Seek to reduce existing flood risk.
- o Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- o Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- o Consider the ability to remove pollutants and improve water quality.
- o 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>)

WSSC Minerals and Waste

West Sussex Joint Minerals Local Plan (July 2018)

The application site occupies a 0.85a plot and lies within the Mineral Consultation Area (MCA) for Brick Clay (Policy M9). As per 2.4 of the minerals and waste safeguarding guidance (found here), the site area of the proposed development is less than the consultation threshold criteria of 3ha. Therefore, the MWPA would not expect to be consulted on an application of this scale as no discernible level of mineral sterilisation will be considered to occur as a result of the development should it be approved.

Therefore, the MWPA would offer No Objection to the proposed development on these grounds.

West Sussex Waste Local Plan (April 2014)

There are no identified waste operators within the proximity of the site that would have their operations prevented or prejudiced as a result of the proposed development (Policy W2).

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).

Historic England

Thank you for your letter of 21 October 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Constructed in c.1550, with later additions in 1600, Great Ote Hall is a very attractive, timber framed manor house nestled in its agricultural setting on the edge of Wivelsfield, which is approached from the south along Janes Lane. The relationship between the house and the land surrounding is evidenced in the fields, farm buildings, cottages and farmhouse which line the access road to the hall. Great Ote Hall is also of importance as the residence of General Sir William Shirley who was Governor of Massachusetts, New England, and of the Bahama Islands, and from 1761 onwards by Selina Countess of Huntingdon. The house therefore derives its significance from its historical, illustrative and associative values as an excellent example of a 16th century timber framed manor house that retains its relationship

with the landscape surrounding it and which was the residence of important historical figures. It is rightly listed at Grade I.

It is proposed to construct a farm shop and café building and associated car park and landscaping in the field adjacent to the approach to the hall.

While Great Ote Hall does not have a designed formal approach, this is nevertheless the historic approach to the hall, and its rural character makes a positive contribution to the hall's significance. Constructing a building and carparking in this field would increase the amount of buildings on the approach to the hall, and remove some of the rural character of this approach, both as seen from Janes Lane and from the approach itself. The field also provides a degree of physical separation between Ote Hall and the modern development of Wivelsfield, which would be slightly eroded by development within this field. We think this would cause a low degree of less than substantial harm to Great Ote Hall's significance. We note that the application has been designed so that the building sits low within the landscape to minimise the harm. We also note the applicant's argument that due to health and safety reasons it is not possible to locate the shop and café in the existing farm buildings to the east of the track.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out policies specific to the historic environment. Paragraph 184 states that heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"

The NPPF goes on to require that any harm should be avoided or minimised to avoid conflict between the conservation of heritage assets and any aspect of a proposal (paragraph 190). Your Council will need to be satisfied that the remaining harm has clear and convincing justification as required by paragraph 194 before the harm is weighed against the public benefits in the manner described in paragraph 196. In reaching your decision, your Council will need to be mindful of paragraph 193 which sets out the need to give great weight to the conservation of designated heritage assets (and the more important the asset the greater the weight should be). It notes this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.

We think that constructing a building and associated landscape and parking would remove some of the rural character of Great Ote Hall's wider setting. While we note that the design has been set out to minimise harm, and that there are public benefits listed within the application documents, your Council will need to weigh these benefits against the low degree of harm caused to the Grade I hall.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Street Naming

Informative (Info29)

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

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MID SUSSEX DISTRICT COUNCIL

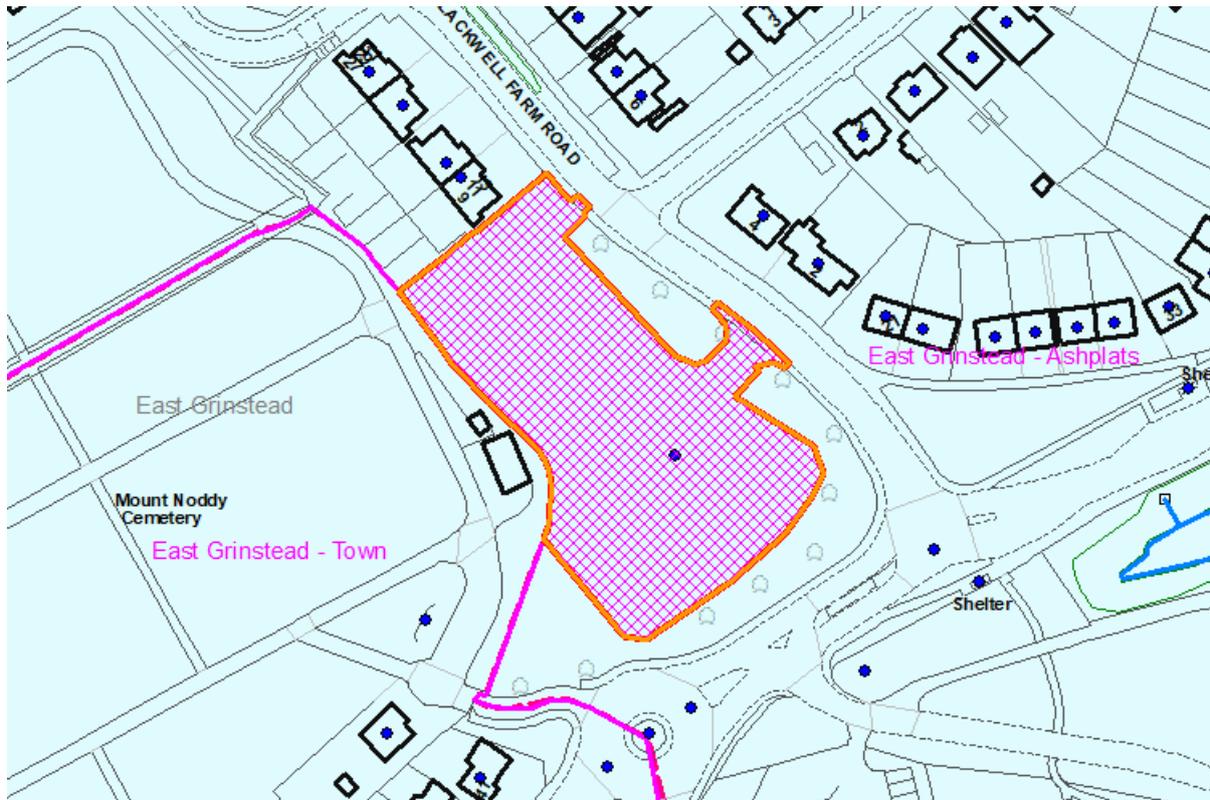
Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

East Grinstead

DM/20/1333



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**LAND AT JUNCTION OF BLACKWELL FARM ROAD AND HOLTYE ROAD
EAST GRINSTEAD WEST SUSSEX**

**CONSTRUCTION OF 10 AFFORDABLE DWELLINGS (6 X 3 BED HOUSES
AND 4 X 2 BED HOUSES) WITH ASSOCIATED CAR PARKING,
LANDSCAPING AND CREATION OF NEW ACCESS ONTO BLACKWELL
FARM ROAD (UPDATED ROAD SAFETY AUDIT RECEIVED ON 6 JULY;
AMENDED SITE AND LOCATION PLANS RECEIVED ON 7 JULY
INCORPORATING FOOTPATH LINK AND AMENDED BOUNDARY
TREATMENTS; AND FLOOD RISK ASSESSMENT AND DRAINAGE
STRATEGY RECEIVED ON 24 JULY) (AMENDED ACCESS PLAN
RECEIVED ON 3 DECEMBER 2020)**

MICHAEL GRAY

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / Informal Open Space / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 6th October 2020

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the construction of 10 affordable dwellings (6 x 3-bed houses and 4 x 2-bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

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

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

Weighing in favour of the scheme is that the development will provide 10 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. In particular, 100% of this development is for affordable housing, which will meet a clear housing need in East Grinstead and the District. The provision of 100% affordable housing should be given significant positive weight in the planning balance. If permitted, the Local Planning Authority would receive a New Homes Bonus for the units proposed. Infrastructure contributions would also be payable as a result of this development.

The proposal would result in the loss of the open space on the site; however, the application site is noted as being located within 200m of other open spaces and within walking distance of all types of open space/sports pitch, other than rugby pitches. As the site is located adjacent to busy roads on two sides, it is not deemed ideal for any open space use (either formal sport or quiet enjoyment). It is considered that it has been demonstrated that the site is surplus to requirements.

Additionally, there will be an increase in traffic movements to the site, with the displacement of some on-street parking spaces. However, the concerns raised by local residents related to highways matters are not supported by the Highway Authority and therefore your officers do not consider that an objection can be raised to this development on highways grounds. There is no robust technical evidence to support an objection on highway grounds.

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

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP24, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG7, EG11, EG12, EG14 and EG16 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, infrastructure contributions, affordable housing provision and Traffic Regulation Order, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 21 April 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions and affordable housing, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reasons:

'The application fails to comply with Policies DP20 and DP31 of the Mid Sussex District Plan, Policies EG3, EG5, EG7 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development.'

and

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

CONSULTATIONS

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

MSDC Consultant Ecologist

To be reported.

MSDC Contaminated Land Officer

Approve subject to condition.

MSDC Corporate Estates Team

Please note that MSDC as landowner has no objection to the proposals as detailed in the planning application.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

Approve with Conditions.

MSDC Housing Enabling Officer

The proposed development will assist in meeting the significant need for affordable housing in East Grinstead. Currently there are 1237 households with a local connection to East Grinstead on our Common Housing Register who are seeking rehousing.

MSDC Leisure Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection, subject to adherence to the proposed tree protection measures.

MSDC Urban Designer

The principle of development on this open land was accepted by the outline planning consent in March 2016 (DM/15/1492). This scheme has been carefully designed with a layout that appropriately faces Blackwell Farm Road and Holtye Road and will be softened by the retained tree belt that defines the edge of the existing open space. Additional landscaping will also contribute to softening the parking and garden boundaries. The building design benefits from underlying architectural integrity and crisp contemporary elevations that should contribute to giving the scheme a sense of place. I therefore raise no objections to the application subject to conditions.

WSCC Lead Local Flood Authority

Detailed comments relating to surface water drainage and flood risk for the proposed development.

WSCC Highways

No objection, subject to conditions and informative.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

WSCC Minerals and Waste Planning Authority

No objection.

West Sussex Fire and Rescue Service

Detailed comments relating to vehicular access for fire appliances within the proposed development.

Southern Water

No objection, subject to condition and informative.

TOWN COUNCIL OBSERVATIONS

07/01/2021 - Committee continue to recommend refusal until the traffic studies can be completed in normal conditions. Studies during lockdown are not representative of the busy traffic volumes. There is no new data sufficient to allow the committee to alter their previous position. It is noted that the MSDC survey of residents is not due to be closed until the end of the month and urges the Council not to make the

decision on the application until all responses have been considered. The committee continue to prefer this site not be developed but be left as a green lung.

24/08/2020 - Recommend Refusal: The comments of the Council on 13th May 2020 remain. There are still considerable concerns as to the traffic and subsequent parking issues this development will bring. The proposed new traffic survey is welcomed but this must take place on a normal traffic day, not a bank holiday as currently proposed.

13/05/2020 - Recommend Refusal: The Committee remain opposed to development on this site. It should be left as a green open space as a gateway to the town. The loss of this weighed against the small gain of 10 new accommodation units when larger sites are coming forward in East Grinstead is unacceptable. There were considerable concerns as to the age of the traffic study used and the actual use of the road especially at school peak times. It was noted that professional reports were still awaited for this application and on that basis it should not be determined but re-advertised when all the reports are available.

LETTERS OF REPRESENTATIONS

East Grinstead Society (7 May 2020): The provision of social housing is to be commended but this is the wrong place. There are major traffic issues in the Blackwell Farm Road area, the green space was originally provided for local residents and the traffic photographs used to support the application are entirely unrepresentative of the usual situation out of lockdown and during school termtime.

East Grinstead Society (19 Aug 2020): Recommend refusal as before. The introduction of an Updated Road Safety Report made on a sunny day in the middle of a lockdown period of the adjacent school and the problems associated with the pandemic which the authors acknowledge may have altered the conditions, is hardly a reason to change our views. Even the authors suggest that it may be beneficial to have the site revisited at a later date when normal journey patterns resume.

East Grinstead Society (4 Jan 2021): We continue to recommend refusal of this proposal until there is a proper consideration of the potential problems in normal traffic conditions once school restrictions have been lifted.

149 letters of objection:

Parking

- Parking is very limited
- Not all properties in this area have off-street parking
- Cars park on the pavement as the road is narrow
- Children have to walk into the road
- Emergency vehicles have difficulty accessing this road due to the numbers of cars parked on the road
- Area is used as a free parking spot
- Access will be impossible when construction starts
- Proposed double yellow lines will move the problem elsewhere
- The on-street parking is 100% residents parking

Traffic

- Traffic report out of date
- Road survey/traffic audit carried out at off peak times and prior to primary school operating at full capacity so is totally unrepresentative
- Safety audit carried out during Covid-19 pandemic, so is an inaccurate assessment
- Road traffic has increased and is horrendous
- School drop off and pick up times are hideous
- Traffic is often single file
- Roads in this area are already gridlocked
- This estate is one large cul-de-sac serving at least 450 houses which the entrance road is already too congested
- Poor visibility at the roundabout and on Blackwell Farm Road
- Junctions are already busy and dangerous with lorries
- There will be a serious accident before long if something isn't done
- Mini roundabout is inadequately marked
- Access is in the wrong place, it should be next to the cemetery
- No safe crossing
- Impact on flow of traffic for the hospital, which at times is already compromised
- Can't believe Highways haven't objected to further volumes of traffic at this junction

Open space

- Loss of open space
- Loss of green area / meadow which local people use daily for exercise, dog walking, playing, picnicking, sitting out, etc.
- Not all local residents have gardens
- Safe place for children to play
- Green space opposite at East Court is irrelevant
- Cannot see why land is surplus to requirements
- East Court is not a duplicate facility
- Land was given to the community, why has this changed?
- A huge environmental loss to the town
- Pleasant open view on entry to the town from the east
- Loss of one of the last green spaces not protected by park fences
- Open space should be considered more valuable than ever in Covid times
- Need beautiful trees at a time of global warming
- View of daffodils and buttercups in spring important for mental health
- Could be used for occasional events like a small fete
- Green has proved valuable as somewhere safe to meet others during global pandemic
- Once green space is gone it is never got back

Drainage

- Site is on top of a swamp/pond/landfill, which often floods
- Used to be a pond when it was farmland, fed by springs

- Faster run-off
- More strain on sewer system
- Less land available to soak up rainwater
- Becomes more saturated and prone to flooding
- Location of public sewer and culverted water course, use of permeable paving and routing of a public footpath should be resolved before a decision is made

Trees

- Would like to see TPO put on remaining trees
- Trees help tackle pollution from cars driving along this road
- Removal of any mature trees at a time of severe climate change is totally unacceptable
- Counter-intuitive to remove trees just coming up to maturity having been planted to replace those lost in the Great Storm of the 80s

Wildlife

- Loss of wildlife and plant life
- A small ecosystem at the bottom of the field will be damaged
- Destruction of Stag Beetles
- Loss of shrubs that attract butterflies
- Have seen many types of birds, badgers, even a deer, plus bats flying

Housing

- Town can't cope with any more housing
- Infrastructure can't cope with demands placed on it
- All schools are oversubscribed and existing families may miss out on local places
- Closed patient lists for local doctors and dentists already
- Not enough police presence and crime rates escalating
- What guarantees are there that houses will be sold as affordable prices once built?
- Build elsewhere, such as unoccupied office buildings
- Will create a concrete jungle
- 10 homes is too many
- Gross overdevelopment
- Eyesore
- Developers should not have been allowed to purchase this land
- How can this site be considered for housing?
- A mere drop in the ocean in the scheme of the affordable housing situation
- East Grinstead is not an affordable town

Pollution

- Increased nitrogen dioxide
- Land is contaminated as was formerly part of Blackwell Farm
- Air quality survey should be performed

Cemetery

- An affront to the many local people who have been laid to rest at the Mount Noddy Cemetery
- People do not want housing overlooking the dead
- Cemetery should be extended onto this land instead, as it will soon be full

Privacy

- Loss of privacy to neighbouring gardens due to three floors
- Increased shadowing to neighbouring gardens

2 letters of comment:

- There is a need for housing in East Grinstead
- The properties are not leasehold flats
- Will owners of the properties be expected to pay service charges to maintain the roads?
- Will the properties be truly freehold, i.e. free from restrictive covenants?

INTRODUCTION

Full planning permission is sought for the construction of 10 affordable dwellings (6 x 3-bed houses and 4 x 2-bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

RELEVANT PLANNING HISTORY

An outline planning application for the erection of up to 10 dwellings, access and parking was withdrawn in April 2015 (14/02236/OUT).

In March 2016, outline planning permission was granted for a residential development of up to 10 dwellings, including parking and means of access, with all dwellings to be affordable providing a mix of affordable rent and shared ownership units (DM/15/1492). This permission has lapsed.

SITE AND SURROUNDINGS

The site is located within the built-up area of East Grinstead within 7km of the Ashdown Forest. It is currently used as an outdoor play space and a Multi Functional Green Space (MFGS) and is owned by Mid Sussex District Council.

Occupying an area of 0.38ha, the land is laid to grass and slopes down gently from north to south and from east to west. There is a belt of deciduous, mainly semi-mature trees to the eastern and southern frontages (Blackwell Farm Road and Holtye Road respectively), albeit with some gaps, and a tall (15m) Leylandii hedge and mature Ash tree on the western boundary to Mount Noddy Cemetery.

Adjoining the site to the north is a 3-storey semi-detached block of flats. Opposite to the east are detached and semi-detached dwellings: no. 2 being a detached

bungalow, no. 4 being a detached house and nos. 6 and 8 being semi-detached houses. To the south-west are dwellings along Blackwell Road and to the south on higher ground behind a mature vegetation screen is a small grouping of houses at the entrance to the East Court complex (police station and Town Council offices), with the extensive recreational area of Ashplats Wood beyond.

APPLICATION DETAILS

Full planning permission is sought for the construction of 10 affordable dwellings (6 x 3-bed houses and 4 x 2-bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

The proposed layout has been informed by the presence of a gas easement that runs along the southern part of the site and a public sewer that runs diagonally across the site from the NW-SE. The proposed access will be located immediately opposite 2 Blackwell Farm Road and fairly centrally within the site.

Plots 1-6 will be arranged at the southernmost part of the site, as three pairs of semi-detached dwellings. Plots 7-10 will run along the western boundary to the north, perpendicular to the others, arranged as two pairs of semi-detached dwellings, with a lengthy gap between (due to the public sewer) which will be used for car parking. Additional visitor spaces will run alongside this northern access parallel to Blackwell Farm Road, and two additional parking areas will be located in the centre-south-eastern part of the site. 22 car parking spaces will be provided in total. A shed will be provided to each garden for bike storage (2 spaces). Refuse storage will be provided within each garden area. An additional footpath will be provided to the far south of the site, linking with the existing footpath on the mini-roundabout.

Plots 1-6 are arranged over 2.5-storeys to a maximum height of 10.5m (Plot 2), each providing 3 bedrooms, whilst Plots 7-10 are arranged over 2-storeys to a maximum height of 8.6m, each providing 2 bedrooms.

Elevations will be cream/buff-coloured multi-stock bricks with feature grey fibre cement cladding panels, grey UPVC window frames, timber front doors and slate grey roofs.

POLICY CONTEXT

Mid Sussex District Plan (Mar 2018)

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

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP24: Leisure and Cultural Facilities and Activities

Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP30: Housing Mix
Policy DP31: Affordable Housing
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

East Grinstead Neighbourhood Plan (Nov 2016)

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies:

Policy EG3: Promoting Good Design
Policy EG5: Housing (full weight for applications within the built-up area boundary)
Policy EG7: Housing Mix and Density
Policy EG11: Mitigating Highway Impact
Policy EG12: Car Parking
Policy EG14: Protection of Open Space
Policy EG16: Ashdown Forest SAC and SPA

Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)

Affordable Housing Supplementary Planning Document (Jul 2018)

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

The Council has adopted 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 was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Waste Storage and Collection Guidance for New Developments (May 2015)

Strategic Housing and Economic Land Availability Assessment (SHELAA) (Apr 2018)

This document forms the evidence base for preparation of the Site Allocations DPD but does not allocate land. Appendix 1 (Housing Sites) identifies this site (SHELAA

Ref: 513) as having potential yield for 10 dwellings and is identified as being Suitable, Available and Achievable.

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Feb 2019)

The National Planning Policy Framework (NPPF) 2019 is an important material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites), 178 and 179 (land contamination) and 180 (noise and light pollution) are considered to be relevant to this application.

Planning Practice Guidance

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

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

Air quality and emissions mitigation guidance for Sussex (Jan 2020)

ASSESSMENT

The main issues for consideration are:

- The principle of development (loss of open space and new housing);
- The design and visual impact on the character of the area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Standard of accommodation;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

Principle of development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018) together with the East Grinstead Neighbourhood Plan (2016). The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

Loss of open space

As set out above, the site is currently used as an outdoor play space and a Multi Functional Green Space (MFGS).

Policy DP24 of the Mid Sussex District Plan states (in part):

'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 EG14 of the Neighbourhood Plan is virtually identical, stating:

'Existing public open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land 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.'*

The applicant's Planning Statement sets out the following:

'In September 2006 Mid Sussex District Council published its PPG17 assessment of open space, which was undertaken by Kit Campbell Associates. Overall this report concluded that the site was of low quality and low value and that its need should be reviewed. In addition, the report stated that there is good provision of open space nearby. This report was subsequently updated in 2010 and stated that in this area the multi-functional green space totals approximately equate to need as per PPG17 size standards per head (of population). It was also noted that the proximity of the town to the countryside meant that there was significant accessible green space within walking distance.

An independent Open Space Assessment has been produced by DMH Stallard in support of this planning application, which states that none of the areas of open space close to the Application Site have changed in terms of their quality since 2006. The site itself has not been improved, it is mowed regularly meaning it is of low ecological value. The site is not drained and is not large enough or suitably located (given surrounding roads) to provide formal sports pitches and necessary changing rooms/parking facilities. The assessment identifies four different types of open space within 200 metres of the Application Site; equipped play areas, allotments, greenspaces primarily pitch sports related and Multi-functional Greenspaces, less primarily pitch sports related. The report concludes that the site and surrounding area of East Grinstead is very well provided for in terms of open space and sports provision, and the loss of this space would not have a significant effect on open space provision in the locality.'

The council's Leisure team has commented that 'An assessment has been undertaken which demonstrates that the land is surplus to requirements and I am satisfied with this conclusion.' Therefore, based on the above, it is considered that both policies are met by this proposal.

New housing

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

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

'The growth of settlements will be supported where this meets identified local housing, employment and community needs.'

East Grinstead is categorised as a Category 1 settlement in Policy DP6 of the Mid Sussex District Plan, i.e. a 'Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements.' It is the most favourable category in the Mid Sussex District, and the majority of housing developments are expected to be provided in these areas over the Plan period.

The site is considered suitably sustainable in location and therefore the proposal accords with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, Policy EG5 states:

'The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.'

Other proposals for new housing development will only be supported if:

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*
- f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*
- g) The proposal meets its own infrastructure needs.*

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.'

As can be seen, Policy EG5 is not compliant with District Plan Policy DP6 in respect of development proposed outside the built-up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the Neighbourhood Plan area. The policy criteria themselves are acceptable (as set out in the following sections), but it is the overall principle of allowing development anywhere which conflicts with Policy DP6. However, as the application site is within the built-up area, the principle of the development complies with both policies DP6 and EG5.

In addition, the lapsed outline planning permission, granted in March 2016 should be afforded limited weight as a material consideration. This determination was made in relation to the (now superseded) Mid Sussex Local Plan, the emerging Mid Sussex District Plan and the draft East Grinstead Neighbourhood Plan, as well as the superseded version of the NPPF from 2012.

Overall, therefore, it is considered that the current Development Plan is fully supportive of the principle of housing development in sustainable locations such as this, bolstered by the recently lapsed outline planning permission for housing and the open space being surplus to requirements. Accordingly, the above policies are considered to be met.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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

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

Policy EG3 of the Neighbourhood Plan states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

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

The following Design Principles are relevant to this application:

DG2 (Site appraisal)

DG3 (Work with the site's natural features and resources)
DG8 (Establish a clear movement network that connects with the surrounding area)
DG13 (Provide positive frontage to streets)
DG16 (Create a positive development edge)
DG18 (Integrate parking to support attractive streets and spaces)
DG19 (Provision of off-street parking)
DG21 (Consider and allow for servicing, refuse collection and deliveries)
DG22 (Integrate refuse and recycling into the design of new development)
DG24 (Plan for cyclists)
DG31 (Focus development in sustainable locations)
DG37 (Deliver high quality buildings that minimise their environmental impact)
DG38 (Design buildings with architectural integrity and a sense of place)
DG39 (Deliver appropriately scaled buildings)
DG40 (Design buildings that respond to and animate the street scene)
DG41 (Addressing sloping sites)
DG42 (Consider the location and design of services and external pipes)
DG45 (Privacy of existing and future residents)
DG46 (Provide attractive and usable external amenity space for all homes)
DG47 (Provide homes with sufficient daylight and sunlight) and
DG48 (Design to minimise the impact of noise, air and light pollution).

The council's Urban Designer has assessed the scheme in terms of its layout and elevations and raises no objection. In relation to the proposed elevations, 'The crisp eaves and modern reinterpretation of the chimney also contribute to interesting and individual looking buildings that should give the scheme a sense of place.'

The proposed layout makes efficient use of the space (subject to the site constraints) and importantly ensures the retention of the boundary trees and the green spaces on the perimeter. All the houses face onto the road frontages, allowing rear gardens (with fencing) to be set back and be consequently less visible from the public realm.

Overall, therefore, it is considered that the above policies and design principles would be met, as well as the council's adopted Waste Storage Collection Guidance for New Developments.

Impact on neighbouring amenity

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

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

Policy DP29 of the Mid Sussex District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife

habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

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.'

Policy EG3 of the Neighbourhood Plan states (in part):

'Planning permission will normally be granted where development proposals meet the following criteria:

b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity.'

Although the Neighbourhood Plan requires development not to harm adjoining amenity, the District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: 'policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.' As the District Plan is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

The main properties affected by the proposal would be the adjacent flats at 9, 11 and 13 Blackwell Farm Road and the dwellings opposite at 2, 4, 6 and 8 Blackwell Farm Road.

Plot 10 is proposed to be sited some 11.8m from the side elevation of the nearest flats to the north, and set further back into the site. The buildings will be separated from each other by 2 car parking spaces and a turning area. The proposed rear garden to Plot 10 will be located adjacent to the existing garden to these flats. It is not considered that this relationship (in a built-up area) is unusual or would be oppressive to these neighbouring occupants, given this distance. Although a first floor window is proposed in the side elevation of Plot 10, this will be a secondary window to a bedroom and can be conditioned to be obscure glazed and non-openable, in order to maintain privacy.

Distances to properties on the opposite side of Blackwell Farm Road and Holtye Road are considered sufficient (with a front-to-front relationship) not to have any adverse impact on neighbouring amenity.

The council's Environmental Protection Officer has raised concerns over the impact of road traffic noise on future occupants and the impact of noise and dust from construction on existing surrounding residents. However, both matters can be suitably dealt with by conditions of any planning permission.

The Site Allocations Development Plan Document contains a proposal to replace policy DP29 in the District Plan with a new policy (SA38) relating to air quality. The Site Allocations DPD has been formally submitted to the Secretary of State for Housing, Communities and Local Government.

The Site Allocations DPD will now be subject to an independent public examination by a planning inspector. Due to its stage in preparation emerging policy SA38 can be afforded very limited weight at present. This planning application must be determined in line with the current policy in the development plan relating to air quality, Policy DP29.

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

Accordingly, the scheme would comply with the above policies.

Highways matters

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

'... Decisions on development proposals will take account of whether:

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

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

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

Policy EG11 of the Neighbourhood Plan states:

'Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:

Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements

Include access arrangements that are appropriately designed and include adequate visibility splays.'

Policy EG12 of the Neighbourhood Plan states:

'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.

In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'

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

Following extensive negotiations, the Highway Authority has raised no objection to the application. This is in response to the trip generation, the bellmouth access, the need for a Traffic Regulation Order to restrict on-street car parking within the visibility splays of 2.4m x 43m in both directions (via double yellow lines, to be secured via a legal agreement), the turning areas within the site, and the parking provision (an excess of 6 spaces proposed in relation to the WSCC Guidance on Parking in New Developments, justified in part due to concerns raised by local residents about parking pressure and traffic congestion, particularly in relation to the site's proximity to a school, and offset by the displacement of some current on-street parking).

On this basis, there are not considered to be any transport grounds on which to resist this proposal and accordingly it is considered that the above policies would be met, subject to the imposition of conditions and an informative.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

The council's Drainage Engineer notes that the site is within flood zone 1 and is at low fluvial flood risk. It is also within an area identified as having possible high, medium and low surface water flood risk, and additionally, the site also appears to provide a surface water flow route for the wider area.

A Flood Risk Assessment and Drainage Technical Note were submitted in support of the application following negotiations, setting out the following measures:

- Finished floor levels of the development have been set with consideration of surface water flood levels to reduce the risk of internal flooding occurring on site
- Fences between properties will be of a permeable design to allow any surface water flow routes to be maintained across the site.

These measures would need to be confirmed as being provided, within the recommended condition.

In terms of surface water drainage, the development will utilise attenuation tanks before discharging surface water into the surface water sewer (culverted watercourse) which runs across the site at a controlled rate. The applicant also states that permeable paving shall be utilised.

Foul water will be discharged into the existing foul sewers which cross the site. However, a condition needs to ensure that Southern Water's exclusion zone requirements are met.

These matters can be controlled via condition, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Land contamination

The NPPF Glossary defines Site investigation information as:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.'

The Council's Contaminated Land Officer notes that historically the land was part of Blackwell Farm and given the sensitivity of the proposed development, a discovery strategy is recommended to be conditioned. This would ensure compliance with the NPPF requirements.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*

- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The scheme proposes a number of sustainability measures, including:

- Minimising energy demand through passive means on a fabric first approach
- Specifying good levels of wall, floor and roof insulation and thermal efficiency for all thermal elements
- Minimise potential for thermal bridging, minimising air permeability and controlling ventilation
- Energy demand will be further minimised by specifying efficient means of space and water heating and
- Mechanical ventilation
- If required, zero or low carbon technologies will then be added, such as photovoltaic panels or solar thermal water heating

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex 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 application has been accompanied by an Arboricultural Impact Assessment, which details that 2 trees require removal to make way for this development (Horse Chestnuts T5 and T6 at the site entrance, both Category C trees, but would be offset by the enhanced growth of the adjacent Italian Alders either side). Two other trees are recommended for removal on arboricultural management grounds.

The council's Tree Officer has raised no objection to the proposal and hence, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex 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.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

- *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;*
- *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;

- *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*
- *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.'*

A Preliminary Ecological Appraisal has been submitted as part of this application, which makes recommendations for protecting roosting Bat habitats, precautionary mitigation for Great Crested Newts and Reptiles and avoiding killing or injuring Birds. No further survey work is recommended.

Comments are awaited from the council's Ecological consultant, but it is likely that a suitably worded condition could be imposed on any planning permission to ensure compliance with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above. An update will be provided for Members at the planning committee.

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 10 dwellings, and as such, **mitigation is required.**

An appropriate scale of SAMM mitigation for the proposed development is £11,700, and if the approved scheme provides for a strategic SANG contribution, this would be £15,246.

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 are to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ('Planning Obligation') 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 has provided the following comments:

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

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

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are

implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

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

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

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.

Infrastructure contributions

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

'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:

'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.'*

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

On 25 July 2018 the Council adopted a Supplementary Planning Document on Development Infrastructure and Contributions. This amended the threshold at which infrastructure contributions would be applied to new residential developments from 6 dwellings in the previous 2006 version to 5.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

Education - Primary £28,095 (additional facilities at Blackwell Primary School)
Education - Secondary £30,238 (additional facilities at Sackville School)
Education - 6th Form £7,083 (additional facilities at Sackville School Sixth Form)
Libraries £3,762 (providing additional stock at East Grinstead Library)
TAD £32,334 (A22 Corridor improvements, to include junction improvements and a new bus lane on London Road)

District Council Contributions:

Equipped play £7,192 (improvements to play equipment at East Court locally equipped play area)
Kickabout facilities £6,042 (Mount Noddy Recreation Ground)

Formal sport £8,237 (towards football facilities at East Court and / or Mount Noddy Recreation Ground)
Community Buildings £4,724 (improvements to Meridian Hall, East Court)

Local Community Infrastructure £5,332 (towards improvements to the public conveniences at East Court, East Grinstead (IDP ref: EG/126))

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Affordable housing

Policy DP31 of the Mid Sussex District Plan states:

'The Council will seek:

- *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;*
- *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;*
- *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;*
- *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*
- *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 policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

The proposal is to provide 10 affordable units in total (100%) on site, with 4 x 2-bed houses and 3 x 3-bed houses for affordable rent and 3 x 3-bed houses for shared ownership.

The council's Housing Officer has advised that the proposed development will assist in meeting the significant need for affordable housing in East Grinstead. Currently there are 1237 households with a local connection to East Grinstead on our Common Housing Register who are seeking rehousing.

As such, the proposal fully meets the above policy and will be secured through a legal agreement (as set out above). The provision of 100% affordable housing should be given significant positive weight in the planning balance.

Housing mix

Policy DP30 of the Mid Sussex District Plan states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

Policy EG7 of the Neighbourhood Plan states:

'Planning permission will be granted for new housing schemes where they meet the following criteria:

- 1) *Achieve a minimum density of 30 dwellings per hectare unless local character indicates a different density level and this justification is provided;*

- 2) *On sites of 5 or more dwellings, provide a minimum of 20% small family accommodation in the form of 2 and 3 bedroom units;*
- 3) *Variations in the above mix will only be considered where a viability assessment has been provided to justify a departure from this policy or there are clear design and location reasons which indicate a higher density is appropriate; and*
- 4) *Provides affordable housing in accordance with District policy.'*

The mix of smaller dwellings proposed in this development would comply with these policies.

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

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

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

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

The proposed 2-bed dwellings would provide 79 sq m of floorspace and the 3-bed dwellings would provide 99 sq m of floorspace, which would comply with the government's Technical Housing Standards - Nationally Described Space Standards document and with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

Policy DP28 of the Mid Sussex District Plan states:

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

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

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building

Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- *Where new dwellings are created by a change of use;*
- *Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- *Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- *Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

The MHLG PPG says in part:

'What accessibility standards can local planning authorities require from new development?

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body...'

It is considered that the proposal would comply with this policy, subject to condition.

Other matters

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.

PLANNING BALANCE AND CONCLUSION

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

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

Weighing in favour of the scheme is that the development will provide 10 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. In particular, 100% of this development is for affordable housing, which will meet a clear housing need in East Grinstead and the District. The provision of 100% affordable housing should be given significant positive weight in the planning balance. If permitted, the Local Planning Authority would receive a New Homes Bonus for the units proposed. Infrastructure contributions would also be payable as a result of this development.

The proposal would result in the loss of the open space on the site; however, the application site is noted as being located within 200m of other open spaces and within walking distance of all types of open space/sports pitch, other than rugby pitches. As the site is located adjacent to busy roads on two sides, it is not deemed ideal for any open space use (either formal sport or quiet enjoyment). It is considered that it has been demonstrated that the site is surplus to requirements.

Additionally, there will be an increase in traffic movements to the site, with the displacement of some on-street parking spaces. However, the concerns raised by local residents are not supported by the Highway Authority and therefore your officers do not consider that an objection can be raised to this development on highways grounds. There is no robust technical evidence to support an objection on highway grounds.

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

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

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP20, DP21, DP24, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG7, EG11, EG12, EG14 and EG16 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. **Approved Plans**

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. **Pre-commencement conditions**

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

4. No development shall commence until 1:20 scale elevations and sections of one building frontage showing typical details (windows, entrance door and canopy) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

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 Mid Sussex District Plan.

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

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

7. 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 Construction Management Plan shall be implemented and adhered to throughout the entire construction period. The Construction Management 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 hoardings;
- 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);
- measures to deal with surface water run-off from the site during construction;
- 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 comply with Policies DP21 and DP26 of the Mid Sussex District Plan and Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan.

8. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise or vibration affecting nearby residents;
- artificial illumination;
- dust control measures;
- pollution incident control and site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy EG5 of the East Grinstead Neighbourhood Plan.

9. No development shall take place until a scheme for protecting the residential and other noise-sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area

shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post-construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise-sensitive development is occupied.

Reason: To protect the amenity of future residents from noise activities and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy EG5 of the East Grinstead Neighbourhood Plan.

10. Construction phase

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

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

11. Pre-occupation conditions

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

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

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

13. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres in each direction have been provided at the proposed site vehicular access onto Blackwell Farm Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan and Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan.

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

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

16. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

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

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy EG13 of the East Grinstead Neighbourhood Plan.

18. Two (2) 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.

19. **Post-occupation monitoring / management conditions**

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

20. The proposed first floor side window on the north-west elevation of Plot 10 hereby permitted shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition

being discharged then a lawful start will not have been made and you will be liable to enforcement action.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - No burning of materials shall take place on site at any time.

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

5. The applicant is 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.
6. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
southernwater.co.uk/infrastructure-charges

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
Access Plan	169.0001.001	B	03.12.2020
Location and Block Plan	001	A01	07.07.2020
Proposed Site Plan	002	A03	21.09.2020
Street Scene	003		09.04.2020
Street Scene	004		09.04.2020
Proposed Floor and Elevations Plan	005		09.04.2020
Proposed Floor and Elevations Plan	006		09.04.2020
Proposed Floor and Elevations Plan	007		09.04.2020
Proposed Floor and Elevations Plan	008		09.04.2020
Proposed Floor and Elevations Plan	009		22.04.2020

APPENDIX B – CONSULTATIONS

MSDC Consultant Ecologist

To be reported.

MSDC Contaminated Land Officer

I have reviewed contaminated land records and mapping for the area, and note historically, this land was part of Blackwell Farm.

Give the sensitivity of the proposed development I would therefore recommend a discovery strategy is conditioned.

Recommendation: Approve with the following condition:

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 Corporate Estates Team

Please note that MSDC as landowner has no objection to the proposals as detailed in the planning application.

MSDC Drainage Engineer

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 within an area identified as having possible high, medium and low surface water (pluvial) flood risk. The site also appears to provide a surface water flow route for the wider area.

Following requests for further information by the Flood Risk and Drainage Team a Flood Risk Assessment (FRA) and a Drainage Technical Note (Sept 2020) have been submitted in support of the application.

Finished floor levels of the development have been set with consideration of surface water flood levels to reduce the risk of internal flooding occurring on site.

The Drainage Technical Note also states that fences between properties will be of a permeable design to allow any surface water flow routes to be maintained across the site.

Subject to these flood management measures being utilised the Flood Risk and Drainage Team accept that consideration of the surface water flood risk and the existing flow routes has been demonstrated.

As part of the detailed design stage we will require confirmation that the finalised finished floor levels are located above the modelled surface water flood depths and boundary features shall be permeable.

SURFACE WATER DRAINAGE

It is proposed that the development will utilise attenuation tanks before discharging surface water into the surface water sewer (culverted watercourse) which runs across the site at a controlled rate. The applicant also states that permeable paving shall be utilised.

The Drainage Technical Note confirms that discharge rates shall be restricted to the Greenfield QBar rate of 1/64l/s and that the system has been designed to cater for the 1 in 100-year storm event, with an additional 40% allowance for climate change.

The Drainage Technical Note also confirms that permeable paving on site shall be tanked and is specified for conveyance and water quality purposes.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage into the existing foul sewers which cross the site.

Comments received from Southern Water provide guidance on the required development exclusion zones for foul sewers. We will require a condition to be placed on the development which ensures Southern Water's exclusion zone requirements are met.

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.

MSDC Environmental Protection Officer

I have concerns in relation to the impact of road traffic noise on future occupiers of the proposed dwellings and would recommend a condition, which will ensure they are adequately protected.

I also have concerns about the impact of noise and dust from the construction on the existing surrounding residents and would suggest that a Construction Environmental Management Plan is conditioned.

Recommendation: Approve with Conditions.

1) Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

2) No development shall take place until a scheme for protecting the residential and other noise-sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post-construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise-sensitive development is occupied.

Additional comments 5 August

As discussed, comments made by Oliver Benson on 4th May 2020 regarding the above proposed development recommending conditions relating to sound proofing and a CEMP still stand.

In addition, given that this development proposes the provision of 10 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. I recommend that the following additional condition be applied to any permission granted:

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall 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 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.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

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

MSDC Housing Enabling Officer

This application is for a 100% affordable housing development comprising 6 x 3B/5P houses and 4 x 2B/4P houses. The four 2 bed houses and three of the 3 bed houses will be for affordable rent and the remaining three 3 bed houses will be for shared ownership. The proposed development will assist in meeting the significant need for affordable housing in East Grinstead. Currently there are 1237 households with a local connection to East Grinstead on our Common Housing Register who are seeking rehousing.

MSDC Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 10 residential dwellings on Land At Junction Of Blackwell Farm Road And Holtye Road, East Grinstead 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

East Court, owned and managed by the Parish Council is the nearest locally equipped play area, approximately 250m from the development site. This facility will face increased demand from the new development and a contribution of £7,192 is required to make improvements to play equipment.

Mount Noddy, owned and managed by the Council is within 350m of the development site and a contribution of £6,042 is required toward kickabout provision for older children. 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 £8,237 is required toward football facilities in East Court and / or Mount Noddy Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £4,724 is required to make improvements to Meridian Hall, East Court.

DISTRICT PLAN POLICY DP24

The loss of open space has been addressed in the Planning Statement (7.6-7.9). An assessment has been undertaken which demonstrates that the land is surplus to requirements and I am satisfied with this conclusion.

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 and Numbering Officer

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

Informative (Info29)

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

MSDC Tree Officer

I have reviewed the above report and have the following comments:

- Two category C trees are to be removed to provide access to the site. The removal of such trees should not act as a constraint on the development and it is also understood that outline permission was agreed with the access point in the same position.
- There is minimal encroachment into the RPAs of the trees surrounding the site specifically only T1 and T18 are affected with less 5% encroachment. The use of hand tools should only be used within these areas as outlined on the Tree Protection Plan.
- The houses appear to be positioned in a way to reduce the future pressure to excessively prune or remove the boundary trees, additionally these trees are managed by MSDC which provides them with a degree of protection.
- New trees and planting are highlighted on the Tree Protection Plan. I have not seen any details relating to the landscape scheme and would therefore request a suitable condition to submit and agree the planting plan.
- The tree protection fencing is suitably placed, and I would request that the details outlined within the protection plan are adhered to.

As a result, providing the protection measures as outlined within the above report are fully adhered to throughout the development and a suitable landscaping plan is agreed, I do not object to this application on arboricultural grounds.

MSDC Urban Designer

SUMMARY AND OVERALL ASSESSMENT

The principle of development on this open land was accepted by the outline planning consent in March 2016 (DM/15/1492). This scheme has been carefully designed with a layout that appropriately faces Blackwell Farm Road and Holtye Road and will be softened by the retained tree belt that defines the edge of the existing open space. Additional landscaping will also contribute to softening the parking and garden boundaries. The building design benefits from underlying architectural integrity and crisp contemporary elevations that should contribute to giving the scheme a sense of place. I therefore raise no objections to the application; however, to secure the quality of the design I would recommend the following conditions requiring the approval of further drawings / information:

- Facing materials
- 1:20 elevation and section of one building frontage showing typical details (windows, entrance door and canopy, roof and eaves)

- Soft and hard landscape details including the design of the boundary treatment.

LAYOUT

The layout is well organised with building frontages facing both Holtye Road and Blackwell Farm Road and with private gardens securely positioned at the rear where they are bounded by a large evergreen tree belt on the western boundary with the adjacent cemetery. The proposed houses on the Holtye Road frontage and access way in front of the proposed houses on Blackwell Farm Road have been well set-back from the highway that should accommodate the existing attractive belt of trees that defines the existing open space and provides some compensation for the loss of the latter while enabling the proposed development to be suitably softened. The impact of the parking should particularly be helped by this as well as by the proposed supplementary landscaping.

An amended site plan has been provided which addresses my previous concerns about boundary treatment. In particular the scheme now allows for an open boundary with the existing trees and re-designed the garden boundaries facing the public realm with fencing that is defined by brick posts. I nevertheless recommend a condition requiring the approval of the design to secure its quality.

ELEVATIONS

The elevations benefit from a crisp contemporary design with generous fenestration including full height windows that generate well-articulated vertically proportioned frontages and should also provide light airy interiors. The crisp eaves and modern reinterpretation of the chimney also contribute to interesting and individual looking buildings that should give the scheme a sense of place.

The semi-detached houses facing Holtye Road benefit from a formally organised grouping. The houses facing Blackwell Farm Road are less formally articulated with longer frontages and shallower plans that provides some variation and as well as allowing enough separation from the evergreen trees at the rear/western boundary.

Care has been taken to ensure that houses address their corners with both return elevations properly addressing the public realm they face.

I nevertheless would like a condition to be included requiring detailed drawings of typical details to secure the quality of the scheme.

WSSC Lead Local Flood Authority

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

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

FLOOD RISK SUMMARY

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

Comments:

Current surface water mapping shows that parts of the proposed site are at high 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: 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 adjacent to the site.

Local or field boundary ditches/culverted watercourses, 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 Technical Drainage report included with this application state that permeable paving and below ground attenuation with a restricted discharge to the watercourse would be used to control the surface water runoff from the site.

As indicated by the District Drainage Engineer, a full FRA should be submitted for this site which should fully consider the surface water flood risk of the site and the impact that this development would have.

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 Highways

Background

The Local Highway Authority (LHA) has previously commented on various applications at this same site. 14/02236/OUT for 12 dwellings and DM/15/1492 for 10 dwellings. The LHA had no over riding objections on either that could justify a refusal in highway planning terms, under the National Planning Policy Framework (NPPF). Application DM/15/1492 was approved by the Local Planning Authority (LPA). The previous permission is a material consideration when assessing this new application.

The LHA are mindful of the concerns raised with regards to local parking pressures, the proximity of the school and walking routes, also the parking of vehicles in the visibility splay of the proposal. A full Transport Note (TN) has now been submitted to cover all highway related matters. An updated Stage 1 Road Safety Audit (RSA) and a new Audit Log has also been provided in-line with the latest GG119 Guidance and a revised access drawing no:169.0001.001 Rev B.

In summary the LHA would raise no objection to the proposal and the following report provides detailed comments on the new TN, RSA and Audit Log now provided in support of the application.

Trip Generation and Highway Capacity

10 dwellings are proposed, 4 x 2 bed dwellings and 6 x 3 bed dwellings. The TN includes trip data from TRICS. This is the industry standard way of estimating how many trips are likely to take place throughout the day based on other similar surveyed sites. Section 3.2 table 4 indicates two-way trips of around 5 in the AM peak and 3 in the PM peak. The LHA assess the peaks as this is when the network is at its most busy and extra trips are likely to have more of an effect on network capacity. Given this low level of trips in the peak hours the LHA would raise no concern to highway capacity being affected by this small development.

Access and Visibility

The previous access design proposed a large cross over style access. In situations of heavier footfall along pedestrian footways this is not ideal in safety terms, a more formalised bell mouth style access with kerbed radi and dropped crossing points with tactile paving provides a safer, more visual access point. A bell mouth style access with footways on each side leading into the site has now been shown. The raised table will remain to aid in the slowing down of vehicles entering the site.

Visibility splays of 2.4 x 43m have been shown along with forward visibility, this is acceptable in line with Guidance in Manual for Streets (MfS) for a road with a speed limit of 30mph. The presence of on street parking was brought to the attention of the LHA by the high number of representations and evidence of pictures by members of the public and the Parish Council. This has been raised as a safety concern, given that some vehicles are parking illegally on the footway forcing pedestrians to have to walk in the roadway or on the verge. Some

parking in visibility splays (on the carriageway) is considered acceptable in low speed residential areas, where drivers are likely to proceed with caution when entering the highway, this is a common occurrence and considered acceptable in MfS (section 7.8.5). With the introduction of a bell mouth style access instead of a cross over style access this should discourage drivers from parking so close to the access and in the immediate visibility splays. A Traffic Regulation order (TRO) is proposed to provide a scheme of double yellow lines in the vicinity of the site access to protect visibility splays as detailed on drawing no:169.0001.001 Rev B. Although given the concern around the loss of on street parking it is not considered suitable to introduce a TRO that covers 43m in each direction from the site access point, along with the guidance in MfS regarding parking in visibility splays as detailed above. The TRO will be secured via a section 106 agreement.

Tracking has been provided to demonstrate the access is suitable to enable access to residents, a refuse truck and fire tender, with all being able to turn on site and exit the highway in forward gear.

Parking and Cycle Parking

22 parking spaces are proposed in the site. WSCC Guidance on Parking in New Developments (Sept 2020) states 16 would be required when rounded up. The proposed parking is in excess of that required. This over provision should ensure that there is no overspill parking from the development on to the public highway, this in turn would mean the site is not adding to any pre-existing parking pressures in the area, although the access point will displace some on street parking. It is not known if this is residents parking or people that are at work, however it's not considered that on balance this will raise a safety concern that could be considered detrimental to highway safety to warrant an objection on safety grounds under the NPPF. The LPA may wish to consider on street parking from an amenity issue.

Cycle provision as detailed under section 2.4 & 2.5 of the TN is satisfactory and meets requirements.

Stage 1 Road Safety Audit (RSA) and Audit Log

Two problems have been identified in the RSA. The below table details the problems identified and the agreed action. The Full RSA and Audit Log is available on MSDC's planning portal.

RSA Problem 1

Existing On-street parking will reduce visibility at the junction

RSA Recommendation

Side and forward visibility splays are added to the drawings.

Parking restrictions recommended within any area of the visibility splay

Design Organisation Response

Visibility splays at the site access have now been provided to accord with the standards.

Parking restrictions are not considered necessary for the full length of the visibility splay given that Manual for Streets guidance suggests that on-street parking is common in built up areas and does not appear to create any significant visibility issues for vehicles at an access. Double yellow lining parking restrictions are proposed around and for 10m in each

direction from the bellmouth, restricting parking close to the junction, to be secured via Section 106 contribution.

Overseeing Organisation Response (WSCC)

Full Visibility splays as detailed on Drawing no:169.0001.001 Rev B have been provided. The LHA would raise no concerns to these.

On the same drawing parking restrictions have been proposed to protect the junction but minimise the effect on on-street parking. The LHA are satisfied that this problem has been addressed.

Agreed RSA Action

A TRO contribution secured under the s106 agreement in-line with drawing no:169.0001.001 Rev B to deliver the TRO alongside the s278 works.

RSA Problem 2

Proposed junction arrangement may result in confusion between all road users

RSA Recommendation

Clarification of the junction type is provided to the Audit team.

Design Organisation Response

The development will be served via a bellmouth junction which will be supported by 2m wide footways on either side. This helps to distinguish the nature of the access and will reduce the opportunities for conflict at the access.

Swept path analysis of the access has been undertaken and demonstrates larger vehicles can safely enter and egress the site without overhanging the footways.

Overseeing Organisation Response (WSCC)

A revised access design has been provided in the form of a bell mouth. The LHA are satisfied with the design and clarification.

Agreed RSA Action

Re-design of the junction from a cross over to a bell mouth as detailed in drawing no:169.0001.001 Rev B.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The following conditions and informative note should be added to any grant of planning consent.

Conditions:

Vehicle parking and turning

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

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

Construction Management Plan

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

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

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

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.

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres in each direction have been provided at the proposed site vehicular access onto Blackwell Farm Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative:

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.

WSCC Infrastructure

SUMMARY OF CONTRIBUTIONS

Education			
School Planning Area	East Grinstead		
Population Adjustment	22.6		
	Primary	Secondary	6th Form
Child Product	0.2120	0.2120	0.1145
Total Places Required	1.4839	1.0599	0.2289
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£3,762		
Population Adjustment	22.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	10		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	22.6		
Net Parking Spaces	22		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£28,095
Education - Secondary	£30,238
Education - 6th Form	£7,083
Libraries	£3,762
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£32,334
Total Contribution	£101,513

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 10 dwellings net dwellings, and an additional 22 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 facilities at Blackwell Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Sackville School.

The contributions generated by this proposal shall be spent on additional facilities at Sackville School Sixth Form.

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

The contributions generated by this proposal shall be spent on A22 Corridor improvements, to include junction improvements and a new bus lane on London Road.

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.

WSCC Minerals and Waste Planning Authority

On behalf of the Minerals and Waste Planning Authority, I would offer No Objection to the application as per subject line as the application site is not within any identified Mineral Safeguarding Area or within proximity of any operational waste infrastructure.

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 Fire and Rescue Service

Having viewed the plans for the above planning application there appears to be 6 properties with no vehicular access provided. Approved Document B Volume 1 2019 Edition para 13.1 (page 97); all points inside each dwelling is to be within 45 metres of a fire appliance. This is

due to the minimum length of firefighting hose connected to the appliance used to fight fires. Any areas not within the 45 metre distance will need to be mitigated by the fitting of domestic sprinklers.

Also as mentioned in AD-B para 13.4 dead-end access routes should not be longer than 20 metres from a turning facility (diagram 13.1 page 97).

Southern Water

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/sewage-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.

All other comments in our response dated 19/05/2020 remain unchanged and valid for amended details.

Comments 19 May 2020

Please find attached a plan of the sewer records showing the approximate position of a public foul sewers crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 300 mm, 225 mm, 150 mm diameter foul sewers require a clearance of 3 metres on either side of the 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 sewer 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 a public sewers.
- All existing infrastructure should be protected during the course of construction works.

The construction of permeable paving over public or adoptable sewers will not be acceptable. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

Please note there is a private surface water culverted water course within the site.

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.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/infrastructure-charges

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

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

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

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

The Council's technical staff and the relevant authority for land drainage consent 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.

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