
2 February 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, 11TH FEBRUARY, 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 consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

- | | | |
|----|--|----------------|
| 5. | DM/20/1516 - Pikfield Engineering Ltd Factory, Durkins Road, East Grinstead, RH19 2ER. | 3 - 50 |
| 6. | DM/20/3955 - Land South of Southend Cottage, Brighton Road, Handcross, RH17 6BZ. | 51 - 94 |
| 7. | DM/20/3988 - 6 Burma Close, Haywards Heath, RH16 3JE. | 95 - 98 |

8. DM/20/4535 - MSDC Station Car Park, Station Road, Burgess Hill, RH15 9DG.

99 - 110

Items Recommended for Refusal.

None.

Other Matters.

None.

9. 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

MID SUSSEX DISTRICT COUNCIL

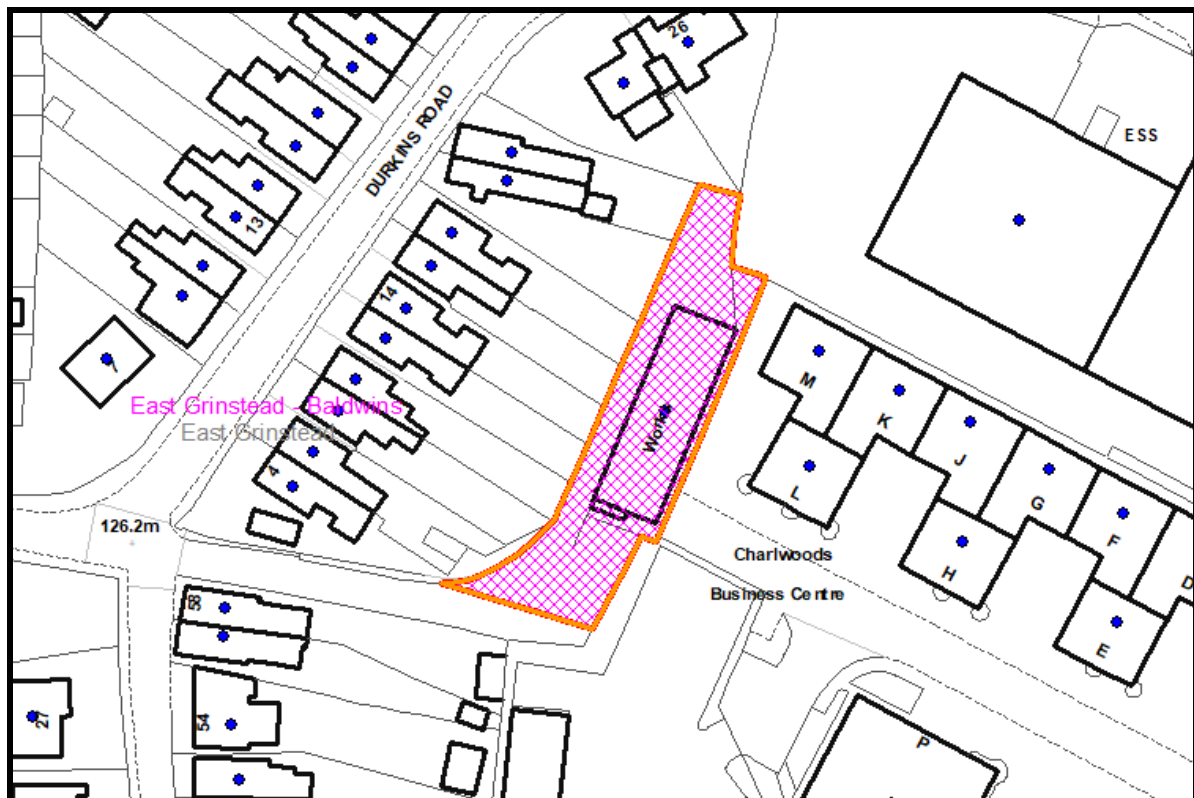
Planning Committee

11 FEB 2021

RECOMMENDED FOR PERMISSION

East Grinstead

DM/20/1516



© Crown Copyright and database rights 2020 Ordnance Survey 100021794

PIKFIELD ENGINEERING LTD FACTORY DURKINS ROAD EAST GRINSTEAD

DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A BUILDING COMPRISING 8 DWELLINGS (4X1 BED FLATS AND 4X2 BED FLATS) WITH PARKING (MARKETING INFORMATION SUBMITTED ON 26 JUNE 2020 AND DRAINAGE REPORT SUBMITTED ON 6 JULY 2020) (UPDATED NOISE REPORT SUBMITTED ON 5 JANUARY 2021)

MRS ASTRA FEAR

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 31st January 2021

WARD MEMBERS: Cllr Norman Webster / Cllr Julie Mockford /

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 demolition of the existing building and erection of a 2.5-storey building containing 8 flats (4 x 1-bed and 4 x 2-bed), together with car parking.

The application has been referred to committee for determination by officers given the level of local interest, in line with the council's Constitution, which states that: 'Officers to whom a matter is delegated may refer that matter to the Council, Cabinet or a Committee (as appropriate) rather than exercise the delegation.'

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 8 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. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure.

The proposal would result in the loss of employment floorspace; however, marketing of the site for employment purposes has been unsuccessful, and in any case, the Neighbourhood Plan is supportive of redevelopment for residential uses of sites such as this within the Charlwood Industrial Estate.

Additionally, whilst the proposed building will be more noticeable to local residents

on Durkins Road, it has been designed to mitigate overlooking, and these measures can be secured by condition. It is therefore not considered that the proposal would result in significant harm to neighbouring amenity.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability and land contamination.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

For the above reasons, the proposal is deemed to comply with Policies DP1, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG7, EG10a, EG11, EG12, EG16 and SS5 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 and infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 11 May 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason(s):

'The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policies EG3, EG5 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'

'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 Contaminated Land Officer

Recommendation: Approve with conditions.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Health Officer (Housing Standards)

Detailed comments on plans with respect to Housing Standards.

MSDC Environmental Protection Officer

Conditions recommended to protect future residents of the development from noise and to protect existing residents from the effects of noise and dust during the demolition and construction phases.

MSDC Leisure Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

WSCC Highways

No objection, subject to conditions.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

West Sussex Fire & Rescue Service

No objection to updated vehicle access plan.

TOWN COUNCIL OBSERVATIONS

01/06/2020 - Recommend Refusal: this is overdevelopment of the site that was simply never envisioned to take this number of properties. The access and egress is too tight and will produce an unacceptable traffic risk. DP policies 26 (it is not neighbourly) DP4 (the area is mostly commercial new residential will add strain to the drainage systems and it is asked to ensure that southern water have full capacity

to accommodate this). EG7 would suggest this is overdevelopment of the plot and it is noted that WSCC highways do not wish to carry out a site visit. This is not acceptable as although only a small site, the roads are very narrow and a site visit is essential to assessing this site.

24/08/2020 - The Committee feel there is much to commend this application but recommend refusal at this time as 8 flats is simply too much. Access to the flats with existing on-road parking will be exacerbated and the refuse and emergency vehicles will not have good access.

LETTERS OF REPRESENTATIONS

East Grinstead Society (27 May 2020): Recommend refusal. This cramped site is approached by a narrow unadopted lane at the junction of Durkins Road and Wellington Town Road. It is unlikely that emergency vehicles and council waste trucks could get through if needed because of the poor access. The two and a half storey block would overlook the back gardens of 10-18 Darkens Road and is squashed in between those and the Charlwoods industrial estate.

East Grinstead Society (24 August 2020): Recommend refusal. The additional information does not change our previously expressed view that such an application is entirely wrong for this site.

36 letters of objection:

Highway safety:

- Increased road traffic
- Parking problems
- Road safety
- Loss of existing parking spaces on Durkins Road/spur road
- Access from bin lorries, deliveries and emergency services is a concern
- Additional cars will have a health impact on current residents
- Dangerous for pedestrians, including school children, bikes, prams and dogs
- No visitor parking proposed
- Exit from Durkins Road onto Lingfield Road is already dangerous due to poor visibility
- Current parking restrictions are ignored
- Local shop is a parcel collection/returns point so has increased traffic
- Several incidents with delivery drivers using incorrect satnav maps
- Access road is very narrow

Construction:

- Access for construction
- Road not designed for sustained access by HGVs
- Noise, dust, debris from construction
- Asbestos content in the roof of the existing building
- Access to neighbouring garages must be maintained during construction

Design:

- Poor quality of design
- Although proposed louvres may slightly obscure the line of vision, it will not prevent loss of privacy
- Plans misleading as section through no. 4 is higher than other properties on Durkins Road
- Bins are at the back of houses and waste and smell will encourage vermin
- Bins will result in noise so should be sealed enclosures, not hit and miss doors
- Fencing should be replaced to the same height as existing
- Fence heights are incorrectly labelled, e.g. 1.8m to rear of 20 Durkins Road
- Unsympathetic with surrounding environment
- Loss of trees
- Not sustainable socially or environmentally

Drainage:

- Sewer will not support additional residential units
- If sewer has to be upgraded, it will involve digging up garden areas
- Clay pipes run through gardens of Durkins Road with previous flooding problems to cellars so must not be damaged or blocked during development
- Demolition of existing building will be very disruptive and excessive vibration, piling and drilling will cause damage to tanked cellars

Loss of privacy:

- Impact of privacy within gardens
- Gardens will be unusable
- Flats will look into rear bathroom, kitchen and bedrooms
- Noise and disturbance from new residents

Outlook:

- Loss of view of trees replaced with a building
- Too close to neighbouring houses
- Overshadowing of garden
- Building is overbearing and intrusive
- Building is cramped and an overdevelopment
- Dominant and overbearing
- It will be intrusive
- Loss of sunlight to gardens
- Loss of visual amenity
- Loss of natural light
- Security entry lights
- Building sited extremely close to fence at bottom of neighbouring gardens

Advertising:

- Has not seen site advertised for sale anywhere
- Current owner uses property all of the time; it is not hardly used as some are suggesting
- Should be left as commercial property and sold as such or offered to residents to buy to increase parking

- No residential property should be built on this difficult to access land
- Marketing was only for letting, not for sale
- No legal exclusion of vehicles from local roads, so marketing was totally misleading as goods vehicles ARE permitted to go to the site of the proposed development
- Met current occupier with an interest in the property and asked if for sale or rent, but gave no idea that it had been advertised to let
- Would not look in the small ads in a newspaper that has very little East Grinstead content
- Surprised that it was not very well marketed
- If there was any serious attempt to market the property there would at least have been a sales board displayed near the property

Other matters:

- This building has never been part of the residential area
- Aware that current owner has been unable to sell it as a small industrial concern
- When the new Charlwood commercial units were built, the main road to the units from Charlwoods Road was stopped
- Signage already in situ restricting goods vehicle access from Lingfield Road
- Too small for traffic
- Loss of jobs and redundancies due to Covid-19
- Local infrastructure not keeping pace with development
- Should not grant any more planning permissions for housing in this area
- Too many unsold flats in the East Grinstead area

10 letters of support:

- Building unattractive design, residential surroundings, access through a residential area, adequate on-site parking, in accordance with East Grinstead Neighbourhood Plan policy
- Scheme is most sensible and fitting for the site
- Much better use of the area and space
- Will benefit the road/area
- Will help people rent locally with easy access to the train station
- Strange location of the building due to its immediate residential surroundings, which cannot be accessed by vehicle through the Charlwood Industrial Estate
- Property unsuitable for commercial use
- Immediate residents will benefit from no commercial vehicles passing their premises
- Will enhance residential area
- Architect has taken sympathetic approach to limit overlooking
- Allocated parking is shown for each unit
- Provide employment during construction
- Will provide clear delineation between business park and residential area
- Replaces unattractive workshop
- Lack of objection from the Highway Authority

INTRODUCTION

Full planning permission is sought for the demolition of the existing building and erection of a building containing 8 flats (4 x 1-bed and 4 x 2-bed), together with car parking.

RELEVANT PLANNING HISTORY

None. It is understood from the applicant's Planning Statement that the building has been used by the current owner since purchasing it in 2000 as a domestic style garage and store, to build a kit car. Previously it was used as a workshop for making coils for clocks.

SITE AND SURROUNDINGS

The site consists of a part 2-storey and part single-storey (double height) brick-built industrial building predominantly with low dual pitched roof with flat section at the front. It is surrounded by hardstanding on all sides and is set at a much lower level than the frontage forecourt area to the highway, such that there is a retaining wall to the front. The sloping forecourt area is also shared with 2 independent residential garages.

The building is located at a lower level behind several semi-detached dwellings on Durkins Road to the west and surrounded by industrial units to the north-east, east and south. There is no access to the building from the industrial estate (Charlwoods Business Centre); rather, access is gained via the residential area to the west, from Lingfield Road, Durkins Road and Wellington Town Road. This cul-de-sac access road is utilised for general car parking to one side.

The site is located within the built-up area of East Grinstead (within the Charlwood's Industrial Estate, as designated within the East Grinstead Neighbourhood Plan) and within 7km of the Ashdown Forest.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing building and erection of a 2.5-storey building containing 8 flats (4 x 1-bed and 4 x 2-bed), together with car parking.

The application has been referred to committee for determination by officers given the level of local interest, in line with the council's Constitution, which states that: 'Officers to whom a matter is delegated may refer that matter to the Council, Cabinet or a Committee (as appropriate) rather than exercise the delegation.'

The new building will be sited 6m further within the site from the front (to the north-east) than the existing building - albeit the footprint is slightly smaller (25.2m in width (compared to 25.6m as existing) and a maximum 8.1m in depth (compared to 8.5m as existing)). The new building will be designed to a maximum height of 9.5m with eaves height of 5.3m (in comparison with the existing building of approximately 6m in height with eaves height of approximately 4m).

The most visible elevation from the public realm will be the flank south elevation, which will be a gable end with 5 windows. The west facing elevation (towards residential dwellings on Durkins Road) will contain 6 ground floor windows and 2 entrance doors with 2 large landing windows over each entrance, 2 small high-level windows and 4 oriel windows with views directed to the south-west, plus 4 rooflights. The north flank elevation will contain 6 windows and the east facing elevation (to the rear) will contain 12 windows, 4 dormer windows and 4 rooflights. Materials will be a mix of render and cedar or composite cladding, powder coated aluminium windows and a slate roof. The first-floor oriel windows and landing windows plus some of the flank windows at first and second floor level will also contain vertical or horizontal rain-screen louvres.

The building has been repositioned further into the site to allow car parking and turning space to be provided at the front. This will be arranged as 4 spaces within the existing higher level at the turning head of Durkins Road and 4 spaces on the existing lower level (adjacent to the retaining wall), together with an EV charge point. The existing access of 3.7m in width will be able to accommodate a fire tender, and the bin store will be located adjacent. The pedestrian circulation space will be along the far west boundary of the site, adjacent to the existing 2.6m high fence to properties on Durkins Road, where there will be 2 separate entrances to the new flats, with the cycle storage area at the far rear. The space around the building will be landscaped.

POLICY CONTEXT

Mid Sussex District Plan (Mar 2018)

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

Policy DP1: Sustainable Economic Development
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 DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP30: Housing Mix
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 include:

Policy EG3: Promoting Good Design
Policy EG5: Housing
Policy EG7: Housing Mix and Density
Policy EG10a: Loss of Business Premises and Sites
Policy EG11: Mitigating Highway Impact
Policy EG12: Car Parking
Policy EG16: Ashdown Forest SAC and SPA
Policy SS5: Charlwood's Industrial Estate

Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)

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)

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Feb 2019)

The National Planning Policy Framework (NPPF) 2019 is also a 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), 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 employment floorspace 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;
- Habitats Regulations;
- Infrastructure contributions;
- 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 this part of Mid Sussex consists of the Mid Sussex District Plan (2018) together with the East Grinstead Neighbourhood Plan (2016). The District Plan is up to date 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 employment floorspace

Policy DP1 of the Mid Sussex District Plan states (in part):

'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;'*

Policy EG10a of the East Grinstead Neighbourhood Plan states:

'The loss of lawful business premises and sites within the existing settlement confines will be generally resisted. Planning permission will only be granted if it can be demonstrated that the site has been unsuccessfully marketed for employment/business re-use for a period of at least 6 months; the building is unsuitable or unviable for continued business use; there is no reasonable prospect of the take up or continued use for business use at the site/premises in the longer term; and the proposal meets other policies of the Development Plan.'

Marketing of the site commenced in October 2019 and continued through to April 2020, with evidence provided by way of copies of adverts, a letter from the publisher of 2 local newspapers (Kent & Sussex Courier and the Sevenoaks Chronicle) and on their website marketplacelive.co.uk and receipt of the adverts. Interest was limited in relation to a commercial use and this was not progressed. Feedback expressed concern about accessibility to the site for commercial purposes, largely due to the sign at the entrance to Durkins Road, which states: "No Goods Vehicles Residential Area Only"

Following concerns from some local residents about the marketing carried out, comments were sought from West Sussex County Council as Highway Authority to the reason for this signage:

The signs are there at the entrance to Durkins Road from Lingfield Road and at the entrance to the "factory" part of Durkins Road to discourage goods vehicles from using the largely-residential local roads. Even now on maps there is a suggestion that one might be able to get to the larger Charlwoods Business Centre via Durkins Road.

However, there appears to be no legal exclusion of goods vehicles from Durkins or other local roads. This would only be possible through a formal weight or width restriction and there is neither on these roads. Even with a formal restriction there is an "access only" caveat, which means that any road user can pass and re-pass along the roads to get to a property.

The TRO [Traffic Regulation Order] team confirm that there is no legal order restricting HGV movements along Durkins Road.

As WSCC do not manage or maintain street name plates, it is possible the sign shown in the Google picture is an advisory sign installed sometime in the past by the district or town council.

This signage would therefore appear to be advisory rather than legally exclusionary, and on this basis it is considered reasonable that the marketing adverts alerted future owners/lessees of this constraint, even if the signage is not as precise in its intention as it could have been.

Some residents have objected to the application on the basis that they consider the marketing to have been misleading or not sufficiently serious. However, the Local Planning Authority has been furnished with the necessary evidence (on the planning file) to demonstrate that the site is no longer required for employment/business use. On this basis, the above policies are considered to be met.

New residential use

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, there is some conflict between Policy EG5 and District Plan Policy DP6 as EG5 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, Policy SS5 of the East Grinstead Neighbourhood Plan states:

'Planning permission will be granted for proposals for the comprehensive redevelopment of the Charlwood Industrial Estate for a mix of uses including housing, open space, community uses and smaller B1 business units and suites which range in size up to 300 sq. m.

The Town Council will prepare a development brief in association with other stakeholders to guide the development of this site in order to assist where proposals may come forward in smaller parcels due, to amongst other things, land ownership.'

The supporting text indicates the Town Council's support for a planned relocation of the industrial unit uses elsewhere and redevelopment of this area to provide a mix of uses, including housing. However, no development brief has yet been prepared for this area.

Although this proposal represents a piecemeal development scheme, it is noted that the site is currently landlocked from the wider Charlwood's industrial area (being accessed from the west through a residential area, rather than the east through the industrial estate). This is a further factor that weighs in favour of the proposed change of use of this land from industrial use to residential.

Overall, therefore, it is considered that the current Development Plan is fully supportive of the principle of housing development on previously developed sites, in sustainable locations such as this, together with the unsuccessful marketing of the site for business/employment purposes. 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 East Grinstead 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:

- DG18 (Integrate parking to support attractive streets and spaces)
- 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)
- 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).

It is acknowledged that this industrial building is located within a residential area and divorced from the adjacent industrial estate (in vehicular terms). The shape of the site reflects this use. Therefore the applicants have sought to replace the existing building with one of a similar proportion and footprint. The setback of the building within the site allows a more consolidated parking and turning arrangement to be provided at the front, thus removing vehicular movements from further within. This approach is supported by officers.

In terms of the scale of the building, the height has increased by approximately 3.5m in relation to that of the existing building, due to the additional storey within the roofspace. However, the bulk has been reduced by the pitched roof. To break up the elevations on the long sides, the eaves lines have been broken up by 'raking offshoot projections' on both sides - containing oriel windows on the west elevation and accommodation on the east elevation. A slate roof finish will blend in with some of the Victorian properties immediately west and avoid reflective surfaces.

It is therefore considered that the design of the building is appropriate on this site, given the existing building and its unusual circumstances. There is an opportunity to provide some landscaping around the building in place of the hard surfacing (which currently covers the entire site), which will assist in providing defensible space. Further details are sought on boundary treatments, landscaping, design details, finishes, refuse and cycle storage facilities through recommended conditions.

Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and 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 dwellings along Durkins Road, nos. 4-26 evens, plus 58 Wellington Town Road, and adjacent business units at Charlwoods Business Centre.

The footprint of the building will be sited approximately 0.8m closer to the western boundary with neighbouring residential dwellings (plus a further 1.5m from the oversailing oriel windows). The building has also been sited some 5.6m further across the outlook from the rear garden of no. 20 Durkins Road. In relation to the existing building, the increased eaves height will be approximately 1.3m and the increased ridge height will be approximately 3.5m. Whilst views of this roofline will be visible from these properties, it is noted that several are on higher ground (particularly to the south-west) and the roof pitches away from these dwellings. Although the building will be sited approximately 2.4m from the garden boundaries, the building will be sited a minimum oblique distance of 11m from the rear extension of no. 22 and 17.8m from the rear extension of no. 18. The minimum distance is 21m from the original rear wing of no. 18.

Given the positioning of the building opposite the rear elevation of these properties, and the distances involved, it is not considered that the proposed building will be overbearing to the amenities of neighbouring residents in terms of loss of light or outlook. These garden areas are somewhat narrow but not shallow and benefit from a relatively open, south-easterly aspect. The garden area to no. 20 is wider than all others in this section of the road, with the main house oriented further back, so the garden is of a greater length than others as well. Therefore it is not considered that the proposed building will be significantly harmful to the amenities of these residents.

In terms of overlooking, the proposed ground floor windows will be screened by the existing fencing to these neighbouring properties, so there would not be any mutual overlooking from the existing properties to these new flats. At first floor level, the design solution entails the inclusion of 4 oriel windows which will direct views across the garden areas of properties in Durkins Road rather than towards the dwellings themselves. This will be emphasised by horizontal or vertical louvres, which will further filter views - such detail to be sought by condition. The landing and high level dining windows on the west elevation can be further conditioned to be obscure glazed and non-openable. At second floor level on the west elevation, high level rooflights are proposed which, again, can be conditioned to be obscure glazed and non-openable.

With respect to noise and disturbance, the Council's Environmental Protection Officer has made comments, reported in full in Appendix B, recommending conditions relating to construction works and noise mitigation. This is also for the benefit of future residents as well as existing.

With such conditions in place, it is considered that the proposal would not result in a significantly harmful impact on neighbouring amenity and 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 109 of the NPPF states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The Highway Authority has made detailed comments on the Transport Report provided in support of the application. As set out in Appendix B, the summary of this report makes the following assertions:

- The proposals would result in the significant reduction in activity at the site and the adjacent local highway network when compared with (the permitted) existing commercial use, which could be reinstated at any time. This includes the use of site access and neighbouring junctions and on-street parking provision;
- The proposals would retain the existing access arrangements for the site and improve them where possible to cater for the reduced levels of activity (visibility of 2 metres by 20 metres is achievable);
- The proposals would provide sufficient levels of on-site parking provision in accordance with relevant design standards, including provision for bicycles and electric vehicles;
- The proposals would retain and enhance the existing servicing arrangements for the site, with reduced activity by delivery vehicles and removal of the need for larger HGV movements.

The Highway Authority confirms that the report provides sufficient evidence to demonstrate that these points have been adequately addressed to a level which would not result in a highways objection to the application. This includes the maximum slope into the site, which the scheme makes no change to the existing gradient.

West Sussex Fire & Rescue Service requested an access plan to show that a fire appliance would be able to access the site. No objection has been raised to this plan.

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.

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. Although not within an area of possible surface water flood risk, there is an area of low surface water flood risk located close to the eastern boundary.

Whilst no details of how surface water drainage will be managed on site has been provided, the application form states that sustainable drainage will be utilised. The use of infiltration drainage such as permeable paving or soakaways may be to be possible on site and hence infiltration testing will be required as part of the detailed drainage design. As a new build, surface water drainage must be designed to manage the 1 in 100-year rainfall event with a 40% allowance for climate change.

No details of how foul water drainage will be managed has been provided; however, the application form states that foul drainage will connect to the existing main sewer.

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.'

Given the previous use of the site as workshop, and the proposed the sensitive end use, the Council's Contaminated Land Officer has recommended that contaminated land conditions should be attached in the event the application is approved. 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:

- Use of high performance insulating materials
- use of space and water heating system
- good natural lighting within all occupied areas
- air-tightness rate of between 5-7m³/hr.m².
- Efficient appliances will be installed
- All building materials where possible will be sourced locally
- Recycling facilities will be provided to reduce waste during operation
- Water use will be minimised by the specification of water efficient taps, shower heads, dual flush toilets and low water use appliances such as washing machines.

Overall, these details are proposed to reduce the predicted carbon dioxide emissions by a minimum 10% below the current Building Regulations. 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 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 8 dwellings, and as such, **mitigation is required.**

An appropriate scale of SAMM mitigation for the proposed development is £9,360, and if the approved scheme provides for a strategic SANG contribution, this would be £8,644.

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

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

The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ('Planning Obligation'). Once completed, 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 School)	£5,036 (additional equipment at Blackwell Primary School)
Education - Secondary School)	£5,420 (supporting the national curriculum at Sackville School)
Education - 6th Form School Sixth Form)	£1,270 (supporting the national curriculum at Sackville School Sixth Form)
Libraries	£2,131 (upgrading of digital services at East Grinstead Library)

Waste	N/A
Fire & Rescue	N/A
No. of Hydrants	N/A
TAD	£11,445 (A22 Corridor improvements, to include junction improvements and a new bus lane on London Road)

District Council Contributions:

Equipped play	£3,610 (Lingfield Road Recreation Ground)
Kickabout facilities	£3,032 (Lingfield Road Recreation Ground)
Formal sport	£6,963 (towards football pitch and ancillary facility improvements at King Georges Field, East Grinstead)
Community Buildings	£3,994 (improvements to the Jubilee Community Centre, Charlwood Road)

Local Community Infrastructure
£4,532 (Additional allotments and/or Allotment reprovision in East Grinstead)

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

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, commensurate 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.'*

Based on a housing mix of 4 x 2-bed flats and 4 x 1-bed flats, it is considered that the proposal 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.'

Units 1 to 4 would contain 39 sq m of internal floorspace. As the bedroom measures 10.8 sq m, it counts as a single person room (a double counts as 11.5 sq m), and therefore the proposal meets the space standard for a 1-bed, 1-person unit of 39 sq m (with a bathroom) and exceeds the standard of 37 sq m (with a shower room).

Units 6 and 7 would contain 70 sq m of internal floorspace, arranged over 2-storeys. The second bedroom measures 8.6 sq m, so counts as a single bedroom and hence for a 2-bed, 3-person unit, these flats comply with the standard.

Units 5 and 8 would contain 70 sq m of internal floorspace, arranged over 2-storeys. The main bedroom is a double bedroom but the other is a single bedroom, so for a 2-bed, 3-person unit, these flats comply with the space standard.

Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

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

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

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

It is considered that the proposal would comply with this policy.

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 8 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. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure.

The proposal would result in the loss of employment floorspace; however, marketing of the site for employment purposes has been unsuccessful, and in any case, the Neighbourhood Plan is supportive of redevelopment for residential uses of sites such as this within the Charlwood Industrial Estate.

Additionally, whilst the proposed building will be more noticeable to local residents on Durkins Road, it has been designed to mitigate overlooking, and these measures can be secured by condition. It is therefore not considered that the proposal would result in significant harm to neighbouring amenity.

There will be a neutral impact in respect of a number of issues such as the design, highways, parking, landscaping, drainage, sustainability and land contamination.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

For the above reasons, the proposal is deemed to comply with Policies DP1, DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP39 and DP41 of the Mid Sussex District Plan, Policies EG3, EG5, EG7, EG10a, EG11, EG12, EG16 and SS5 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.

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 be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

4. No development shall commence until section and elevation drawings at an appropriately large scale have been submitted to and approved in writing by the Local Planning Authority showing the proposed louvres on typical windows, including details of the angle of fitting in relation to neighbouring properties and gardens. The development shall not be carried out otherwise than in accordance with the approved details.

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

5. The existing trees/bushes/hedges shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees/bushes/hedges removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees/bushes/hedges of such size and species as may be agreed with the Local Planning Authority.

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.

6. 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.

7. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including where necessary finished landscaping, such as retaining walls or raised terraces. 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.

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 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);
- the disposal of surface water; and
- 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.

9. 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 affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan
- 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.

10. 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 preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

Construction phase

11. 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.

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

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

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

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

Pre-occupation conditions

13. 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.

14. Prior to first occupation of the development the surface water drainage of the adjacent highway shall be designed and implemented so as to prevent the discharge of water into the site. Details must be submitted to and approved in writing by the Local Planning Authority.

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

15. Before the development is occupied the proposed vehicular to Durkins Road shall be constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The access shall be permanently maintained to a specification to be agreed with the Local Planning Authority and the visibility zone shall be kept permanently clear of any obstruction.

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

16. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to comply with Policies DP21, DP26, DP29 and DP39 of the Mid Sussex District Plan.

17. 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.

18. 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.

19. 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.

20. 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

21. Prior to the occupation of the development hereby permitted, the measures for protecting future residents of the proposed development from noise generated by road traffic or other external sources, as described in the acoustic report produced

by Peak acoustics reference KD0809205NR Rev 2.0, dated Monday 4th January 2021, shall be implemented. All mitigation measures shall be maintained in accordance with the approved details.

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

Post-occupation monitoring / management conditions

22. 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.

23. The rooflights serving the bathrooms on the west elevation at second floor level and the windows serving the landings and dining areas on the west elevation at first floor level shall at all times be glazed with obscured glass fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining properties 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.

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
Sustainability Checklist/Energy Stment			11.05.2020
Parking Layout			
Location Plan	DR/LP/01	Rev A	28.04.2020
Block Plan	DR/BP/01	Rev A	28.04.2020
Existing Floor and Elevations Plan	DR/EXE/01	Rev A	28.04.2020
Sections	DR/Sec/01	Rev A	28.04.2020
Proposed Site Plan	DR/SP/01	Rev B	04.08.2020
Proposed Floor and Elevations Plan	DR/BS/01	BIKE	28.04.2020
Proposed Floor and Elevations Plan	DR/BS/02	BIN	28.04.2020
Proposed Floor Plans	DR/P/02	A	28.04.2020
Design and Access Statement			28.04.2020
Planning Statement			28.04.2020
Proposed Floor Plans	DR/P/01	B	06.05.2020

APPENDIX B – CONSULTATIONS

MSDC Contaminated Land Officer

Given the previous use of the site as workshop, and the proposed the sensitive end use, it is recommended that full contaminated land conditions should be attached in the event the application is approved.

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 preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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, neighbors 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.

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 not within an area identified as having possible surface water (pluvial) flood risk. However, an area of low surface water flood risk is located close to the eastern boundary of the site.

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

SURFACE WATER DRAINAGE

No details of how surface water drainage shall be managed on site has been provided. However, the application form states that sustainable drainage shall be utilised.

The BGS infiltration potential map shows the site to be located on the boundary between areas of high and low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. Infiltration testing will be required as part of the detailed drainage design.

The development incorporates the complete demolition of the existing structures on site. Therefore, in terms of flood risk and drainage potential we consider the development to be 'new build'. As such we require surface water drainage to be designed to manage the 1 in 100-year rainfall event with a 40% allowance for climate change. Any discharge rates from the site should be limited to the QBar Greenfield runoff rate for the drained area of the site, unless otherwise agreed with the relevant parties (e.g. Southern Water for discharge into sewers).

The surface water drainage design should also consider any confirmed or potential contamination found on site. Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

FOUL WATER DRAINAGE

No details of how foul water drainage shall be managed has been provided. However, the application form states that foul drainage shall connect to the existing main sewer.

Our general requirements for foul water drainage are included within the 'Further Advice' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS

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

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

MSDC Environmental Health Officer (Housing Standards)

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.

Description: Change of use from commercial unit to residential unit comprising of 4 x 1 bed flats & 4 x 2 bed flats.

Comments:

Rooms sizes

1. Single bedroom: minimum size 6.5 square metres
2. 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

3. Means of escape in case of fire. 30 Minute fire doors to kitchen and living areas
4. Suitable interlinked fire alarm systems installed in kitchens and living areas and hallways

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

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

Lighting

6. 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.

MSDC Environmental Protection Officer

The proposed development will be located very close to an industrial estate. Peak Acoustics have carried out further noise monitoring on site and have produced a report dated 4th January 2021 which identifies that the noise climate at the site is dominated by commercial activity associated with this estate with sources including commercial vehicles manoeuvring (mainly diesel vans), operation of diesel forklift trucks, goods being unloaded, various mechanical sounds and possible metal working. The report also states that this further monitoring has identified a daily event occurring during the night time when an HGV appears to manoeuvre on the industrial estate, occurring at around 01:00 - 01:30. Recordings made over night time periods have therefore identified that future residents of this development are likely to be significantly adversely affected by night time noise. It should be noted that noise monitoring was carried out over 6 weekdays and may not therefore be representative of night time noise from the industrial estate over a full week. Noise at the weekend might be different.

As mentioned in my previous report, WHO guidelines recommend that to avoid sleep disturbance, indoor levels in bedrooms should not exceed 45dB LAMax more than 10-15 times a night. Night time readings taken by Peak acoustics indicate that there are occasions when this guidance could be breached if occupants sleep with open windows. The consultant has reduced the design criteria in the proposed bedrooms to achieve a level of 39 dB LAMax with closed windows and has recommended enhanced glazing and mechanical ventilation to achieve this standard. The acoustic consultant has concluded that internal noise levels at this development will be acceptable during the night when windows are closed, with ventilation being provided via mechanical means. It seems possible however, that future occupants of this development will experience some level of disturbance from activities on the industrial estate if they choose to open their windows at night and I would question whether it is desirable for individuals to sleep with windows closed all year round to mitigate this.

In addition, given that BS 8233:2014 recommends that "if relying on closed windows to meet the guide values, there needs to be appropriate ventilation that does not compromise the façade insulation or the resulting noise level", although the mechanical ventilation proposed in the acoustic report would help achieve this, consideration needs to be made regarding whether or not it is acceptable/desirable. As mentioned before, there are a number of planning appeals where this issue has been commented on and the prevailing view of Inspectors seems to be that closed window solutions are not desirable but can be acceptable for traffic noise and/or general background noise but are less acceptable where noise is of an industrial/commercial nature.

A judgement therefore needs to be made on whether closed windows provided with mechanical ventilation for notable periods will provide an acceptable living environment for future occupiers. The view of Environmental Protection is that this is not ideal however, we acknowledge that each case should be assessed on its own merits and the Planning officer may wish to consider whether this development is necessary or desirable.

It should also still be noted that if future occupants of this development choose to open their windows to aid ventilation, this could lead to noise complaints being made to the Council which could ultimately have an impact on businesses on the industrial estate. I would therefore like to highlight the issue of the agent of change principal which encapsulates the position that anyone who introduces a new land use is responsible for managing the impact of that change.

As recommended in my previous report, noise issues like this should be designed out in accordance with guidance contained in ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017. If this option has been considered and discounted, should this development be granted permission, I recommend, to protect future residents of the development from noise, a condition to ensure enhanced glazing and mechanical ventilation are provided to this development, as specified in the acoustic report dated 4th January 2021. In addition, conditions are recommended to protect existing residents from the effects of noise and dust during the demolition and construction phases.

Conditions:

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents.

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

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

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Construction Management Plan: 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 CEMP shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan
- site contact details in case of complaints.
- the construction works shall thereafter be carried out at all times in accordance with the approved CEMP, 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.

Noise - Ensure implementation of recommendations in report

Prior to the occupation of the development hereby permitted, the measures for protecting future residents of the proposed development from noise generated by road traffic or other external sources, as described in the acoustic report produced by Peak acoustics reference KD0809205NR Rev 2.0, dated Monday 4th January 2021, shall be implemented. All mitigation measures shall be maintained in accordance with the approved details

Reason: To protect the amenity of local residents.

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

Accordingly, you are requested that:

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

MSDC Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 8 residential dwellings at Pikfield Engineering Ltd Factory, Durkins Road, East Grinstead RH19 2ER 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

Lingfield Road Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 200m from the development site. This facility will face increased demand from the new development and a contribution of £6,642 is required to make improvements to play equipment (£3,610) and kickabout provision (£3,032). 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 £6,963 is required toward football pitch and ancillary facility improvements at King Georges Field, East Grinstead, which is within walking distance of the development site.

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 £3,994 is required to make improvements to the Jubilee Community Centre, Charlwood Road.

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.

WSCC Highways

The highway authority has no objection to the planning application, subject to conditions previously notified and additional conditions regarding electric vehicle charging and drainage.

The applicant has provided a transport report which the highway authority has examined in detail. The note, in summary, asserts the following (paragraph 7.3):

v. The proposals would result in the significant reduction in activity at the site and the adjacent local highway network when compared with (the permitted) existing commercial use, which could be reinstated at any time. This includes the use of site access and neighbouring junctions and on-street parking provision;

vi. The proposals would retain the existing access arrangements for the site and improve them where possible to cater for the reduced levels of activity (visibility of 2 metres by 20 metres is achievable);

vii. The proposals would provide sufficient levels of on-site parking provision in accordance with relevant design standards, including provision for bicycles and electric vehicles;

viii. The proposals would retain and enhance the existing servicing arrangements for the site, with reduced activity by delivery vehicles and removal of the need for larger HGV movements.

The authority agrees that the report provides sufficient evidence to demonstrate that these points have been adequately addressed to a level which would not result in a highways objection to the application.

The authority requested further information on the following matters:

- Vehicle tracking within the site
- Maximum slope into the site
- Outline drainage proposals.

Vehicle tracking demonstrates that cars would be able to park safely and enter and leave nose-first. The site entrance is constricted; however, the tracking shows that reasonable access would be available to goods vehicles and fire and rescue vehicles if necessary. Separate comments by the fire authority confirm what arrangements are necessary for fire control access.

In contrast to the authority's normal requirement of a 8.3% (1 in 12) gradient on the site access, the report states that a 12.5% (1 in 8) gradient may be achievable. No safety issues have been recorded for the existing arrangement and we note that the access is already existing. It is agreed that a reasonable compromise is acceptable, subject to the requirements of any formal agreement that may be entered into with the highway authority when it comes to construction. The applicant should note that this arm of Durkins Road is adopted and that it is likely that, as a minimum, a minor works agreement will be needed.

No information has been discovered regarding drainage. The authority recommends a condition to ensure that adjacent highway drainage and site drainage are dealt with separately at the applicant's expense.

The recommended and additional conditions are repeated below for completeness.

Conditions

Should the council decide to grant consent for the proposed use, the following conditions are recommended. A form of Section 278 agreement will be needed for any works on or adjoining the public road and the Area Highway Manager should be approached about monitoring of road damage due to construction.

ROAD ACCESS

Before the development is occupied the proposed vehicular to Durkins Road shall be constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The access shall be permanently maintained to a specification to be agreed with the Local Planning Authority and the visibility zone shall be kept permanently clear of any obstruction.

Reason: In the interests of road safety

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

ELECTRIC VEHICLE CHARGING SPACES

No part of the development shall be first occupied until the electric vehicle charging spaces 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

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 on the following matters as a minimum:

- 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
- details of public engagement both prior to and during construction works.

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

DRAINAGE

Prior to first occupation of the development the surface water drainage of the adjacent highway shall be designed and implemented so as to prevent the discharge of water into the site. Details must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the site

WSCC Infrastructure

Summary of Contributions

Education			
School Planning Area	East Grinstead		
Population Adjustment	12.8		
	Primary	Secondary	6th Form
Child Product	0.0380	0.0380	0.0205
Total Places Required	0.2660	0.1900	0.0410
Library			
Locality	East Grinstead		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,131		
Population Adjustment	12.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	8		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	12.8		
Net Parking Spaces	3		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£5,036
Education - Secondary	£5,420
Education - 6th Form	£1,270
Libraries	£2,131
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£11,445
Total Contribution	£25,302

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 8 net dwellings, and an additional 3 car parking spaces.

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

5. Deed of Planning Obligations

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

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

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

d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

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

The contributions generated by this proposal shall be spent on additional equipment at Blackwell Primary School.

The contributions generated by this proposal shall be spent on supporting the national curriculum at Sackville School.

The contributions generated by this proposal shall be spent on supporting the national curriculum at Sackville School Sixth Form.

The contributions generated by this proposal shall be spent on upgrading of digital services 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.

West Sussex Fire & Rescue Service

The vehicle access plan looks a better solution and is within the requirements of Fire Service Access for a fire appliance and gaining access to within 45m of all parts of all dwellings.

MID SUSSEX DISTRICT COUNCIL

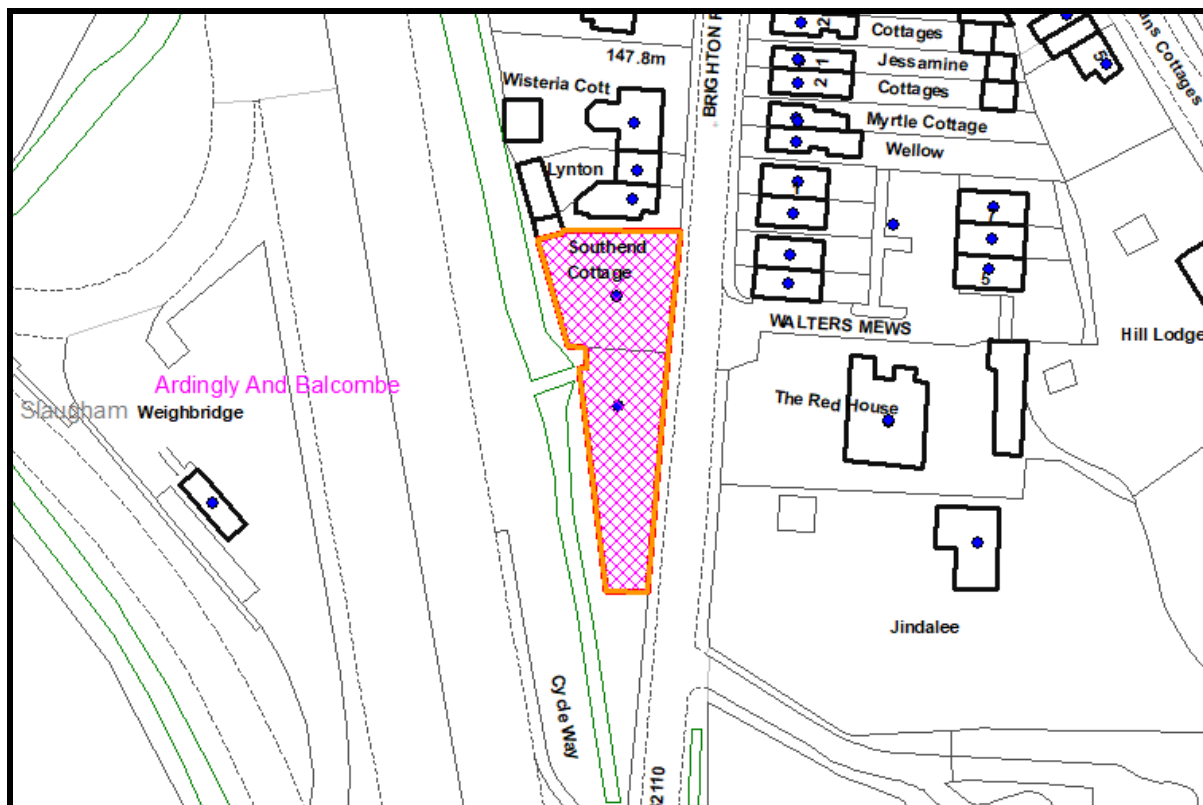
Planning Committee

11 FEB 2021

RECOMMENDED FOR PERMISSION

Slaugham

DM/20/3955



© Crown Copyright and database rights 2020 Ordnance Survey 100021794

LAND SOUTH OF SOUTHEND COTTAGE BRIGHTON ROAD HANDCROSS

ERECTION OF 2 NO. 3 BEDROOM AND 1 NO. 4 BEDROOM 3 STOREY DWELLINGS, WITH STUDY, ON FORMER CAR PARK AND LAND IMMEDIATELY TO THE SOUTH, ALL WITH ASSOCIATED PARKING, ACCESS WAY AND LANDSCAPING. AMENDED LANDSCAPING PLAN AND FLOOR PLANS AND ELEVATIONS RECEIVED 18.12.2020 AND 11.12.2020, SHOWING REDUCTION IN HEIGHT OF HOUSES AND AMENDMENTS TO FRONT DORMER WINDOWS.

MR PIERS BRYANT

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 15th February 2021

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Deborah Lynn

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission to erect 2 no. 3 bed houses and 1 no. 4 bed house with associated parking, access and landscaping on an existing car park and adjoining land to the south, at Brighton Road, Handcross.

This application is before committee as the application site is owned by the District Council.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the Mid Sussex District Plan and the Slaugham Neighbourhood Plan. The 'in accordance' determination is one in accordance with the development plan when read as a whole.

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.

Weighing in favour of the scheme is that the development would provide 3 no. 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. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

Whilst the proposal would result in the loss of the existing car park with implications upon on street parking, concerns raised by local residents in respect of highway safety are not supported by the Local Highways Authority and therefore your officers do not consider that an objection should be raised to this development on highways grounds. Nor is it considered that an objection should be raised to additional on street parking on amenity grounds.

The development is considered to have a neutral impact in respect of a number of issues such as design and impact on the character of the area, neighbouring amenity, trees, drainage, biodiversity and sustainability. The development is considered to conserve the wider landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

Weighing against the scheme are the concerns that the development would have a significant adverse impact on the amenities of future occupiers by reason of high noise levels to external amenity areas. Suitable internal noise levels can be achieved through a noise mitigation scheme and windows being kept closed. In such instances, British Standard BS8233:2014 advises that a balance should be made between the need for the development on one hand and the poor noise environment on the other. This application is considered to be finely balanced. The proposed development would result in a small number of residential units in what is considered to be a sustainable location. Taking into account the following factors: that suitable internal noise levels can be achieved, that the development would be sited adjacent to existing houses which are likely to experience similar noise levels, that there would be an element of "buyer beware" given the site's proximity to the A23 and that there are not considered to be any other harmful impacts to warrant refusing the application, it is considered that the planning balance falls in favour of supporting the proposal.

Whilst the proposed development is considered to conflict with part of policy DP26, when considered as a whole in the planning balance, the proposal is considered to comply with the development plan. It is not a requirement that applications have to comply with each and every policy in the development plan.

The Council would receive a New Homes Bonus for the development.

For the above reasons, the proposal is deemed to comply with policies DP4, DP6, DP12, DP15, DP16, DP17, DP21, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan and policies 1 and 2 of the Slaugham Neighbourhood Plan, the Mid Sussex Design Guide SPD and relevant paragraphs of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

Recommend permission be granted subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

48 letters of objection have received raising the following concerns:

- Loss of car park will be huge detriment to village which suffers from chronic lack of parking
- Irresponsible to build more houses on road and displace 10-13 safely parked cars
- Car park is heavily used by residents of Brighton Road, visitors to Handcross village / Nymans; used to 100% of its capacity each day
- Local shops and businesses will suffer as consequence of loss of parking
- There will be serious implications on additional on street parking making road more congested and dangerous than already is, older houses on road have no driveways
- Development will increase requirement for more parking
- Where will contractors park during construction works?
- Vehicles surge down road in excess of 40 mph as slip road to A23 South, not aware it is a two-way road; development will create accidents
- Parked cars cause a blind spot when pulling out of Walters Mews, The Red House
- Development is in breach of Aim 7 of Slaugham Neighbourhood Plan which recognises need for off street parking
- Has been a huge increase in delivery vans down road, car park allows drivers / residents to turn in road
- 5 years ago there were 28 properties on road, now 42
- Houses are not needed, with 100 units on Hyde Estate in Handcross and 600 in Pease Pottage, still empty houses at Walters Mews 18 months after completion
- No need for 2/3 bed houses
- New developments on road do not allow for teenagers' cars etc...
- Not a desirable site due to noise / pollution levels from A23
- On top of A23, possible scenario's of landslides, debris etc...
- Development is out of proportion to location / size of plot; density and layout too high for AONB; roof ridge far higher than adjoining properties, not in keeping
- Houses forward of existing building line; will impede outlook, light levels to Southend Cottage
- Windows in roof will overlook onto gardens on adjoining cottages
- Trees to be felled form important sound barrier from motorway noise
- There is a property boundary issue; outbuilding of Southend Cottage is shown as garden to one of properties
- No access to walls of Southend Cottage for maintenance
- Will disturb a number of natural wildlife habitats for foxes, rabbits, hedgehogs; trees house birds and bats
- Development includes tandem parking spaces, unworkable parking arrangements
- Resident since 2018, have experienced regular power cuts and water shortages
- Transport survey took place for 4 ½ hours late afternoon, evening, not indicative of daily use of car park
- MSDC Parking Strategy 2020-23 has not been applied to this car park which is a valuable resource / community asset.

SUMMARY OF CONSULTEES

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

WSCC Highways Authority

No objection, subject to conditions and informative.

Highways England

Recommend conditions be attached to any planning permission granted.

Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made. There are no public surface water sewers in the area to serve the development.

MSDC Environmental Protection Officer

Suitable internal noise levels can be achieved through a noise mitigation scheme and the occupants keeping windows closed. The external environment does not meet acceptable standards for noise in outdoor amenity areas and is likely to result in significant adverse impact.

However, you may consider that, in applying the planning merits, the need for this development, in terms of its desirability noted in BS8233, outweighs this factor.

MSDC Contaminated Land Officer

No objection, subject to condition.

MSDC Tree Officer

No objection, subject to condition.

MSDC Ecologist

Add condition.

MSDC Drainage Officer

No objection, subject to condition.

MSDC Street Naming and Numbering Officer

Request informative added.

SLAUGHAM PARISH COUNCIL

Object. We draw to your attention our previous objections to this development made in November and December 2020. Our position has not changed. This development is not within the Neighbourhood Plan and will exacerbate an already dangerous traffic problem on the fast slip road of the A23. We do not believe the recent proposal of a 2.7m acoustic fence will improve the environmental conditions of these properties. This development is not needed and the loss of the parking amenity is too great for the road and village to bear.

INTRODUCTION

This application seeks planning permission to erect 2 no. 3 bed houses and 1 no. 4 bed house with associated parking, access and landscaping on an existing car park and adjoining land to the south at Brighton Road, Handcross.

This application is before committee as the application site is owned by the District Council.

RELEVANT PLANNING HISTORY

SV/012/85 - Outline application - one detached dwelling house and double garage. Refused 23.04.1985.

DM/20/1691 - Erection of 4 x 3 bedroom, 3 storey dwellings with new access point onto Brighton Road with associated landscaping. Withdrawn 15.07.2020.

SITE AND SURROUNDINGS

The application site consists of a car park owned by Mid Sussex District Council and an adjoining area of scrubland to the south, situated towards the southern end of Brighton Road (B2110). The car park has a concrete surface with unmarked bays, providing free parking for approximately 12 cars for a maximum stay of 23 hours.

A terrace of two storey cottages lie to the north of the site with the southernmost property, Southend Cottage, lined with a fence on its southern boundary adjoining the car park. A brick outbuilding lies to the rear of Southend Cottage.

The western boundary of the site is line with established trees and vegetation, with land levels sloping down to the A23.

Scrubland and trees lie to the south of the site, with the strip of land narrowing southwards where the B2110 adjoins the A23. Land levels slope gently to the south.

A modern residential development of semi-detached and terraced houses, Walters Mews, lies opposite to the east of the site, with properties at The Red House and Jindalee, lying to the south of this.

In terms of planning policy, the car park falls within the built up area boundary of Handcross with adjoining land to the south defined as countryside. The site also falls within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Plans show that the existing car park and adjoining land to the south will be redeveloped with a pair of semi-detached 3 bed houses and a detached 4 bed house. The houses will be set over 3 floors, with rooms proposed in the roof space.

The District Council's Corporate Estates and Facilities Team considers that the existing car park is no longer required for operational purposes, being an isolated small car park that does not serve a town centre of specific use.

Amended plans have been received showing a reduction in the height of the proposed houses and amendments to the front dormer windows.

The pair of semi-detached houses at plots 1 and 2 are shown to have 2 no. gable roofs positioned at 90 degrees to one another, with the house at plot 1 benefitting from front and rear gables at second floor level, with the northern roof slope pitched away from the neighbouring property at Southend Cottage. The second floor of the attached house at plot 2 will benefit from a dormer window to the front roof slope and a roof light to the rear. The houses are shown to measure approximately 10.8 metres wide (together) by a maximum of 9.95 metres deep and 9.35 metres high. Single storey projections with full height glazing are proposed to the rear. Tandem parking spaces are proposed to the side of each dwelling.

The detached house at plot 3 will have a simple form with a gable roof and 2 no. dormer windows to the front roof slope and roof lights to the rear. Plans indicate that the building will measure approximately 9.55 metres wide by 6.5 metres deep and 9.3 metres high to the ridge of the roof. The dwellinghouse will be set at a lower level to those at plots 1 and 2. 3 no. parking spaces are proposed to the southern side of the house.

The houses will be sited forward of the adjoining cottages to the north, approximately 2.55 metres from the front eastern boundary. All houses will benefit from garden areas to the rear, with the gardens to plots 1 and 2 deeper than that at plot 3. These will be enclosed by 1.8 metre high close boarded fences.

The area of scrubland to the south is to remain as a soft landscaped area.

Plans indicate that the exterior of the buildings will be finished with facing brickwork with weatherboarding proposed at first floor level and a tiled roof. The dormers will be clad with a lead coloured membrane.

LIST OF POLICIES

Mid Sussex District Plan 2014 - 2031

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

Relevant policies include:

DP4 - Housing
DP6 - Settlement hierarchy
DP12 - Protection and enhancement of countryside
DP15 - New homes in the countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP26 - Character and design
DP27 - Dwelling space standards
DP29 - Noise, air and light pollution
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

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.

Slaugham Neighbourhood Plan 2014 - 2031

The Neighbourhood Plan was 'made' on 25th September 2019 and forms part of the development plan, carrying full weight.

1. Protecting the Area of Outstanding Natural Beauty
2. Sustainable development measures

NATIONAL POLICY

National Planning Policy Framework (Feb 2019)

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 Slaugham Neighbourhood Plan.

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one. The existing car park falls within the built up area boundary for Handcross with adjoining land to the south falling within the countryside.

Policy DP12 of the District Plan seeks to protect the countryside and states in part that:

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

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

Policy DP6 of the District Plan relates to settlement hierarchy and states that:

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

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

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy*

The developer will need to satisfy the Council that:

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

Under the settlement hierarchy outlined under policy DP6, Handcross is classified as a category 3 settlement, the characteristics and function are described as follows:

'Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.'

The two northernmost houses will be sited within the built up area of Handcross with just the southernmost house adjacent to the built up area boundary, within the countryside.

The application site lies approximately 250 metres to the south of Handcross High Street where there are a number of shops and services available and consequently the application site is considered to be sustainable in terms of its location. The development will provide fewer than 10 dwellings in a location that falls partly within the existing built up settlement area, thereby according with criteria 1, 2 and 3 as set out under policy DP6.

Taking into account the position of the application site, located between the B2110 and A23 on a residential road, the proposed development is not considered to adversely impact upon the wider countryside, thereby maintaining the rural and landscape character of the District in accordance with policy DP12.

Need for housing

Both the parish council and local residents have queried the need for housing within the village in light of the 600 homes that have been granted planning permission at Pease Pottage. The District Plan notes on page 37 that due to this permission, other settlements within Slaugham Parish, including Handcross, will not be required to identify further growth through the Neighbourhood Plan process on top of windfall growth although may wish to do so to boost supply.

However, the proposal is considered to represent small windfall development; such developments have been identified as a source of supply to meet the overall housing target for the District, as set out under policy DP4 of the District Plan. Therefore, it is considered that there are no grounds to resist the development based on arguments that there is no need for further housing.

Loss of car park

The parish council has commented that the proposal would be contrary to sections 8.6 to 8.9 of the Neighbourhood Plan, which acknowledge the issue of existing traffic congestion and the perceived lack of parking within Handcross village. Aim 6 of the Neighbourhood Plan seeks to support proposals that facilitate additional car parking in close proximity to the village centre. Whilst these concerns are noted, there are no specific policies contained within the Neighbourhood Plan which seek to protect existing car parking areas within Handcross village. With this in mind, the proposed loss of the car park is not considered to conflict with Neighbourhood Plan policies. The highways implications regarding the loss of the car park will be considered in subsequent sections of this report.

Taking the above into consideration, it is not considered that the principle of developing the car park would conflict with Development Plan policies. The site falls partly within and is contiguous within the existing built up settlement boundary of Handcross and is considered to be sustainably located. The proposal is considered to maintain the rural character of the District. The principle of development is therefore deemed acceptable under policies DP6 and DP12 of the District Plan. The proposal therefore falls to be considered against other planning policy considerations.

Design and impact on the character of the area

Part of the application site lies within the countryside. Paragraph 170 of the National Planning Policy Framework states in part that planning policies and decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside, protecting and enhancing valued landscapes. This stance is re-iterated under policy DP12 of the District Plan which states that "the countryside will be protected in recognition of its intrinsic character and beauty. 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."

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

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

A similar ethos can be found within both policies DP16 of the District Plan and 1 of the Neighbourhood Plan, which state in part that development within the High Weald AONB 'will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular... character and local distinctiveness, settlement pattern, sense of place and setting of the AONB...'.

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

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

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

The street scene in Brighton Road is primarily comprised of residential houses of varying ages and styles. A row of semi-detached Edwardian houses line the street on its eastern side, with the more recent residential development at Walter Mews,

lying to the south, opposite the application site; this development mirrors the scale and form of the period properties and includes more modern features such as cedar cladding and lead clad dormer windows. Properties on the western side of the street are considered more varied in design and style, with a terrace of painted rendered period cottages adjoining the site to the north, with the more modern development at St. Georges Cottages sited further north.

The proposed dwellinghouses are considered to reflect the design and form of the modern developments within the road, with a mix of brick work and cladding proposed together with lead clad dormer windows, adding visual interest to the facades of the buildings, as encouraged by the Council's Design Guide. The linear layout of the properties parallel to the road reflects the existing pattern of development within Brighton Road, and whilst the houses will be sited closer to the road than adjoining properties to the north, it is not considered that this would be detrimental to the appearance and character of the street scene as front building lines of properties on the western side of the street are not consistent with one another. The houses will benefit from external rear gardens; these are not shown to be excessively large but are considered commensurate in size with adjoining garden areas and thereby in keeping with the character of the area.

Concerns have been raised by local residents that the scale of the proposal is out of proportion to its location and in relation to neighbouring properties. The proposed houses are taller than the adjoining properties at Southend Cottages which have a relatively shallow roof, and whilst these concerns are noted, it is not considered that the proposed development would appear so unduly prominent within the street scene as to be detrimental to its appearance and character. The proposed dormer windows to the roof are reflective of properties opposite at Walters Mews, and the second floor window to the front gable is not wholly out of keeping, with a second floor gable window visible at Gable House on the eastern side of the road. The proposed development is therefore deemed to be acceptable in terms of design and scale and is not considered to be harmful to the appearance and character of the street scene, thereby according with the Council's supplementary Design Guide and policy DP26 of the District Plan.

The proposed development will be mainly contained within the existing car park area and whilst it will extend onto the adjoining scrubland, it is not considered that the development would be harmful to the countryside, considering the juxtaposition of the application site to the B2110 and the A23. The rural character of the countryside will therefore be maintained in accordance with policy DP12 of the District Plan.

Nor is it considered that the development would appear so out of keeping or obtrusive within the locality as to be detrimental to the scenic qualities and characteristics of the High Weald Area of Outstanding Natural Beauty. A condition can be imposed in respect of proposed materials to ensure that the development is reflective of those within the High Weald AONB and contributes to a sense of place. The development is considered to conserve the wider landscape of the High Weald AONB in accordance with policy DP16 of the District Plan, policy 1 of the Neighbourhood Plan and paragraph 172 of the NPPF.

Residential Amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development 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 (see Policy DP29);'.

Policy DP29 states in part that:

'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;*

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

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

The proposed houses will be set forward of the adjoining terrace of cottages to the north and concerns have been raised that the development will reduce light levels and outlook to Southend Cottage and result in overlooking onto adjoining gardens.

As the development is sited to the south of Southend Cottage, the proposal is likely to affect light levels to the property. The southern flank elevation of Southend Cottage is served by two ground floor windows and one first floor window; a conservatory also lies to the rear of the cottage although this does not appear to have been included on the submitted block plan. Planning records indicate that the ground floor windows serve a WC and a living room and that the first floor window serves a bathroom. The ground floor window serving the living room is a secondary window, with the room also served by a window to the front elevation. With this in mind, whilst the proposed development is considered to affect light levels and also outlook to such windows, it is not considered that such impact would be significantly harmful as set out by policy DP26 of the District Plan. The adjoining conservatory benefits from a glazed roof and as such, should still benefit from good light levels throughout the day.

3 no. roof lights are proposed to the northern roof slope of the house at plot 1 and concerns have been raised that these will cause overlooking onto neighbouring properties / gardens. Proposed plans do not show how high above the internal finished floor level the roof lights will be sited and therefore it is difficult to assess

whether the roof lights would result in overlooking. However, a condition can be imposed to ensure that such lights are obscure glazed and potentially non-opening in order to protect privacy to adjoining properties.

In light of the above, the proposal is not considered to be significantly harmful to neighbouring amenities in terms of affecting light levels, outlook or privacy.

Policy DP26 also requires that the development should not cause harm to the amenities of future occupants, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

As the site lies adjacent to the A23, a Noise Assessment has been included with the application. The Council's Environmental Protection Officer has commented on the Assessment as originally submitted as follows:

"The report concludes that due to the high existing noise levels from traffic, in order to achieve acceptable internal noise levels, windows will have to be kept closed, glazing will have to meet a high specification sound reduction value and an alternative means of ventilation provided. A 2.4m high acoustic barrier is also part of the applicant's mitigation strategy. This would be constructed along the western and southern boundaries of the site. Options for the alternative ventilation system have been alluded to but not specified. If you are minded to approve the application, I recommend a noise insulation scheme is included in the decision notice as a condition to be discharged prior to occupation of the dwellings.

The external amenity areas have high noise levels. However, these are more difficult to mitigate to achieve the guidance values in the British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the World Health Organisation Community Noise Guidelines (1999). So future occupants will be exposed to significant adverse impact on account of noise in these external areas. BS 8233:2014 makes reference to the situation where external areas do not meet the guideline values on a site where development might be desirable. This is usually applicable in city centres or urban areas close to the strategic road network. So there is a balance to be made between the need for development on one hand and a poor noise environment on the other. Within BS8233:2014, the desirability of development is stated in terms of the convenience of living in that particular location, for example on account of proximity to local services and employment, or making best use of land resources, particularly where these are scarce.

In summary, suitable internal noise levels can be achieved but this is only through a noise mitigation scheme and the occupants keeping windows closed. The external environment does not meet acceptable standards for noise in outdoor amenity areas and this is likely to result in significant adverse impact. However, you may consider that, in applying the planning merits, the need for this development, in terms of its desirability noted in BS8233, outweighs this factor."

The applicant has provided an updated Noise Note since the above comments were received; this advises that the required specification for the glazing at the bedrooms needs to be increased slightly to meet the required standards. The height of the acoustic barrier is also proposed to be increased from 2.4 to 2.7 metres.

Whilst the Council's Environmental Protection Officer welcomes the revised report, the proposed changes do not alter his previous comments.

As such, it is considered that the development would only achieve acceptable internal noise levels on the basis that windows are kept closed. Noise levels to the external amenity areas would be likely to result in a significant adverse impact, contrary to policy DP26 of the District Plan. National Planning Practice Guidance advises that where a significant adverse effect level is observed, this is the level of noise exposure above which significant adverse effects on health and quality of life occur. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level, NPPG advises that the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout.

In such instances where a significant adverse impact is observed, a balance needs to be made in respect of the poor noise environment and the need for the development. This will be considered in the planning balance section of this report, however Members may wish to consider that the proposed houses will adjoin existing properties which may experience similar noise issues. There is also an element of "buyer beware", whereby future residents would be likely to be aware of future noise issues given the development's proximity to the A23. The significant adverse effect applies only to the external garden areas as acceptable internal noise levels can be achieved.

Highways matters

Policy DP21 of the District Plan relates to transport and states in part that:

'...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.'

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

The proposed development will result in the loss of the existing car park which provides free parking for approximately 12 vehicles for a maximum of 23 hours; this is currently used by local residents and visitors to the village. Numerous representations have been received from local residents raising concerns over the loss of the car park and the implications that this will have upon parking and highway safety along Brighton Road; these concerns are outlined in the above summary of representations section. On street parking is common practice along the eastern side of Brighton Road as many of the older properties do not have driveways and there are no on street parking restrictions. Local residents advise that the car park not only provides parking but also serves as a turning area for Brighton Road. The road is two way just past the eastern access to residential properties Tarn Hill, The Rectory and Summer Hill, and then becomes one way southwards, serving as the slip road to the A23 southwards.

Proposed plans show that the houses at plots 1 and 2 will be served by tandem parking spaces to the side of each house, with 3 no. parking spaces proposed to the southern side of the dwellinghouse at plot 3; 3 no. vehicle crossovers are therefore proposed to serve the development.

Part of the application site to the south of the car park forms part of the public highway maintained by Highways England and the applicant would need to contact the Department of Transport to commence a stopping up process to extinguish these highway rights should planning permission be granted. Highways England has been consulted on the proposal and has raised no objection to the proposal subject to conditions being imposed in respect of land stability, a construction management plan and to prevent surface water run off discharging onto the Strategic Road Network.

A Transportation Statement has been submitted with the application; this includes a parking survey which was conducted on the 09.09.2020 between 4.30pm and 9pm. The survey found that the car park and on street parking to the north of Walters Mews were full by 6.15 pm and that just 2 cars were parked on street to the south side of Walters Mews after 6.30pm. The survey found that 9 parking spaces to the

rear of Walters Mews were vacant and that 4 users of the car park were associated with Walters Mews. The survey concludes that overflow parking demand in the area is likely to be half of those parked in the car park, i.e. 5 to 6 vehicles and that there is available on street parking on the eastern side of the road, to the south of the Walters Mews access that could meet this demand.

The Local Highways Authority (LHA) at West Sussex County Council has provided detailed comments regarding the proposal. They note that the WSCC Car Parking Demand Calculator would expect 3 parking spaces to be provided for each dwelling and that together with the loss of the car park, the proposed shortfall of 2 parking spaces for the development would result in a total potential overspill of 14 parking spaces to on street locations.

The LHA advises that little weight can be given to the implications the loss of the parking area would cause as the car park is privately owned and could be closed off at any time without notice or planning approval; no evidence has been provided to show that local residents have a legal right to park there. However, they acknowledge that the parking survey demonstrates that there is existing pressure placed towards on-street parking. They advise that parking in 'unsafe' locations is typically restricted in the form of Traffic Regulation orders. In addition, unsafe / obstructive parking can be enforced against either by the police or civil enforcement officers. As such, they do not consider that "this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal." They advise that if the Council are minded to approve the application, that conditions should be imposed in respect of a construction management plan, access, access closure, visibility, car parking space, electric vehicle charging spaces and cycle parking together with an informative.

Whilst the LHA raises no objections to the proposal, they advise that the local planning authority may wish to consider the implications of the proposal in respect of on-street parking from an amenity perspective.

Off street parking has been provided to the rear of the recent developments at Walters Mews and St. Georges Cottages, however the Parking Survey submitted by the applicant suggests that such parking arrangements are not being fully utilised, with local residents preferring to park on street or in the car park. This suggests that the car park is partly being used out of convenience rather than necessity. On street parking is common practice on the eastern side of Brighton Road, and whilst the loss of the car park will have further implications in this respect, it is not considered that the such implications would be detrimental to the visual amenity and character of the street scene. Any unsafe or obstructive parking can be enforced by the police or civil enforcement officers. Some local residents state that the car park is used by visitors to the High Street and also Nymans gardens and that the loss of the parking area will affect local shops and businesses. The National Trust has recently extended their car park at Nymans following the granting of planning permissions DM/17/4605 and DM/18/0477, which has allowed visitor parking provision within the site to be increased from 156 to 293 spaces. There is no substantive evidence that the car park is used by visitors to Nymans. Whilst the car park may be used by visitors to

access the High Street, it is not considered that this would represent a significant number and as such it is not considered that the loss of the car park would have a noticeable impact upon local shops and services. The Council's Estates and Facilities Team have advised that the car park is not considered to serve an operational purpose, hence their intent to dispose of the land. It would therefore appear that the car park is mainly being used by local residents for convenience and that there is both off street and some on street parking provision available to meet the additional demand for parking.

With the above in mind, whilst careful attention has been paid to the objection letters received and the issues they raise, there are not considered to be any transport grounds on which to resist this proposal and subject to the imposition of conditions and an informative, it is considered that policy DP21 would be met. Nor is it considered that there are amenity grounds on which to resist the proposal.

Impact on trees

Policy DP37 of the District Plan relates to trees and states in part that:

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

'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...'

A Tree Report and Arboricultural Impact Assessment have been submitted as part of the application; the AIA includes tree protection measures to be implemented during the course of the development. The Reports state that no trees would be removed to facilitate the development.

The Council's Tree Officer has been consulted on the proposal and has raised no objection to the proposal subject to the development being carried out in accordance with the detailed tree protection measures. The proposal therefore accords with policy DP37 of the District Plan.

Biodiversity

Paragraph 174 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 175 states in part that if significant harm 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, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

'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...'*

A Preliminary Ecological Appraisal and Bat Scoping Assessment have been submitted with the application. The reports found that the trees have a mix of low to high potential for bat roosting features and that as all trees on sites are to be retained, a bat sensitive lighting strategy should be followed. Enhancement measures are also recommended such as additional bat and bird boxes to be placed on trees and new buildings.

The Council's Ecologist has been consulted on the proposal and has queried the use of the land to the south of the houses, advising that this should remain as a separate area from the domestic curtilages of the property, comprised of scrub / native shrubs / tussocky grassland in order to avoid significant impacts on existing wildlife. The amended landscaping plan received does not address this concern, however a condition can be imposed to ensure that further landscaping details are proposed in this respect, to ensure that the development meets biodiversity policy requirements and accords with policy DP38 of the District Plan and relevant paragraphs of the NPPF.

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

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

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage. This states in part that 'particular attention will be paid to those areas of the District that have

experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

The application 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.

The Council's Drainage Officer has raised no objection to the proposal, subject to a pre-commencement condition securing further drainage details in respect of surface water and foul water.

Space standards

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

The proposed houses all include a study. As the floor areas of these all fall under 7.5 square metres, which is the required floor area for a single bedroom, the local planning authority will assess them on the basis that they will be used as a study and not as an additional bedroom.

The gross internal floor areas of the houses are noted as follows:

Plot 1: 117.04 sq m with 3 bedrooms for a total of 5 persons (99 sq m + 2.5)

Plot 2: 109.29 sq m with 3 bedrooms for a total of 4 persons (90 sq m + 2.5)

Plot 3: 137.5 sq m with 4 bedrooms for a total of 6 persons (112 sq m + 3.5)

All houses are found to meet with nationally described space standards which are set out in brackets above; these show the minimum gross internal floor area required plus built-in storage requirement. The proposed development therefore accords with policy DP27 of the District Plan.

Sustainability

Policy DP39 of the District Plan relates to sustainable design and construction and states that:

'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'*

Policy 2 of the Neighbourhood Plan also encourages development proposals to incorporate efficient and sustainable energy sources.

An addendum to the Design and Access Statement has been included with the application, providing details in respect of sustainability. This states that "all dwellings will be built to high standards of energy efficiency with high levels of insulation and air tightness", however limited details have been provided in this respect. It is considered that this matter can be potentially addressed via a planning condition securing further details prior to the commencement of the development, to ensure that the development accords with policy DP39 of the District Plan and policy 2 of the Neighbourhood Plan.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the Mid Sussex District Plan and the Slaugham Neighbourhood Plan. The 'in accordance' determination is one in accordance with the development plan when read as a whole.

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.

Weighing in favour of the scheme is that the development would provide 3 no. 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. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

Whilst the proposal would result in the loss of the existing car park with implications upon on street parking, concerns raised by local residents in respect of highway safety are not supported by the Local Highways Authority and therefore your officers do not consider that an objection should be raised to this development on highways grounds. Nor is it considered that an objection should be raised to additional on street parking on amenity grounds.

The development is considered to have a neutral impact in respect of a number of issues such as design and impact on the character of the area, neighbouring

amenity, trees, drainage, biodiversity and sustainability. The development is considered to conserve the wider landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

Weighing against the scheme are the concerns that the development would have a significant adverse impact on the amenities of future occupiers by reason of high noise levels to external amenity areas. Suitable internal noise levels can be achieved through a noise mitigation scheme and windows being kept closed. In such instances, British Standard BS8233:2014 advises that a balance should be made between the need for the development on one hand and the poor noise environment on the other. This application is considered to be finely balanced. The proposed development would result in a small number of residential units in what is considered to be a sustainable location. Taking into account the following factors: that suitable internal noise levels can be achieved, that the development would be sited adjacent to existing houses which are likely to experience similar noise levels, that there would be an element of "buyer beware" given the site's proximity to the A23 and that there are not considered to be any other harmful impacts to warrant refusing the application, it is considered that the planning balance falls in favour of supporting the proposal.

Whilst the proposed development is considered to conflict with part of policy DP26, when considered as a whole in the planning balance, the proposal is considered to comply with the development plan. It is not a requirement that applications have to comply with each and every policy in the development plan.

The Council would receive a New Homes Bonus for the development.

For the above reasons, the proposal is deemed to comply with policies DP4, DP6, DP12, DP15, DP16, DP17, DP21, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan and policies 1 and 2 of the Slaugham Neighbourhood Plan, the Mid Sussex Design Guide SPD and relevant paragraphs of the NPPF. Accordingly, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-commencement conditions

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. 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 policy DP41 of the Mid Sussex District Plan 2014 - 2031 and the NPPF requirements.

4. 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, following consultation with the Local Highways Authority and Highways England. 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 2014 - 2031.

5. Prior to the commencement of any works on site, the applicant is required to provide a Geotechnical submission to the Local Planning Authority (who shall consult with Highways England) regarding the stability of land immediately adjacent to Highways England's boundary.

Reason: To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment entitled "Heyworth Properties, Brighton Road, Handcross, Noise Assessment March 2019" (job number A112431) prepared by Wyg and the noise note dated 24th December 2020 by Wyg entitled "A112431 Brighton Road Handcross", shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme shall be maintained in accordance with the approved details. Post completion testing shall be required to show this has been achieved. This shall be submitted to the LPA and approved in writing.

Reason: To protect the amenities of future occupiers and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

7. No development shall take place until a Sustainability Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details regarding how the proposed development will be efficient in its use of energy, water and resources. The development shall then be carried out in accordance with approved details.

Reason: In the interests of sustainability and to accord with policy DP39 of the Mid Sussex District Plan 2014 - 2031 and policy 1 of the Slaugham Neighbourhood Plan.

8. 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: In order to conserve and enhance the appearance and character of the High Weald Area of Outstanding Natural Beauty and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 1 of the Slaugham Neighbourhood Plan.

9. The tree protection measures as detailed in the Arboricultural Impact Assessment submitted shall be implemented prior to development commencing on site and shall be strictly adhered to for the duration of the construction process.

Reason: In order to protect trees that contribute to the character of the area and to accord with policy DP37 of the Mid Sussex District Plan 2014 - 2031.

Construction phase

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

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

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

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

12. 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 safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

13. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or in to any drainage system connected to the Strategic Road Network, nor any connections be made to the Strategic Road Network drainage system.

Reason: To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to prevent environmental damage and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

14. Notwithstanding details previously submitted, the development hereby permitted shall not be occupied until soft and hard landscaping works including proposed boundary treatments have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the

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

Reason: In the interests of visual amenity and to conserve and enhance the appearance and character of the High Weald Area of Outstanding Natural Beauty and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 1 of the Slaugham Neighbourhood Plan.

15. 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 plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

17. No part of the development shall be first occupied until visibility splays of 2.4 metres by maximum achievable 'Y' distance (in as much as is in the control of the applicant) have been provided at the proposed site vehicular access points onto Brighton Road, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

18. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Block 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 2014 - 2031.

19. 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 2014 - 2031.

20. 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 by the Local Planning Authority.

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

Post-occupation monitoring / management conditions

21. The proposed roof lights on the northern elevation of the dwellinghouse at Plot 1 shall be glazed with obscured glass. They shall be non-opening unless the parts of the roof light which can be opened are more than 1.7m above the floor of the room in which the roof light is installed.

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

22. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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. 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.
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. You are advised that this planning permission requires compliance with a planning conditions before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
5. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the access closure works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

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

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

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

6. The application is advised that Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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

www.southernwater.co.uk/developing-building/connection-charging-arrangements

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
Street Scene	18.53-PL-05	D	18.12.2020
Proposed Floor and Elevations Plan	18.53-PL-07	A	11.12.2020
Proposed Floor and Elevations Plan	18.53-PL-03	B	18.12.2020
Tree Survey	AIA		23.10.2020
Proposed Site Plan	1180-SK02		23.10.2020
Location Plan	18.53-PL-01		23.10.2020
Block Plan	18.53-PL-02	A	23.10.2020
Tree Survey	18.53-PL-06		23.10.2020

APPENDIX B – CONSULTATIONS

Slaugham Parish Council

Comments dated 07.01.2021

SPC - Object. We draw to your attention our previous objections to this development made in November and December 2020. Our position has not changed. This development is not within the Neighbourhood Plan and will exacerbate an already dangerous traffic problem on the fast slip road of the A23. We do not believe the recent proposal of a 2.7m acoustic fence will improve the environmental conditions of these properties. This development is not needed and the loss of the parking amenity is too great for the road and village to bear.

Comments dated 16.11.2020

SPC - Object. We refer to our comments made under the previous application DM/20/1691.

This proposal has received over 23 objections all highlighting the significant loss of the car park and the further reduction in parking spaces in the village.

Photographs on pages 14&15 of the ecological survey show how full the car park is on a random midweek day. The challenge of overflow parking from Nymans at weekends frequently overwhelms this very busy parking space and the increased traffic further contributes to the unsuitability of housing on this site. We would also draw to your attention the Slaugham Parish and Neighbourhood plan that has recognised the problem the lack of parking brings to Handcross and specifically adopted policies 8.6, 8.7, 8.8 & 8.9.

We also note that the environmental survey categorises this site as a medium to high noise risk site during both day and night for all internal environments that can only be overcome by extensive and closed noise reduction measures meaning that these proposed properties will be unsuitable to live in without the facility to open windows. The immediate external areas are also predicted to be above BS8233 guidelines for noise even with mitigation meaning that any potential residents will be subject to a hostile noise environment 24 hours a day. We also note there is no corresponding air quality survey.

WSCC Highways Authority

Comments received by e-mail 24.11.2020

We still have no evidence that people have a legal right to park there so I think it's difficult for us to give it significant weight.

Also we have some push back whereby unsafe parking is a legal offence and can be enforced against if needed.

You can still consider the amenity implications that result as if no safe opportunities exist close to the adjacent houses then the residents will have to find spaces which may be some distance away.

Comments dated 20.11.2020

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic

Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

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

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

Summary

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/20/1691 for erection of 4 x 3 bedrooms dwellings with new access point onto Brighton Road with associated landscaping. This application was withdrawn.

This proposal is of similar nature to DM/20/1691 and seeks approval for erection of 2 no. 3 bedroom and 1 no. 4 bedroom 3 storey dwellings, with study, on former car park and land immediately to the south, all with associated parking, access way and landscaping.

The site is located on Brighton Road (B2110) which is a B-classified road subject to 30mph restrictions. Brighton Road is a slip road onto the trunk road A23 which is subject to national speed limit.

The site is currently used as car park with capacity of up to 12 spaces.

Vehicular Access

Principle

In principle the Local Highways Authority accepts that this plot as provided access to a car park for parking of circa 12 vehicles. In principle the proposal is going to result in a less intensive use of the site, albeit using three crossovers rather than one.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Access width

The proposed site plan demonstrates three vehicle crossovers (VCO's) onto Brighton Road. The VCO's for Plot 1 and 2 will measure circa 5.4m, whereas the VCO for Plot 3 will measure 7.5m.

The dropped kerb for the remaining frontage will need to be raised.

Specifications for all these highway works must be agreed with WSCC Highways and implemented under licence. Their current guidance does not permit any access serving a single property to be greater than 6.4m; therefore the applicant may wish to reduce the access width to maximum of 6.4m prior to determination, however such an amendment could be secured via the access condition advised below.

Visibility splays

Visibility has been demonstrated within Appendix 1 only to the northern side, based on the current access arrangement. Splays of 43m at 2.4m setback distance are achievable in this

direction. Maximum achievable visibility splays, in as much as is under control of the applicant and Local Highways Authority, should also be demonstrated for all access points, both north and south of the site.

These details can be secured via planning condition. This will result in the front boundary treatments being no greater than 0.6 metres in height to ensure that maximum achievable visibility for pedestrians and vehicles is achieved.

The Local Highway Authority accepts that there will only be limited vehicle movements approaching the site from the south as only 5-6 dwellings are able to travel north on Brighton Road (B2110) to access the wider highway network. This is because Brighton Road (B2110) then turn into a one-way slip road onto A23.

Stopping up

I note that part of the southern section of the site is considered public highway maintained by Highways England. The applicant will need to contact the Department of Transport to commence a stopping up process to extinguish these highway rights should planning permission be granted. The Local Planning Authority may wish to consult Highways England on this matter.

Representations

Numbers of representations were submitted for this proposal, concerning the loss of the car park serving the local residents. However, based on the documents submitted, this car park is privately owned, and it could be closed off at any time without notice or planning approval. Whilst this will be explored below, the Local Highways Authority is minded to only give little weight to the implications the loss of this parking area will cause, i.e. the displacement and additional pressure towards on street car parking.

Car Parking and Turning

Proposed Parking

Onsite parking provision of 7 spaces will be provided for this development. Plot 1 and 2 will have 2 parking spaces each and Plot 3 will have the capacity to accommodate 3 parking spaces. The WSCC Car Parking Demand Calculator (PDC) would expect 9 parking spaces to be provided, 3 for each dwelling.

The existing car parking can accommodate up to 12 parking spaces plus the shortfall of 2, resulting in a total potential overspill of 14 parking spaces to on street locations.

Although the proposed spaces are demonstrated as being tandem bays, it would not be anticipated that vehicles will be blocking each other as the bays will be allocated to each dwelling separately. Each parking bay accords with the minimum size requirements of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance.

Parking Survey

This proposal is supported by Parking Survey prepared by 'L Brown Associates Limited'. A parking beat survey was undertaken on Wednesday the 9th of September from 4.30pm till 9pm.

In Summary:

*Walters Mews is a newly built private estate situated opposite the site.

Parking Eastern Side of Brighton Road - North of Walters Mews

The report states that there is capacity for 11 vehicles on-street fully occupied by 18.15hrs. The approximate length of the section surveyed is unknown.

Parking Eastern Side of Brighton Road - South Side of Walters Mews

The report states that 2 vehicles were parked by the end of the survey with capacity to park more. While this is not ideal location to park more vehicles due to the road alignment, there are no parking restrictions that would prevent vehicles from parking within this section.

Car Park - The site

The car park was full at 18:15hrs - total of 11 vehicles parked.

Walters Mews

There is a car park to the rear of the site which was also surveyed, however this is privately owned car park, therefore cannot be taken into consideration when deciding the amount of available on-street parking.

The Parking Survey demonstrates there is existing pressure placed towards on-street parking. However, as discussed above, weight is given that that the car park is privately owned and can be closed off without any additional notice.

An objection citing highways reason can only be substantiated if an unacceptable highway safety concern is created, or a severe residual cumulative impacts result. Parking in 'unsafe' locations is typically restricted in the form of Traffic Regulation orders. In addition, unsafe / obstructive parking can be enforced against either by the police or civil enforcement officers.

The LPA may wish to consider the implications of this proposal will have towards on-street parking from an amenity perspective.

Turning

A turn on site would be preferable, enabling vehicles to exit onto the public highway in a forward gear, although it is acknowledged that this may not be achievable due to site constraints. Other properties within broader location seem to operate with similar arrangement without any evidence of highway safety concern.

Electric Vehicle Charging

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Sustainability

Due to the location of the site in a position remote of shops and amenities, the LHA acknowledge that there will be the reliance on the use of a car for the majority of trips generated by the site.

Secure and covered cycle parking is advised to be secured via planning condition to encourage the use of sustainable transportation to local areas such as Crawley, it is appreciated however that the main routes to Crawley are unlit and rural routes which may be undesirable to many users unless experienced or confident cyclists.

Details of secure cycle storage can be secured via planning condition.

Conclusion

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

If the Local Planning Authority are minded to approve this application, the following conditions and informative are advised.

Conditions

Access (Access to be provided prior to first occupation - details required)

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 plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Access closure (Access Closure - Details Required)

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

Reason: In the interests of road safety.

Visibility (details required)

No part of the development shall be first occupied until visibility splays of 2.4 metres by maximum achievable 'Y' distance (in as much as is in the control of the applicant) have been provided at the proposed site vehicular access points onto Brighton Road, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Block 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.

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 to be 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.

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.

Informative

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the access closure works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

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

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

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

Highways England

Referring to the planning application referenced above (consultation received 30th October 2020) in the vicinity of the A23 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions); Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i. informed Highways England; and
- ii. consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Southern Water

Thank you for your letter dated 30/10/2020.

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

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

www.southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

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

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

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

MSDC Environmental Protection Officer

Comments dated 04.01.2021

Thank you for sending over the additional Noise Note in respect of DM/20/3955. The revised noise modelling, taking into account the changed layout, indicates that the required specification for the glazing at the bedrooms needs to be increased slightly to meet the required standards. It is important to note that the standard will only be met for the internal environment with windows closed.

The increased height for the acoustic fence from 2.4m to 2.7m has a very small effect on the external noise environment.

So whilst the revised report is welcomed, it does not change my conclusions on the proposal that were submitted on 9 November 2020.

Comments dated 09.11.2020

The former application for development of the site for housing was considered under application reference DM/20/1691. The layout for this new proposal has changed with the southern block being reoriented through 90 degrees. However, the noise assessment prepared by WYG dated March 2019 (job number A112431) submitted in support of the application has remained unchanged, and the noise modelling within it is based on the former layout.

Although the noise assessment does not take account of the revised layout in this new application, my comments remain the same as those submitted for DM/20/1692 which are recited below:

Noise

The site is characterised by high levels of noise predominantly from the traffic on the A23 which runs adjacent to the site. The noise assessment report prepared by WYG (reference A112431 dated March 2019) is therefore welcomed. The report uses recognised guidance for the assessment of noise and the methodology adopted is accepted.

The report concludes that due to the high existing noise levels from traffic, in order to achieve acceptable internal noise levels, windows will have to be kept closed, glazing will have to meet a high specification sound reduction value and an alternative means of ventilation provided. A 2.4m high acoustic barrier is also part of the applicant's mitigation strategy. This would be constructed along the western and southern boundaries of the site. Options for the alternative ventilation system have been alluded to but not specified. If you are minded to approve the application, I recommend a noise insulation scheme is included in the decision notice as a condition to be discharged prior to occupation of the dwellings.

The external amenity areas have high noise levels. However, these are more difficult to mitigate to achieve the guidance values in the British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the World Health Organisation Community Noise Guidelines (1999). So future occupants will be exposed to significant adverse impact on account of noise in these external areas. BS 8233:2014 makes reference to the situation where external areas do not meet the guideline values on a site where development might be desirable. This is usually applicable in city centres or urban areas close to the strategic road network. So there is a balance to be made between the need for

development on one hand and a poor noise environment on the other. Within BS8233:2014, the desirability of development is stated in terms of the convenience of living in that particular location, for example on account of proximity to local services and employment, or making best use of land resources, particularly where these are scarce.

In summary, suitable internal noise levels can be achieved but this is only through a noise mitigation scheme and the occupants keeping windows closed. The external environment does not meet acceptable standards for noise in outdoor amenity areas and this is likely to result in significant adverse impact. However, you may consider that, in applying the planning merits, the need for this development, in terms of its desirability noted in BS8233, outweighs this factor.

If you do approve this application, I recommend the usual controls during the construction phase including control of working hours, control of hours of deliveries to the site and control of dust are conditioned.

MSDC Contaminated Land Officer

No information has been provided with the application about the land quality and its suitability for changing it to residential use. While there are no known contamination sources at the site, as a minimum I would expect a "discovery" condition to be included:

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 Tree Officer

Comments dated 17.12.2020

Further to reviewing the submitted AIA plan that accompanies this application, please find my comments below:

- All the trees that are within influencing distance of the development have been identified and classified as per BS 5837.
- The RPA of each tree has been calculated and displayed on the plan provided.
- The site currently has no trees subject to TPOs and is not within a Conservation Area.
- No trees are to be removed to facilitate the development.
- Protection measures for retained trees have been detailed within the above report and should be fully adhered to.

In conclusion, I have no objection to the development on arboricultural grounds provided the tree protection measures are fully adhered to and any works that may impact any of the retained trees are carried out in accordance with the details outlined within the report

Comments dated 08.12.2020

Having looked at the documents provided for the above application, in principle I would be unlikely to object on arboricultural grounds. However there is very little information regarding the impact on the surrounding trees. It is not clear which, if any trees are to be removed and there doesn't appear to be any details of how the retained trees are to be protected during construction.

I would request an AIA/AMS is submitted which will allow me to comment in full on the development.

MSDC Ecologist

Comments dated 22.01.2021

Unfortunately the proposed landscaping doesn't address my previous comments as, it proposes clearing the semi-natural vegetation and seeding with grass, which would remove cover and habitat structure resulting in a net loss (whilst species rich grassland can provide valuable habitat, it can be difficult to create and needs the right soil conditions and maintenance). Whilst some bramble clearance in favour of a low maintenance tussocky grassland (as paths and open patches) would be beneficial for wildlife, a reasonably high proportion (e.g. 50%) of scrub / shrub cover should be achieved (whether bramble or native shrubs or a mix). This should reduce the overall intensity of long-term maintenance needed as well by reducing the amount of grass—a strim in late summer or brush cut every few years would prevent it developing into scrub and occasionally it may be necessary to cut back branches from the adjacent car park and remove tree species that are growing too close to the car park.

A mosaic of scrub/native shrubs and tussocky grassland such as this will address policy requirements for biodiversity by avoiding significant impacts on existing wildlife and the mosaic with some open areas and native shrub planting should provide a small net gain. I would be happy to see details conditioned if that helps.

Comments dated 14.12.2020

Do you know what the proposals are for the wedge of remaining land beyond the garden? I don't think reptiles have been adequately scoped out by the supporting wildlife report but if this land can remain as wildlife habitat, with a bit of management and some precautionary measures before clearance of the plots, then I think this can be addressed through a planning condition.

MSDC Drainage Officer

Comments dated 15.12.2020

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

The BGS infiltration potential map shows the site to be in an area on the boundary between high and moderate infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site.

Following an initial request for further information with regards to how surface water drainage could be managed on site a Drainage Strategy Technical Note has been submitted in support of the application.

The Technical Note states that surface water drainage shall be managed using permeable paving, attenuation and a deep bore soakaway. Soakaway calculations have been based on published infiltration rates for the geology of the area. Attenuation sizing calculations have been undertaken to ensure the drainage system can cater for a 1 in 100-year storm event with an additional 40% allowance for climate change.

Due to the relatively poor infiltration rate and existing site constraints the half drain time of the soakaway is over the allowable 24 hours. Therefore, the system has been designed to ensure capacity for a 1 in 100-year storm and a 1 in 10-year storm. This approach is considered acceptable.

Areas of the proposed surface water drainage system are near a dwelling, and some areas are located within root protection zones. The final detailed drainage design will need to consider these aspects. It is likely that the detailed drainage design will need to be reviewed by the Flood Risk and Drainage Team in conjunction with appropriate consultees.

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

FOUL WATER DRAINAGE

It is proposed that the development will connect foul water drainage to the existing public foul sewer beneath Brighton Road.

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.

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

The BGS infiltration potential map shows the site to be in an area on the boundary between high and moderate infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site.

It is proposed that the development will discharge surface water drainage into the main sewers adjacent to the site.

We would advise the applicant that there are no surface water sewers located on Brighton Road and discharge of surface water into a foul sewer is not usually acceptable. We are aware that Southern Water have previously stated that discharge of surface water drainage into the foul sewer at Brighton Road would not be acceptable.

We would also advise the applicant that as 'new build' the development should consider the drainage hierarchy. The use of infiltration drainage should be investigated thoroughly before drainage options lower down on the hierarchy are considered.

Surface water drainage should also be designed to cater for the 1 in 100-year storm event, with an additional 40% allowance for climate change. Infiltration should have a half drain time of 24 hours or less, and discharge off the site should be restricted to the Greenfield QBar rate.

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

Due to the limited options for surface water drainage on the site we will require further information to be provided at this time; details of which are set out in the 'Further Information Required' section.

FOUL WATER DRAINAGE

It is proposed that the development will connect foul water drainage to the existing public foul sewer beneath Brighton Road.

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

FURTHER INFORMATION REQUIRED

At this time, we will require the following further information:

- Outline calculations for soakaway sizing, to cater for the 1 in 100-year storm event with 40% allowance for climate change. These initial sizing calculations should utilise either site specific infiltration results or the minimum published infiltration rate for the site geology.
- Plans showing potential locations for surface water infiltration drainage on the site.
- Should infiltration drainage not be possible on the site, then evidence of communications with Southern Water that discharge of surface water into a foul sewer is acceptable in principle.

The applicant is advised that delivery of the above further information does not guarantee the Flood Risk and Drainage Team will not object to the application, nor does it mean further information will not be requested.

The further information requested at this time does not consist of a detailed drainage design. Should the Flood Risk and Drainage Team consider the applicant has shown that the principle of drainage is possible then a drainage condition is likely to be recommended.

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.

This page is intentionally left blank

MID SUSSEX DISTRICT COUNCIL

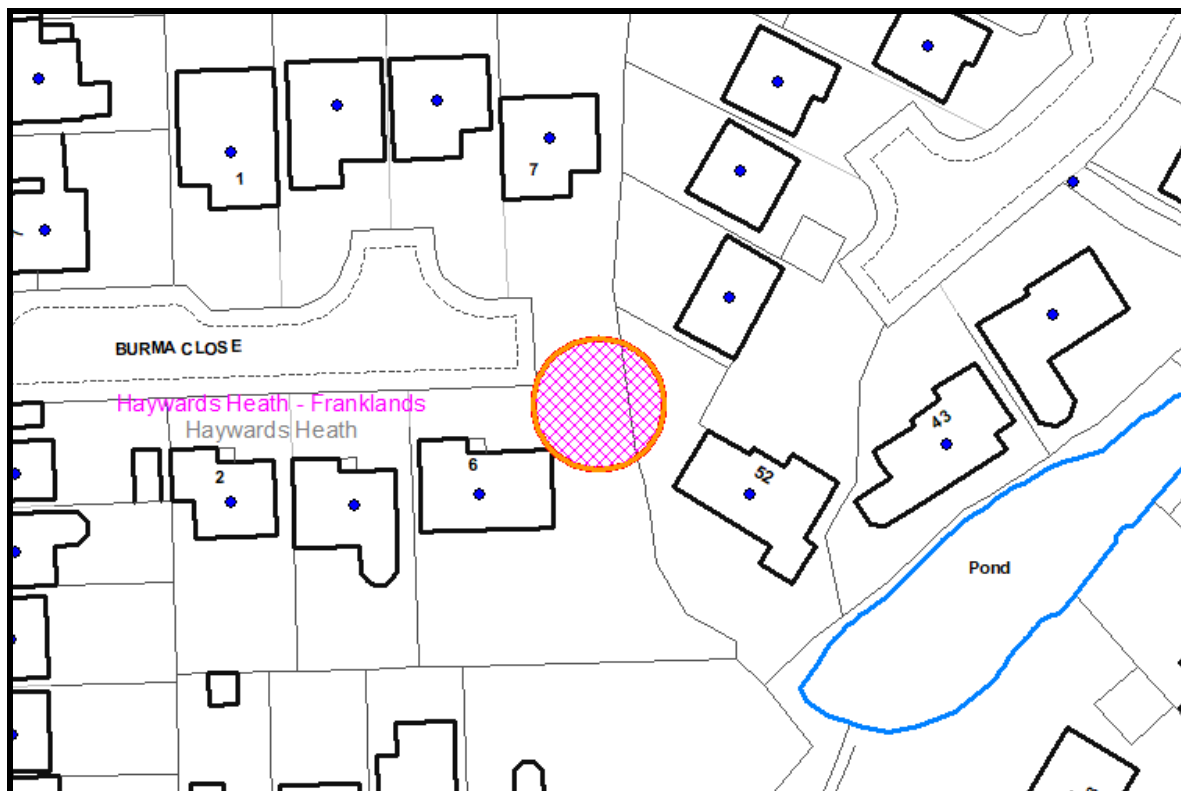
Planning Committee

11 FEB 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/3988



© Crown Copyright and database rights 2020 Ordnance Survey 100021794

**6 BURMA CLOSE HAYWARDS HEATH WEST SUSSEX RH16 3JE
1 X OAK WITHIN TREE GROUP TG1 - FELL
FRANCESCA WHITBREAD**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation /
Aerodrome Safeguarding (CAA) / Tree Preservation Order / Trees
subject to a planning condition /

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Irene Fletcher

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

The tree subject to this application is one of a protected group in a line running along the eastern end of the cul de sac of Burma Close. The relevant Order is HH/06/TPO/91. The group form a green screen between Burma Close and properties in Marlow Drive.

On the basis of the evidence provided, the balance of probability shows that the Oak tree is the likely cause of subsidence and as such, while its removal is regretted, there are no other appropriate works to mitigate against the issue and as such the application complies with policy DP37 of the District Plan.

RECOMMENDATION

It is recommended that permission be granted for the proposed tree work subject to conditions suggested in Appendix A.

SUMMARY OF REPRESENTATIONS

None received

HAYWARDS HEATH TOWN COUNCIL

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

INTRODUCTION

Permission is sought to fell an Oak tree at 6 Burma Close, Haywards Heath. This application is before Committee as the tree subject to the application is in the ownership of a District Councillor, although it should be noted that they are not the applicant, that is an insurance company of behalf of a neighbouring property.

PLANNING POLICY

Mid Sussex District Plan

Policy DP37 - Trees, Woodland and Hedgerows

Haywards Heath Neighbourhood Plan

The plan was made on 15th December 2016 and forms part of the Development Plan for the District and policies should be afforded full weight.

There are no relevant policies

ASSESSMENT

The tree subject to this application is one of a protected group in a line running along the eastern end of the cul de sac of Burma Close. The relevant Order is HH/06/TPO/91. The group form a green screen between Burma Close and properties in Marlow Drive. The application has come about as the no.52 Marlow Drive is experiencing subsidence issues. As noted earlier, the tree subject to this application is not in the ownership of the applicant.

The tree is implicated in a subsidence claim and the application is supported by a number of documents, including Arboricultural report, Engineer's report, level monitoring data and site investigation report. All the submitted information has been carefully considered.

The submitted evidence, above, indicates that live oak and ash tree roots have been located within two boreholes adjacent to where the subsidence has occurred. Level monitoring indicates movement over a sustained period of time. The ash tree is not subject to TPO and could be removed any consent from the Council.

Whilst the oak tree subject of this application has not specifically been implicated, it lies in closest proximity to the affected property and it would appear, on the balance of probability, that it is likely that this tree is the cause of subsidence.

Officers are aware that the owner of the tree has been seen copies of the reports and no objection has been received from them in respect of the proposed works.

Policy DP37 of the District Plan deal with trees and states that *'the felling of protected trees will only be permitted if there is no appropriate alternative'*. In this instance, while the loss of any tree is regretted, given the evidence described above, there is no appropriate alternative. Where a protected tree is felled a replacement would normally be secured, however, given that reason for the removal relates to subsidence and that the tree is not on the applicants land, it is not considered that securing a replacement is appropriate in this instance. Officers are satisfied that the application complies with policy DP37 of the District Plan.

CONCLUSION

On the basis of the evidence provided, the balance of probability shows that the Oak tree is the likely cause of subsidence and as such, while its removal is regretted, there are no other appropriate works to mitigate against the issue and as such the application complies with policy DP37 of the District Plan and can be supported.

APPENDIX A – RECOMMENDED CONDITIONS

1. The tree works hereby permitted shall be begun before the expiration of 2 years from the date of this consent.

Reason: To accord with section 17 (4) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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
Site Plan			18.11.2020
Site Plan			23.10.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council defers this decision to Mid Sussex District Council's Tree Officer.

MID SUSSEX DISTRICT COUNCIL

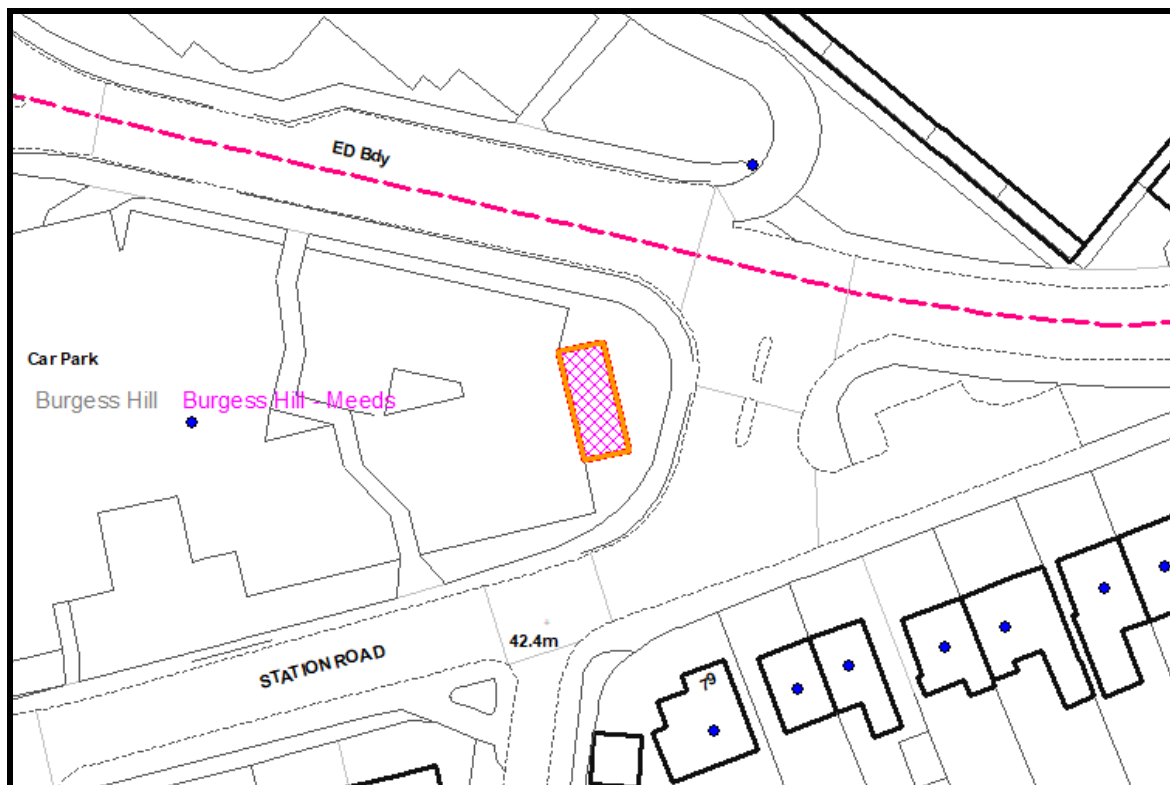
Planning Committee

11 FEB 2021

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/4535



© Crown Copyright and database rights 2020 Ordnance Survey 100021794

MID SUSSEX DISTRICT COUNCIL STATION ROAD CAR PARK STATION ROAD BURGESS HILL

SHIPPING CONTAINER TO BE PLACED IN THE EAST SIDE OF THE EXISTING CAR PARK WITH A 2M HIGH CLOSE BOARDED TIMBER FENCE AROUND THE OUTSIDE. FIBRE EXCHANGE EQUIPMENT WILL BE LOCATED INSIDE OF THE SHIPPING CONTAINER WITH 2 AIR CONDITIONING UNITS ON THE OUTSIDE.

MR MARIUS KYNASTON

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

ODPM CODE: Minor Other

8 WEEK DATE: 28th January 2021

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for a shipping container to be placed within Station Road Car Park, Burgess Hill with a 2 metre high close boarded timber fence around the outside. 2 No. air conditioning units would also be attached to the outside of the container.

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

The shipping container will provide a temporary fibre exchange facility as part of the Local Full Fibre programme which will provide better connectivity within the wider area. This facility is required to connect the new fibre optic network to the Brighton Digital Exchange, where the connection is coming from. The permanent exchange facility is being planned to be incorporated into the New River Martlets Shopping Centre Development which is likely to be 18 - 36 months away from completion and therefore the requiring a temporary facility in the meantime.

The proposal would be located within the eastern side of the Station Road Car Park and would be visible from Station Road, which extends around both sides of the car park. The proposed container, although partly obscured by the proposed fencing, would be of a form and design that is not considered to be in keeping with the character of the area and would result in the loss of 5 No. parking spaces. However, given the temporary nature of the proposal, its importance to the full fibre project and that the land will be returned to its current state following the removal of the container, this impact would be temporary and localised.

It is therefore considered that with sufficient conditions, the proposal would be acceptable in terms of its principle, its temporary impact on the character of the area and parking, would not cause significant harm to the amenities of neighbouring properties, and would not cause harm to highway safety. Therefore, the proposal complies with Mid Sussex District Plan policies DP1, DP20, DP21, DP23, DP26, and DP29, and the relevant provisions of the NPPF.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

Three letters of representation were received and raised the following concerns:

- No. 85 Station Road, not notified on the application (*Officer Comments: Neighbour notification letters are only sent to properties that are adjacent to the application site.*)
- Impact on the character of the area, not in keeping
- Impact on neighbour amenities from noise generated by the plant and machinery within the container along with the air conditioning unit
- The area is quiet at night and therefore the proposal would be more audible at this time
- No information on radiation, impact on health
- No information on the impact the proposal will have on neighbouring properties Wi-Fi and broadband application
- Loss of parking spaces
- An alternative location should be sought

SUMMARY OF CONSULTATIONS

BURGESS HILL TOWN COUNCIL OBSERVATIONS

Recommend Approval.

Environmental Protection

No objection, subject to condition.

WSCC Highways Authority

No objection; recommend informative.

Introduction

The application seeks permission for a shipping container to be placed in the eastern side of Station Road Car Park, Burgess Hill with a 2 metre high close boarded timber fence around the outside. 2 No. air conditioning units would also be attached to the outside of the container.

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

Relevant Planning History

None relevant

Site and Surroundings

The application site is located on the eastern side of Station Road Car Park, within the town centre of Burgess Hill.

The car park is accessed off the southern side off Civic Way Roundabout and has a one way system. The perimeter of the car park consists of low level hedging and trees which gives it an open character which is visible from distance views along Station Road, Civil Way and Queen Elizabeth Avenue. The proposal would be located on the eastern side of the car park which is visible from Station Road which continues along both sides of the car park and has pedestrian access onto both sides of the car park.

The locality is characterised by commercial properties located to the north with large car parks and varying building designs. To the south along Station Road there is a distinctly different character with two storey semi-detached dwellings of similar designs and forms set back evenly from the highway with off street parking. Some of these dwellings have changed uses to dentists however the character of this side remains predominantly residential.

Application Details

The proposed shipping container would have a width and depth of 2.438 and 6.058 metres with an overall height of 2.896 metres. The door into the container and the external 2 No. air conditioning units, would be located on the northern side elevation and would not protrude beyond the side or height of the container. These units would be used infrequently to maintain the ambient temperature within the container.

The proposed 2 metre high close boarded fencing would extend around the proposal with a width and length of some 4.7 metres and 12 metres. The proposal as a whole would be located on the existing 5 No. end parking spaces within the car park.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP1 - Sustainable Economic Development
DP20 - Securing Infrastructure
DP21 - Transport
DP23 - Communication Infrastructure
DP26 - Character and Design
DP29 - Noise, Air and Light Pollution

BURGESS HILL NEIGHBOURHOOD PLAN (made January 2016)

None relevant

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 112, 124 and 127 are considered to be relevant to this application.

Mid Sussex Design Guide - 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

Policy DP23 relates to Communication Infrastructure and states:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.

The expansion of the electronic communication network to the towns and rural areas of the District will be supported.

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- Preference will be for use to be made of existing sites rather than the provision of new sites.*

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

Policy DP1 seeks the 'provision of appropriate infrastructure to support business growth - in particular high speed broadband connections'

Policy DP20 also states: *'Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.'*

The Full Fibre network is being delivered in conjunction with neighbouring local authorities and will run from Brighton through to Crawley which will improve the digital infrastructure and connectivity for residential and commercial properties, which will provide long term social and economic benefits to the whole of the District by supporting economic growth and public services.

The proposed shipping container would allow the fibre optic network currently being installed around Burgess Hill to be connected to the Brighton Digital Exchange and come into use. This would improve the digital infrastructure of Burgess Hill and will then allow the continuation of the project north to other areas within the District. The proposal would be located within the built up area of Burgess Hill and is not within a sensitive area.

It is considered that the proposal will enable the Full Fibre project to come into use within Burgess Hill and allow its continued progress through the District which complies with policies DP1, DP20 and DP23 of the Mid Sussex District Plan and is 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 Mid Sussex Design Guide SPD requires extensions to respond to and respect the character of the area as well as the original property.

The proposed shipping container would be positioned within an area with an open character, and although there are trees and hedging around the perimeter of the car park the proposal would be visible from the highway and the wider locality. A close boarded fence is proposed around the container which would obscure the majority of the proposal from view, however the top portion of the proposal would be visible over the top of this 2 metre high fence. Shipping containers by the nature of their form and materials are not considered to be of high-quality design and would not be in keeping with the character of the locality. The proposal seeks temporary permission for the placement of the shipping container and the fencing on the site, which will be removed following the creation of the permanent fibre exchange facility within the New River Martlets Shopping Centre Development to the north. Given the temporary nature of the proposal, along with the improvements to the digital infrastructure of the area which would result from the proposal, it is considered that the design and appearance of the proposal would not warrant the refusal of the application in this instance.

To ensure that the proposal would not result in any long term or permanent impact on the character of the area the proposal will be given a 3 years limit following which the land must return to its current state.

Impact on the amenities of neighbouring properties

DP26 states:

"does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);"

To the northern side of the proposal are commercial properties including a supermarket and car park. On the southern side are a number of residential properties which face onto the southern side of Station Road Car Park. The closest neighbouring property to the application site is No. 79 Station Road which would be some 24 metres away. It is considered that although the proposal would be visible from a number of residential properties on the southern side of Station Road given the separation distance it is not considered to cause harm to their amenities by a loss of privacy, outlook or light.

The majority of the plant and machinery would be located within the container itself with only the 2 No. air conditioning units located on the outside. These units would be positioned on the northern side elevation of the container, furthest from the neighbouring residential properties.

The Council's Environmental Protection Officer has been consulted on the application and has made the following comments:

'The plant is around 28m from the nearest residential façade and is in a town centre location. In my view, given the likely background noise and the additional shielding provided by the close boarded fencing, noise from the plant is unlikely to disturb residential amenity. Nonetheless, given the 24 hr nature of the noise, Environmental Protection recommends a condition aimed at ensuring residents are protected from the noise from the plant should it prove to be problematic.'

It is considered that with the inclusion of the requested noise condition restricting the noise generated by the proposal this will ensure that the proposal would not cause significant harm to the neighbouring residential properties by way of noise pollution.

Highway safety and parking

The proposal would be positioned on 5 No. existing parking spaces within the Station Road Car Park, however given the temporary nature of the proposal and that these spaces would be reinstated following the removal of the shipping container, the loss of the parking spaces would be temporary and any impact would be outweighed by the infrastructure benefits of the proposal.

WSCC Highways Authority have been consulted on the application and raise no objection to the proposal. The site is located on a corner plot of Station Road, an unclassified and B-classified road, subject to a 30mph speed limit. The proposed works would be located within the site confines and would not be placed on land considered as highways. The proposal is not anticipated to obstruct visibility for vehicle users along Station Road. A few parking spaces may be lost, however the LHA does not anticipate that the potential loss of parking spaces will result in a highways safety concern, given the presence of comprehensive parking restrictions. The Highways Authority therefore does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network and therefore not contrary to the NPPF and that there are not transport grounds to resist the proposal.

The statutory undertaker will need to submit the necessary notification to the Highway Authority independently and any traffic management during the connection of the temporary fibre exchange into the existing chamber which is placed on the highway will need to be agreed with WSCC Highways Authority prior to works taking place.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore

necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable both in terms of its principle and impact on highway safety and would not cause significant harm to the amenities of neighbouring properties. The proposal would result in a loss of parking spaces within the public car park and would be of a design and form that is not in keeping with the character of the area, however both of these impacts would be temporary and would be outweighed by the improvements to the digital infrastructure of the area which would result from the proposal, and therefore the proposal is considered to be acceptable on balance.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP20, DP21, DP23, DP26, and DP29, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The works hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 12th February 2024.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period and to accord with Policy DP23 of the Mid Sussex District Plan.

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. Noise from the plant/machinery hereby permitted 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.

Upon request from the LPA, an assessment shall be carried out with the plant/machinery operating at its maximum setting in order to demonstrate compliance, and evidence in the form of a report signed by a suitably qualified acoustic consultant, shall be submitted to and approved by the local planning authority.

Reason: To safeguard the amenity of adjacent occupiers 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.
3. The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the proposed works on the highway, please call 01243 642105.

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 and Existing Plan incl Site	MSDC_LFFN_001		13.01.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

Environmental Protection

The plant is around 28m from the nearest residential façade and is in a town centre location. In my view, given the likely background noise and the additional shielding provided by the close boarded fencing, noise from the plant is unlikely to disturb residential amenity. Nonetheless, given the 24 hr nature of the noise, Environmental Protection recommends a condition aimed at ensuring residents are protected from the noise from the plant should it prove to be problematic.

Conditions:

Noise from the plant/machinery hereby permitted 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.

Upon request from the LPA, an assessment shall be carried out with the plant/machinery operating at its maximum setting in order to demonstrate compliance, and evidence in the form of a report signed by a suitably qualified acoustic consultant, shall be submitted to and approved by the local planning authority.

WSCC Highways Authority

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

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

This proposal is for installation of shipping container to the east side of the exiting car park. The shipping container will contain fibre exchange equipment with 2 air conditioning units on the outside. This will be temporary arrangement until New River Martlets Shopping Centre Development fibre exchange is completed, and it is expected to last between 18-36 months. The site is located on the corner plot of Station Road (unclassified and B-classified road) subject to 30mph speed limit.

The proposed works are situated within the site confines and will not be placed on land considered as highways. The east side of the boundary is currently surrounded by trees, which do not appear to be removed as part of this proposal. The proposed is not anticipated to obstruct visibility for vehicle users along Station Road.

The statutory undertaker will need to submit the necessary notification to the Highway Authority independently and any traffic management during the connection of the temporary fibre exchange into the existing chamber which is placed on the highway will need to be agreed with WSCC Highways prior to works taking place. Their contact details are included below.

The application form states that no parking is to be removed as part of this proposal, however Google Mapping Aerial View indicates that few parking spaces may be lost. The Local Highways Authority does not anticipate that the potential loss of parking space/s will result in a highways safety concern, given the presence of comprehensive parking restrictions prohibiting vehicles to park at places that are detrimental to the highways safety. The Local Planning Authority may wish to consider any implications from an amenity perspective.

Conclusion

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

If the LPA are minded to approve this application, the following informative is advised

Informative

The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the proposed works on the highway, please call 01243 642105.