
26 March 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, 8TH APRIL, 2021 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | Roll call and Virtual Meetings explanation. | |
| 2. | To receive apologies for absence. | |
| 3. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 4. | To confirm the Minutes of the meeting of the Committee held on 11 March 2021. | 3 - 8 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|--|----------------|
| 6. | DM/20/3382 - Land East of Haycorn Street Lane, Ardingly, RH17 6UJ. | 9 - 48 |
| 7. | DM/20/4372 - Frank's House, Farney Close School, Bolney Court, Bolney, RH17 5RD. | 49 - 62 |

8. DM/20/4654 - Twoways, Station Road, Crawley Down, RH10 4JE. **63 - 102**
9. DM/21/0165 - Mill Nursery, London Road, Hassocks, BN6 9NB. **103 - 146**

Items Recommended for Refusal.

10. DM/20/3456 - Land West of Kilnwood Apartments, Rocky Lane, Haywards Heath, RH16 4XL. **147 - 188**

Other Matters.

None.

11. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

Minutes of a meeting of Planning Committee held on Thursday, 11th March, 2021 from 4.00 - 5.46 pm

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

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

Absent: Councillor N Walker

Also Present: Councillors De Mierre, Llewellyn-Burke, Knight and Webster

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

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

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Walker.

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

Cllr Pulfer declared a personal interest in Item 6 (DM/20/1503), as he is Vice Chair of Haywards Heath Town Council's Planning Committee, which had previously debated the application. He declared that he approached the matter with an open mind.

4 TO CONFIRM THE MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 21 JANUARY AND 11 FEBRUARY 2021

Subject to the following changes:

1. Cllr Eggleston to be noted as present for the meeting of 21 January 2021, and
2. Cllr Dabell's vote of "Against" on the first motion of Item 5 DM/20/1516 to be recorded for the meeting of 11 February 2021

the minutes of the meetings of the Planning Committees held on 21 January and 11 February 2021 were agreed as a correct record and signed electronically by the Chairman.

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

The Chairman had no urgent business.

6 DM/20/1503 - OAKWOOD, AMBERLEY CLOSE, HAYWARDS HEATH, RH16 4BG.

Steven King, Planning Applications Team Leader, introduced the application which sought approval for the partial demolition of the existing southern wing and construction of a part two-storey and part three-storey extension to an existing care home to provide 31 new bedrooms, resulting in a total of 60 bedrooms on the site and 50 car parking spaces. He noted that the design had been altered during the course of the application to address officers' concerns. The design of the scheme took advantage of the change in levels through the site and made good use of the space. There is no impact on the settings of Great Haywards Farm and Great Haywards Barn, which are both Grade Two listed, because of intervening buildings between the site of the planning application and the listed buildings.

He added that matters pertaining to access were considered on page 34 of the committee report. There are currently 29 parking spaces and the proposal will result in 50 spaces on the site, including disabled spaces and Electric Car (EV) Charging Points. He pointed Members' attention to the fact that the Highways Authority had raised no objection and that there would not be any significant impact on the Highway Network from the proposal. In terms of highway safety, there were no grounds to reject the application. He highlighted a key issue was neighbouring amenities (discussed on page 35 of the report). He pointed Members to policy DP26 and that there would not be significant harm caused to the amenities of the occupiers of neighbouring flats. Regarding drainage, he confirmed that there are no objections from Southern Water or the Local Flood Authority or the Council's Drainage Engineer. The Council's ecological consultant has also raised no objection. Though some concerns had been raised about the impact on trees on the southern boundary of the site, the Tree Officer had raised no objections and the proposed extension was outside the root protection area of protected trees.

The Planning Applications Team Leader concluded that he believed there would be clear benefits from the scheme including improvements to the facilities in the site, the provision of the additional bedrooms, for which there is a clear need with the aging population as well as the economic benefits, with a further 9 staff being employed. He recommended that the Members consider it for approval.

Lyndsey Ratcliffe, a local resident spoke against the application.

Andrew Wilson, local resident spoke against the application.

Ozkan Turgutlu, local resident spoke against the application.

Huw James, agent for the application, spoke in favour of the application.

Tracy Evans, Chief Executive of Sussex Housing & Care, spoke in favour of the application.

Cllr De Mierre, Ward Member, spoke against the application, citing concerns about the height of the extension, which she felt would impinge on neighbouring properties, as well as potential damage of the trees during the period of construction and access to the site.

Cllr Jim Knight, Ward Member, spoke against the application. He believed the proposed elevations would dominate the landscape and were out of keeping with the area, along with loss of privacy for existing residents.

A Member expressed support for the additional opportunities and employment the extended building could offer, though he expressed concerns with the topography and the height of the building.

A Member queried if the increased number of beds would lead to an increase in the number of visitors and queried the number of parking spaces provided. Another Member was concerned about traffic to the site. Another Member indicated that he could not see any substantial reasons to refuse the application. One Member had concerns with the fact the extension would double the size of the building, and whether this still complies with DP26 in terms of creating a sense of place while addressing the character and scale of surrounding buildings and landscape. He also noted DP41 regarding flood risk and drainage as he had concerns over whether the extension deals with the issue of lack of drainage on site.

Addressing concerns expressed by Members, the Planning Applications Team Leader acknowledged that Policy E9 of Neighbourhood Plan covers how proposals sit in their context and DP26 of the District Plan is a more up to date policy with similar aims. He noted that it was down to planning judgement to determine if it meets the criteria in these two policies. He advised that there had been extensive negotiation on the design and that the Urban Designer is now satisfied that the proposed elevations now fit comfortably within the site. With regards to drainage he highlighted that the Council's Drainage Officer had not expressed any objection to the plans and was content with the proposals to drain the site, noting that the technical details can be dealt with by planning condition. Following concerns from residents about the impact on neighbouring properties, he didn't believe that the proposal would have an adverse impact in terms of a loss of light to the properties to the south because of their distance from the proposed extension and the fact that the extension was to the north of the neighbouring houses at Ferny Croft.

Another Member noted there was a growing need for nursing homes in the area and expressed the view that there was sufficient space between the site and the neighbouring properties.

The Chairman took Members to the vote to approve the application as detailed in the Officer Recommendation as amended by the Agenda Update Sheet. This was proposed by the Vice-Chairman and seconded by Cllr MacNaughton. A recorded vote was carried out by the Legal Officer and the application was approved with 7 votes in favour and 3 against.

Councillor	For	Against	Abstain
G. Allen	Y		
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
R. Eggleston		Y	
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips		Y	
M. Pulfer		Y	
D. Sweatman	Y		

RESOLVED

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

(Cllr Coe-Gunnel White left the meeting at 4:15pm.)

7 DM/20/4426 - LITTLE TORCH, 4 HASSOCKS ROAD, HURSTPIERPOINT, HASSOCKS, WEST SUSSEX, BN6 9QN.

Stuart Malcolm, Senior Planning Officer, introduced the item which sought full planning permission for the change of use of Little Torch from Class C2 (residential institutions) to Class C3 (dwelling houses) to form 10 residential units including 8 flats and 2 houses together with car parking and associated development. He drew Members' attention to the Agenda Update Sheet and an additional letter of representation from a neighbour.

He indicated that there had been no objections from the highways authority or environmental protection officers in respect of the use of the access and driveway. He confirmed that Members must give considerable importance and weight to the less than substantial harm to the heritage assets that had been identified by the Conservation Officer. He stated that as per para 196 of the NPPF, this less than substantial harm needed to be weighed against the public benefits of the proposal. He confirmed that planning officers consider that the provision of 10 residential units in this sustainable location would bring economic and social benefits that outweigh the less than substantial harm identified. He added that the proposal would have only a minor impact on the South Downs National Park to the south and that significant harm to residential amenity could not be demonstrated, so duly recommended the application for approval.

Guy Dixon, the agent, spoke in favour of the application.

The Vice-Chairman proposed the motion to approve the application in accordance with the officer recommendation, which was seconded by Cllr Phillips.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet. A recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G. Allen	Y		
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
A MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

A

Subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards infrastructure, planning permission be granted subject to the conditions set out in Appendix A

B

If the applicants have not completed a satisfactory signed planning obligation securing the necessary financial contributions towards infrastructure by the 11th June 2021, then permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary financial contributions towards infrastructure and as such conflicts with Policy DP20 of the Mid Sussex District Plan, criteria (g) of Policy HurstH6, the Council's SPD on Development Infrastructure and Contributions and the NPPF.'

(Cllr Eggleston left the meeting at 5:22pm.)

8 **DM/20/3832 - EVERGREEN FARM, WEST HOATHLY ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 4NE.**

Anna Tidey, Planning Officer, presented the report on the application to discharge an occupancy requirement under a planning obligation attached to planning reference 11/01105/EOT at a property known as Evergreen Farm, off West Hoathly Road in East Grinstead. Planning Permission was granted under 11/01105/EOT for the erection of a replacement farmhouse at the site in 2011. She brought to Members' attention an error on Page 105 of the report as set out in the Agenda Update Sheet.

The motion to approve the discharge of the S106 planning obligation in accordance with the officer recommendation was proposed by Cllr Sweatman and seconded by Cllr Dabell. The Chairman took the motion to a vote and a recorded vote was carried out by the Legal Officer and the application was unanimously approved.

Councillor	For	Against	Abstain
G. Allen	Y		
R. Cartwright	Y		
P. Coote	Y		
J. Dabell	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
D. Sweatman	Y		
M. Pulfer	Y		

RESOLVED:

That the S106 planning obligation dated 5 September 2011 be discharged.

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

None.

The meeting finished at 5.46 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

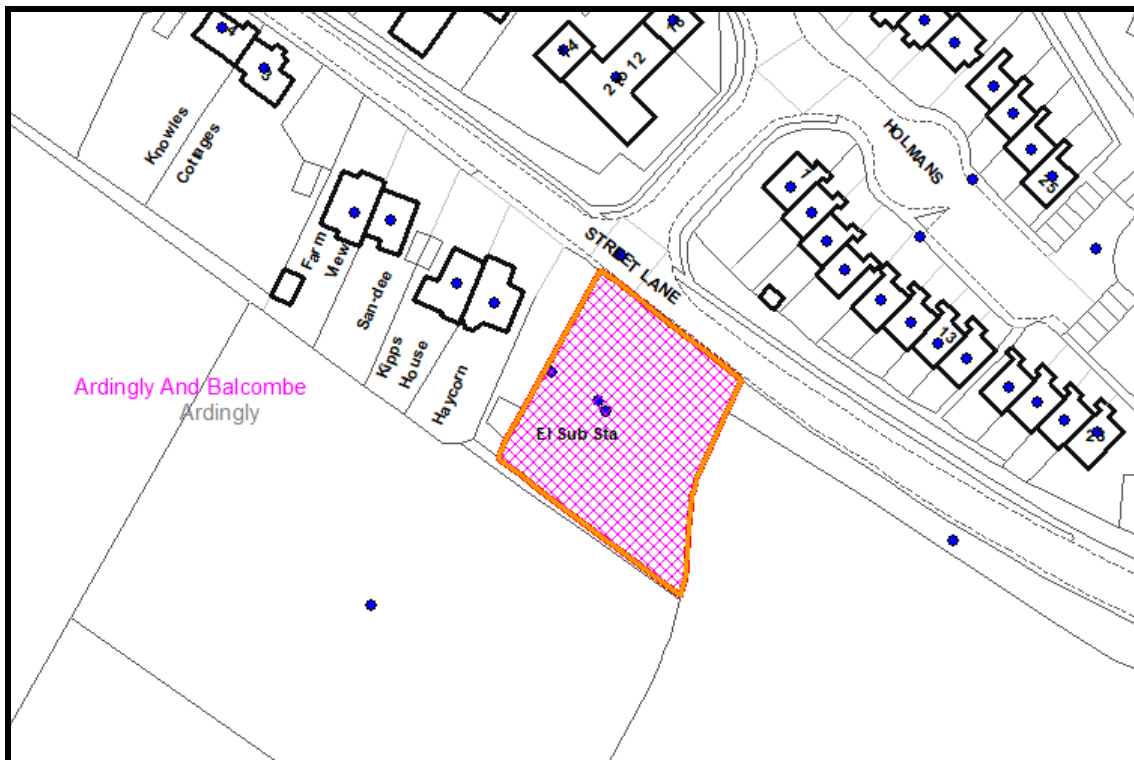
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

Ardingly

DM/20/3382



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**LAND EAST OF HAYCORN STREET LANE ARDINGLY WEST SUSSEX
CONSTRUCTION OF TWO ATTACHED HOUSES TOGETHER WITH
ACCESS AND PARKING.
MR ANDREW WHITE**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order / Tree Preservation Order Points / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th April 2021

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly.

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. 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.

In terms of the principle of development, the site is located outside the built-up area of Ardingly, albeit on the opposite side of the road. It does not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, or with Policy ARD3 of the Neighbourhood Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Due to the lack of adverse impact on the AONB, the proposal does not conflict with Policy ARD2 of the Neighbourhood Plan. As an enclosed plot next to an electricity substation and a linear row of houses, which are semi-detached closest to the site, the proposal would not cause harm to the AONB landscape and the design and layout of the development would respect the surrounding built form. This assessment was made in part in securing the planning permission for 2 dwellings on this site in 2018, just 2 months before adoption of the District Plan but after the adoption of the Neighbourhood Plan. While this permission has lapsed (January 2021), it is considered that this remains a material consideration that weighs in favour of granting permission.

Also weighing in favour of the scheme is that the development will provide 2 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. The proposal would also result in construction jobs over

the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, trees and biodiversity.

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.

It is considered that given the previous existence of a permission on the site and that the proposed development would not harm the landscape character of AONB, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP16, DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2, ARD4, ARD5 and ARD8 of the Ardingly 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, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 8 July 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, Planning and Economy for the following reason:

'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, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- Do not believe that there is any need for further housing in Ardingly.
- Already several empty properties in Ardingly that cannot be sold or rented
- The area is classified as an AONB and we believe that no further houses should be constructed in Ardingly
- Parking provision inadequate
- Any parking in Street Lane would cause a major traffic problem, as this is an extremely narrow lane, making it impossible for two cars to pass each other
- We do not agree that there is no flood risk on the land proposed for this development. When it rains the field is flooded and is a total mud bath. When we have heavy rain, the water runs down Street Lane, from Knowles Farm, in a river
- The Ecological Appraisal Report is flawed as carried out in winter months and does not take into account all of the animal, bird and plant life
- Just because permission had been granted, we do not see that, now, six years later, permission should be granted once again

SUMMARY OF CONSULTEES

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

MSDC Consultant Ecologist

To be reported.

MSDC Drainage Engineer

No objection, subject to condition and legal agreement.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection.

WSCC Highways

No objection, subject to conditions and informative.

Southern Water

Guidance provided on drainage matters.

TOWN / PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly.

RELEVANT PLANNING HISTORY

In June 2017, planning permission was refused for the erection of 3 no. dwellings (2 no. 2-bed semi-detached and 1 no. 3-bed detached) on this site (DM/17/1943), for the following reasons:

- 1. The layout of the proposed development would result in the loss of, or future damage to, protected trees and would constitute an overdevelopment of the site as a result of modest plot sizes in relation to surrounding properties in this edge of settlement location, harmful to the rural character of the area and contrary to Policies B1 and B7 of the Mid Sussex Local Plan, Policies DP24 and DP36 of the draft Mid Sussex Local Plan and paragraphs 7, 14, 17, 56, 58 and 61 of the National Planning Policy Framework.*
- 2. 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 2010, Policy DP15 of the draft Mid Sussex District Plan, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 118 of the National Planning Policy Framework.*

In January 2018, planning permission was granted for a pair of semi-detached dwellings (1 x 2-bed and 1 x 3-bed), together with a shared access (DM/17/3659). This permission was not implemented and lapsed on 30 January.

In September 2020, planning permission was refused for the construction of a terrace of 3 x 3-bed dwellings, together with a shared access (DM/20/1011), for the following reasons:

- 1. The layout of the proposed scheme would constitute an overdevelopment of the site as a result of modest plot sizes in relation to surrounding properties in this edge of settlement location. This would be emphasised by the tandem parking in front of Plots 2 and 3 giving rise to an overdominance of car parking at the front of the development and by the need to provide access to the rear of Plot 2 reducing the plot sizes further. The asymmetric roof line and the projecting front elevation of the building would give rise to a prominent design that would fail to respect the adjoining semi-detached typology of the dwellings to the north-west, which like the site are outside the built-up area boundary of Ardingly. Accordingly, the development would have an urbanising effect by being cramped within this plot and thereby would be harmful to the rural character of the area, contrary to Policy DP26 of the Mid Sussex District Plan, Policy ARD5 of the*

Ardingly Neighbourhood Plan and paragraphs 124, 127 and 130 of the National Planning Policy Framework.

- 2. 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, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.*

SITE AND SURROUNDINGS

The site is an undeveloped parcel of land, most recently an area of woodland but once allotments, now enclosed by mature vegetation screening and with a central access. Land levels slope gently down from north to south, by about 5m. In about 2016, most of the land was cleared of trees.

The site is located within the countryside and within the High Weald Area of Outstanding Natural Beauty. The site is subject to a Tree Preservation Order, covering 2 Limes to the front and Oak trees to the east and within. Land to the south and east are open fields, with the frontage to Street Lane being lined by protected trees. Land to the west is in residential use (semi-detached properties) with an electricity substation between. The built-up area boundary of Ardingly lies to the north, where there are a number of terraced dwellings at Holmans opposite.

APPLICATION DETAILS

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly. It is similar to lapsed planning permission DM/17/3659, with the following differences:

- Plot 1 (to the east) contains 4-bedrooms and Plot 2 (to the west) contains 3-bedrooms; previously this was 3-beds and 2-beds respectively
- The previous cut out / set back of the rear element in the SW corner of Plot 2 has been infilled and replaced with a projecting twin gable, allowing the formation of a third bedroom in Plot 2
- The additional bedroom in Plot 1 has been achieved through rearrangement of the internal floorspace
- New secondary windows to the eastern flank of Plot 1
- The internal drive has been pulled away from the front of the houses to allow a landscaped area to be formed and access easier to Plot 2
- Additional detailing to the front elevation, incorporating timber boarding elements and adjusting the entrance to Plot 2

The new access, sited centrally, will be shared to these properties with 2 car parking spaces to the both sides and the turning area and 1 visitor space in front. Each will benefit from refuse and bike stores to the side. The garden area to Plot 2 will be considerably smaller than to Plot 1, which is due to the presence of a centrally-positioned Oak tree, subject to a Tree Preservation Order. However, the positioning of the building remains identical to the previous consent, so the relationship with this tree remains the same.

The dwellings will be constructed with brick and tile hung elevations beneath Sussex hip tiled roofs. The maximum width will be approximately 13.7m, the maximum depth 12.4m and the maximum height 9.5m.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the Ardingly Neighbourhood Plan (2014).

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP15: New Homes in the Countryside
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Ardingly Neighbourhood Plan (Nov 2014)

Mid Sussex District Council formally 'made' the Ardingly Neighbourhood Plan part of the Local Development Plan for the Parish of Ardingly as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Ardingly.

Relevant policies:

Policy ARD2: A Spatial Plan for the Parish
Policy ARD3: Housing Supply and Site Allocation
Policy ARD4: Suitable Alternative Natural Greenspace
Policy ARD5: Housing Design
Policy ARD8: Biodiversity

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.

Relevant design principles include:

Principle DG5: Water features and sustainable drainage systems
Principle DG6: Design to enhance biodiversity

Principle DG19: Provision of off-street parking
Principle DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG24: Plan for cyclists
Principle DG27: Integrate tree planting and soft landscape
Principle DG31: Focus development in sustainable locations
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight

Waste Storage and Collection Guidance for New Developments (May 2015)

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF states: *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

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

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

In addition, paragraphs 11 (presumption in favour of sustainable development), 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), 172 (Areas of Outstanding Natural Beauty), 175 (biodiversity and ancient woodland) and 177 (habitats sites) are considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

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

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 (4th ed, Feb 2019)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

High Weald Housing Design Guide (Nov 2019)

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

Air quality and emissions mitigation guidance for Sussex (Jan 2020)

ASSESSMENT

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

- The principle of development;
- Previous planning permission;
- The design and visual impact on the character of the area;
- Impact on the AONB;

- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Standard of accommodation;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

Principle of development

Policy DP12 of the Mid Sussex District Plan states (in part):

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

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

The supporting text sets out the following:

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

The application site is located in designated countryside for which no special justification of the proposal exists and is therefore considered contrary to the first criterion of this policy. The second criterion is engaged by Policies DP6 and DP15 of the Mid Sussex District Plan and Policies ARD2 and ARD3 of the Neighbourhood Plan.

Policy DP6 of the Mid Sussex District Plan states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is

of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

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

- *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.'*

The proposal is for fewer than 10 dwellings, and is located within a Category 3 settlement, i.e. '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'. It also maximises the amount of development on the site, in relation to the constraints of the Tree Preservation Orders. However, the site is not contiguous with the built-up area of Ardingly, which is on the opposite side of Street Lane. As such, this policy is not met.

Policy DP15 of the Mid Sussex District Plan allows for new dwellings in the countryside where special justification exists and where they would not be in conflict with Policy DP12. This covers agricultural workers' dwellings, exceptional design, rural exception sites, re-use of rural buildings and replacement dwellings. However, the proposed development does not engage any aspects of this policy.

Policy ARD2 of the Neighbourhood Plan states:

'The Neighbourhood Plan directs future housing, economic and community-related development within the parish to within the revised built -up area boundary shown on the Proposals Map of Ardingly village, to build and bolster its role as a resilient Parish community.

Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.'

Assessment of how the proposed development impacts upon the AONB is made below, but in summary, there is no strong conflict with this policy.

Policy ARD3 of the Neighbourhood Plan states:

'The Neighbourhood Plan provides for the development of at least 37 homes in the period 1 April 2013 to 31 March 2031 through a combination of a site allocation and of windfall sites.

A site at Standgrove Field is allocated for up to 37 homes in the period 2013-2018, of which 30% will be two and three bedroom affordable homes with 50% of the affordable homes being subject to a local lettings policy in perpetuity that ensures their availability for people with a local affordable housing need and a connection with the Parish.

An appropriate and detailed landscaping scheme is to be included as a material part to this allocation to ensure that in time the development is able to blend appropriately into its surroundings.

The Neighbourhood Plan will support proposals for windfall development defined as schemes of 6 or fewer dwellings within the built up area boundary, provided:

- *the quantum of dwellings and their site coverage will not be an over-development of the plot in relation to neighbouring plot characteristics in respect of built form, massing and building line;*
- *a satisfactory road access and off street car parking can be achieved; and*
- *the scheme will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the village*

All development proposals must demonstrate how they have taken into account the requirement to contribute to Suitable Alternative Natural Greenspace and a Strategic Access Management and Monitoring Strategy.'

The proposal does not comply with this policy, as it is neither an allocated site nor a windfall site within a built-up area.

Overall, Policy DP12 of the Mid Sussex District Plan has a restrictive approach to new housing in countryside locations, meaning that the proposed dwellings on this site conflict with the adopted spatial strategy of the District Plan. In contrast, Policy ARD2 of the Neighbourhood Plan has a slightly more permissive approach. It is important to take account of the legislation set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004, that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. It is clear that full weight should be given to Policy

DP12 of the District Plan, whereas only limited weight can be given to ARD2 in the Neighbourhood Plan in support of the application.

In summary, in relation to the principle of the application the proposal is contrary to the Development Plan, specifically Policies DP6, DP12 and DP15 of the Mid Sussex District Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Previous planning permission

As set out above, the site benefited from a previous planning permission for 2 dwellings, which was granted just 2 months before the adoption of the Mid Sussex District Plan, although lapsed in January this year. Whilst the NPPF has been updated since then, this permission was granted in accordance with the policies in the Ardingly Neighbourhood Plan and as a 'tilted balance', weighing up whether the proposal would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of contributing to the housing supply in the District.

In carrying out this balancing exercise, substantial weight was given to boost significantly the supply of housing in a relatively sustainable location, against the fact that the dwellings were proposed outside the built-up area, which would normally be restricted under policies in force at the time. It was considered that the proposed development, in terms of its layout, scale and appearance, was in keeping with the character of the surrounding area and would not result in any significantly adverse impact on the wider countryside or AONB.

This scheme utilised the same access and provided a similar building on a very similar footprint, and is considered to be a material consideration of such importance as to outweigh the policy conflict set out above.

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 ARD5 of the Neighbourhood Plan states:

'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.'

The design of this scheme has been informed by the TPO constraints of the site and the previous planning permission. As such, it is considered that the layout of these dwellings allows the retention of the trees and would also be in character with the surrounding pattern of development. Adjacent to the west are semi-detached properties; and opposite to the north are terraced houses. The typology of the proposed houses would reflect that of the adjacent development, which is also located in the countryside so is deemed appropriate in this context. Whilst not a symmetrical design (which reflects the differing plot sizes (as a result of the Oak tree constraint)), the development will clearly read as a semi-detached dwelling with 2 doors to the front and car parking to either side of the building. Although set on lower ground than the adjacent property at Haycorn, the ridge height would be no higher but would be separated by the large gap, the electricity substation and the protected Lime trees to the front. The scale of the dwellings would therefore be acceptable. The traditional Sussex vernacular expressed with the first floor boarding and timber detailing would be appropriate to the AONB.

Overall, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy ARD5 of the Ardingly Neighbourhood Plan, various design principles in the Design Guide SPD, including DG38 and DG39 in particular, and the High Weald Housing Design Guide.

Impact on the AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

Policy DP16 of the Mid Sussex District Plan states:

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

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

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

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

Paragraph 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Given that the site is located within an enclosed parcel of land, it would be viewed in the context of the semi-detached houses to the west and the terraced houses to the

north. It would not be isolated in the landscape and would be located next to a road. For these reasons, it is not considered that the proposed development would detract from the visual quality of the Area of Outstanding Natural Beauty. Accordingly, the scheme would comply with Policy DP16 of the Mid Sussex District Plan, Policy ARD2 of the Ardingly Neighbourhood Plan and paragraph 172 of the NPPF.

Impact on neighbouring amenity

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

'All applicants will be required to demonstrate that development:

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

The main property affected by the proposal would be Haycorn to the east. There is 1 high level ground floor window and door and 1 high level first floor window on the side elevation facing the site and it is not considered, given the distance of 13.5m between the corners of both this property and proposed front corner of Plot 2, that this development would result in a harmful loss of amenity to these neighbouring occupiers, either in terms of being overbearing or resulting in overlooking.

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

Highways matters

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

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

The Highway Authority has raised no objection to the application, in terms of the visibility splays, crossover, access, car parking provision, turning area or cycle parking storage, subject to several conditions, including electric vehicle charging points. Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

A sustainable drainage system will take surface water to the ditch on the eastern boundary with a restricted flow rate and storage provided under the shared drive. The proposal will connect to the adopted foul drainage system.

The council's Drainage Engineer has worked with the developer to avoid a pre-commencement drainage condition and hence a detailed drainage design has been submitted at this stage. Comments have been set out in full in Appendix B. In summary, the surface water drainage system includes attenuation in the form of below ground crate storage within the rear garden of Plot 1 and Southern Water approve the connection in principle to the main foul sewer on Fairfield Close. Accordingly, the council's Drainage Engineer is satisfied with this scheme, subject to condition and a legal agreement to ensure that both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development. The proposal would thereby comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*

- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The scheme proposes high standards of energy efficiency, low energy lighting and water efficient cisterns and taps and very high levels of insulation. Construction waste will be recycled where possible.

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states:

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

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

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

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

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

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

- *the condition and health of the trees; and*

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

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

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

The council's Tree Officer has raised no objection to the proposal and hence, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

The council's Tree Officer has raised no objection to the layout of the building and the plan showing the tree protection fencing. This is in relation to the Tree Preservation Orders on the site. Subject to compliance with the details set out in the Tree Report (secured by condition), it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Policy ARD8 of the Neighbourhood Plan states:

'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination*

with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

An up-to-date Preliminary Ecological Appraisal was submitted as part of the most recent application. It recommends that a sensitive lighting scheme should be conditioned if there is a change in lighting and enhancements for Bats are made. Any works should avoid the bird nesting season (March-September inclusive). Precautionary methods of work are outlined to avoid harming individual Badgers that may use the site. If any boundary features are to be removed, this should be done sensitively by hand to avoid harming any Reptiles. If any Dormice nests are found, works must stop and Natural England consulted on how to proceed.

Whilst comments are awaited from the Council's Ecological consultant, he previously raised no objection to the scheme. Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Policy ARD8 of the Neighbourhood Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

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 2 dwellings, and as such, **mitigation is required.**

An appropriate scale of SAMM mitigation for the proposed development is £2,340, and if the approved scheme provides for a strategic SANG contribution, this would be £3,724.

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') and so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and state the following:

'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.'

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.

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.'

Plot 1 would contain 152 sq m of internal floorspace, exceeding the standard of 124 sq m for a 4-bed, 8-person unit and Plot 2 would contain 104 sq m, exceeding the standard of 93 sq m for a 3-bed, 5-person unit. Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

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

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

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

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

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.

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. 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.

In terms of the principle of development, the site is located outside the built-up area of Ardingly, albeit on the opposite side of the road. It does not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, or with Policy ARD3 of the Neighbourhood Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Due to the lack of adverse impact on the AONB, the proposal does not conflict with Policy ARD2 of the Neighbourhood Plan. As an enclosed plot next to an electricity substation and a linear row of houses, which are semi-detached closest to the site, the proposal would not cause harm to the AONB landscape and the design and layout of the development would respect the surrounding built form. This assessment was made in part in securing the planning permission for 2 dwellings on this site in 2018, just 2 months before adoption of the District Plan but after the adoption of the Neighbourhood Plan. While this permission has lapsed (January 2021), it is considered that this remains a material consideration that weighs in favour of granting permission.

Also weighing in favour of the scheme is that the development will provide 2 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. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, trees and biodiversity.

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.

It is considered that given the previous existence of a permission on the site and that the proposed development would not harm the landscape character of AONB, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP16, DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2, ARD4, ARD5 and ARD8 of the Ardingly 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.

3. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding external materials and appearance, 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 buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The development shall be implemented in accordance with the boundary treatment details approved in application DM/18/1915. No part of the development hereby permitted shall be occupied 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.

5. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding hard and soft landscaping, unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

6. The development shall be implemented in accordance with the site levels details approved in application DM/18/1915, unless otherwise agreed in writing by the Local Planning Authority.

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

7. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding the site setup during construction, unless otherwise agreed in writing with the Local Planning Authority.

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.

Construction phase

8. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

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

Pre-occupation conditions

9. The foul and surface water drainage shall be implemented as per the details set out in:

- Engineering Layout. Drawing No. D1932-201 Rev A.
- Construction Details. Drawing Nos. D1932-251, 252, 253, 254, 255 and 256.
- Surface water drainage design summary and calculations. Bright Plan Civils, 13 January 2021.

Maintenance and management shall be as per the details set out in:

- Surface water drainage maintenance schedule. Bright Plan Civils, 12 January 2021.

In addition, a legal agreement shall be met to ensure both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development. All these matters shall be carried out prior to first occupation of the development hereby permitted.

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.

10. The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved site plan.

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

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

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

12. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

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

13. 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.

14. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. 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.

15. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

16. 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 and Policies DP26 and DP39 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

17. The development hereby permitted shall be implemented in accordance with the mitigation measures identified in the submitted Preliminary Ecological Appraisal by The Ecology Partnership dated May 2020.

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

INFORMATIVES

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

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

5. The 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 site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence.

Please see the following link on details pertaining to the licence application process:

<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-applicationform/>

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	A 01		07.09.2020
Proposed Site Plan	A 02		07.09.2020
Proposed Floor Plans	A 03		07.09.2020
Proposed Elevations	A 05		07.09.2020
Proposed Elevations	A 06		07.09.2020
Proposed Roof Plan	A 04		07.09.2020
Street Scene	A 07		07.09.2020
Survey			07.09.2020
Drainage Details	SK1		07.09.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

NO OBJECTION

MSDC Consultant Ecologist

To be reported.

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.

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

SURFACE WATER DRAINAGE

It is understood that the developer wishes to avoid a pre-commencement drainage condition and a detailed drainage design has been submitted.

Ground investigation found ground conditions to be unsuitable for infiltration, and discharge to an adjacent watercourse has been proposed.

Greenfield QBar runoff rates have been calculated to be 0.84l/s. However, to ensure a self-cleansing system the drainage design restricts discharge rates to 2.5l/s. The Greenfield runoff rate for the 1 in 100-year event is 2.69l/s. We would normally require discharge rates to be restricted to the Greenfield QBar rate. However, in this instance and without setting a precedent, we accept the proposed 2.5l/s discharge rate from the site.

The surface water drainage system has been designed to cater for the 1 in 100-year storm event, with an additional 40% allowance for climate change. Attenuation is provided in the form of below ground crate storage within the rear garden of Plot 1.

We would usually require shared attenuation features to be located within shared open space. However, due to the topography of the site and the necessary falls to achieve a gravity fed system we are accepting of this approach. The maintenance and management plan, and property deeds must state that responsibility for the shared aspects of the drainage system is shared between the two properties. In addition, an easement (or equivalent) must be agreed between the two plots to ensure Plot 2 has continued access to the surface water drainage system for the lifetime of the development.

The surface water drainage design is, in this instance, considered acceptable.

FOUL WATER DRAINAGE

It is proposed that the development will connect foul water drainage to the main foul sewer at the junction with Fairfield Close. Use of mains sewer as means of managing foul water drainage is the preferred method where possible.

The applicant has provided evidence that Southern Water approve this connection in principle. Therefore, the proposed foul drainage design is considered acceptable.

SUGGESTED CONDITION

FOUL AND SURFACE WATER DRAINAGE

The foul and surface water drainage shall be implemented as per the details set out in;

- Engineering Layout. Drawing No. D1932-201 Rev A.
- Construction Details. Drawing Nos. D1932-251, 252, 253, 254, 255 and 256.
- Surface water drainage design summary and calculations. Bright Plan Civils, 13 January 2021.

Maintenance and management shall be as per the details set out in;

- Surface water drainage maintenance schedule. Bright Plan Civils, 12 January 2021.

In addition, a legal agreement shall be met to ensure both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development.

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.

Planning applications requiring SNN informative

DM/20/3382

MSDC Tree Officer

I have reviewed the above documents and note the positioning of the previously consented properties.

Consequently, I do not object to the development on arboricultural grounds provided the protected measures outlined are fully adhered to throughout the development.

WSCC Highways

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 Planning Services 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.

Site Background

The proposal is for the construction of two houses (1 x 3 bedroom & 1 x 4 bedroom) with parking and formalised access.

The application site is located on Street Lane a publicly maintained, low trafficked, unclassified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location, under application DM/20/1011. The LHA raised no concerns over the proposal. However, the planning application was refused based on visual grounds and not on highway safety.

Access

An access point will serve the proposed dwellings and currently serves the existing land. No detrimental changes to the access are proposed. The applicant has provided visibility splays of 2 x 43 metres. However, these splays are not demonstrated at their full extent on the plans and have a reduced 2 metre set back distance. This given, the LHA wishes to state the following paragraph from MfS relating to reductions in the set back.

MfS 7.7.7 'A minimum figure of 2 m may be considered in some very lightly trafficked and slow-speed situations but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The consideration for the

ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.'

Given the nature of Street Lane as stated above, the LHA are mindful to accept such deviations.

WSCC, mapping demonstrates the access benefits from adequate visibility splays (2 x 43 metres) wholly within the public highway.

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 collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking, Cycle Parking and Turning

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 8 parking spaces would be enough for a development of this size and location.

For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet minimum requirements of:

- Single bay parking space or carport - 2.4 x 4.8 metres,
- Single garage space - 3 x 6 metres (Internally),
- Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,
- Disabled Bay parking - 2.4 x 4.8 metres with a 1.2 metre hatched area located to the side.
- Disabled Tandem parking - 2.4 x 6.6 metres

With the above guidance, the LHA provides the following comments.

The applicant proposes a parking provision of 5 spaces for the new dwelling(s).

These are in the arrangement of:

- 4 allocated tandem bay parking space(s),
- 1 visitor parking space,

The dimensions of the space(s) are:

- Tandem Bay Parking Spaces - Measures 3 x 10 metres,

For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has demonstrated such. As a result, the LHA would consider the parking spaces to provide a provision of 4 spaces.

- Visitor Parallel Parking bay - Measures 2.4 x 6 metres,

For the LHA to consider each bay towards the parking provision, a parallel parking bay must meet MfS guidance of 2.4 x 6 metres (when the parking bay abuts a solid feature like a fence or wall). With this considered the LHA would anticipate that the parking area would provide 1 space.

From inspection of these findings the LHA provide the following comments.

The above findings show that under WSSC and MfS Guidance the development will provide 4 parking spaces + 1 visitor space towards the provision of the site. This is 3 visitor spaces below the minimum recommendation made by the PDC.

Experience has shown through other similar applications, that to substantiate that a shortfall of 3 visitor car parking spaces could result in an unacceptable highway safety issue would be difficult to uphold. Therefore, the LHA does not consider this a justification for refusal on highways grounds.

The LPA may wish to consider the amenity implications caused by a small increase in the on-street parking demand.

Cycle Parking

The applicant proposes cycle storage which conforms to the requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

Turning

The applicant has demonstrated a turn on site. The hardstanding area has been proposed to accommodate such a provision. This conforms to Manual for Streets (MfS) Guidance of a minimum of 6 metres to the rear of any parking space.

To summarise the LHA raises no concerns over the Parking or Turning.

Electric Vehicle (EV) Parking

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 WSSC 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 a suitably worded condition which is advised below.

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.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions

Access

The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved site plan.

Reason: In the interests of road safety.

Parking

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

Reason: To provide car-parking space for the use

Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

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

Turning

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of road safety

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.

Informative

Vehicle Crossover - Minor Highway Works

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 site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence.

Please see the following link on details pertaining to the licence application process:

<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-applicationform/>

Southern Water

Thank you for your letter dated 16/09/2020.

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

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

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

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

www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

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

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

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MID SUSSEX DISTRICT COUNCIL

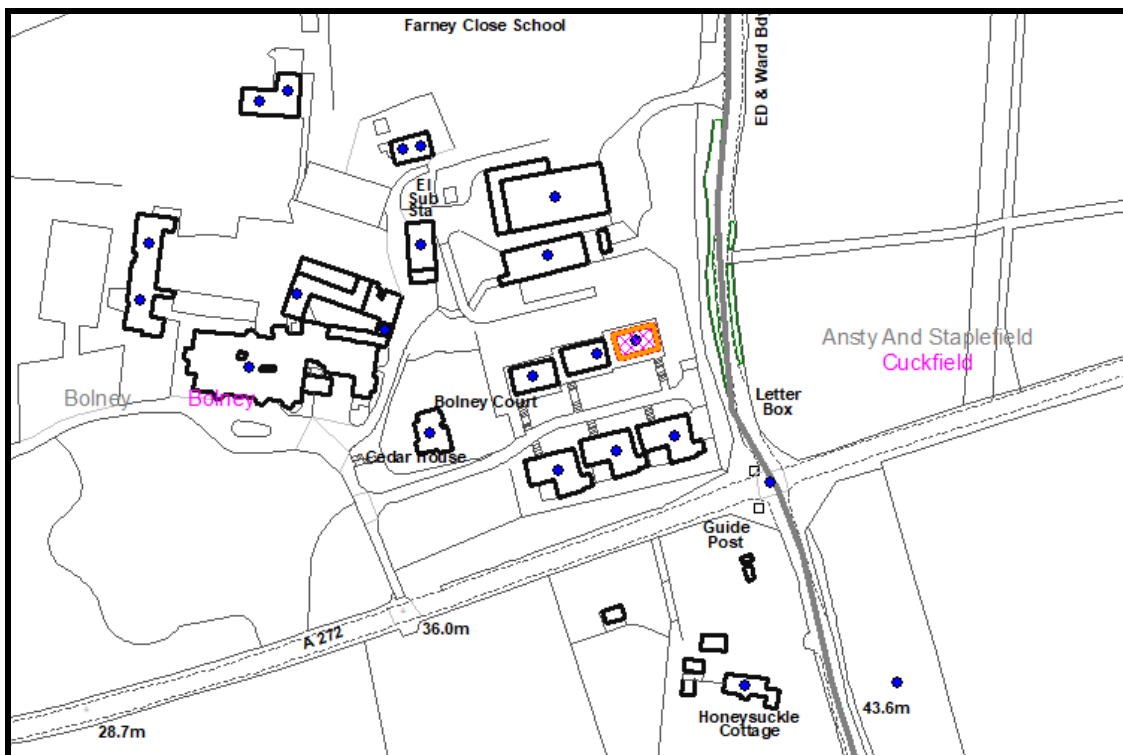
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

Bolney

DM/20/4372



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**FRANK'S HOUSE FARNEY CLOSE SCHOOL BOLNEY COURT
CROSSWAYS
CHANGE OF USE TO TEACHING SUITE WITH THE BLOCKING UP TWO
WINDOWS, INSERTION OF 3 SMALLER WINDOWS AND NEW CANOPY.
FARNEY CLOSE SCHOOL LTD**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Change of Use
8 WEEK DATE: 30th April 2021
WARD MEMBERS: Cllr Judy Llewellyn-Burke /
CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the change the use of Frank's House to a teaching suite with the blocking up of 2 No. windows, the insertion of 3 No. smaller windows and new canopy.

The application building is located with Farney Close School provides educational and residential accommodation for children with special needs and has been most recently used as accommodation for pupils at the school. The proposed alterations and canopy are considered to be of design, size and scale which is in proportion and appropriate to the rural character of the site and the landscape of the AONB and would not cause harm to the amenities of the neighbouring property.

When planning permission was granted for the building (F/66/187A refers) the permission included a legal agreement under Section 37 of the Town and Country Planning Act 1962 to restrict the use of these buildings to be occupied by staff employed at the school and states:

'Pursuant to section 37 of the Town and Country Planning Act 1962 the Council and the Owner have agreed to enter into this agreement in the following terms:

That the owner will not use or permit any dwelling or dwellings erected or which may be erected on any of the sites marked "A" "B" "C" and "D" under any planning permission granted or to be granted by the Council to be used for any purpose other than for the accommodation of staff employed at Farney Close School Bolney'

In order to allow the change of use of the building proposed within this planning application a deed of release is required for this legal agreement, which is considered to be a major variation that requires determination at Committee.

The legal agreement in place is to prevent the buildings from being used as dwellings separate from the existing use of Farney Close School. It is considered that as the proposed use of the building would be used in association with the school and given that it would appear that it has not been used as staff accommodation for a significant period of time, the legal agreement, in respect of the application building no longer serves a planning use.

It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP16, DP25, and DP26, policies BOLBB1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

It is recommended that, subject to the completion of a satisfactory Legal Agreement to vary the existing Section 37 legal agreement, planning permission be granted subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

BOLNEY PARISH COUNCIL OBSERVATIONS

No objection

Environmental Protection - Licensing Food and Safety Team

No objection, advice given

Introduction

The application seeks planning permission to change the use of Frank's House to a teaching suite with the blocking up of 2 No. windows, the insertion of 3 No. smaller windows and new canopy.

Relevant Planning History

F/61/322 - Conversion of existing sheds to detached bungalow. Granted

F/66/187A - Staff dwellings and temporary classrooms - Granted

F/70/294 - Staff Bungalows. Granted

F/71/329 - Staff accommodation. 3 bungalows

F/72/810 - Proposed classroom

BK/33/77 - Dormitory block for 24 girls, Housemaster and assist for use part of existing school. Granted

BK/21/81 - Portable building as classroom area involving demolition of existing structure

BK/26/82 - Mobile home as staff accommodation. Refused

BK/45/88 - Sports hall and changing facilities. Granted

BK/59/88 - Construction of sports hall and changing facilities

BK/14/92 - Single storey extension to existing single storey school living accommodation

BK/44/9 - Re-surfacing and upgrading of existing access. Granted

BK/59/93 - Provision of three residential units (bungalow type) with access roadway and landscaping

BK/4/94 - Replacement of existing dilapidated craft, design and technology unit with new. Granted

BL/20/94 - Underground oil storage tank and above ground oil facilities and electrical distribution. Change felted flat roof to pitched roof. Granted

02/00697/FUL - New windows and internal refurbishment. Granted

08/01547/FUL - The proposed development consists of a new teaching block for vocational subjects including replacement storage for grounds maintenance equipment and some staff, and WC facilities. Granted

09/00890/FUL - The proposed development consists of a new 2 storey teaching block for vocational subjects including replacement storage for grounds maintenance equipment and some staff and WC facilities. Granted

DM/21/0147 - Replacing two windows with 1.2 x 1.2 windows to facilitate rearranged accommodation. Under Consideration

Site and Surroundings

The application site is located on the eastern side of Crossways and the northern side of Bolney Road, within the countryside and the High Weald Area of Outstanding Natural Beauty.

Farney Close School provides educational and residential accommodation for children with special needs. The school comprises of a cluster of buildings located to the south-west of the site and is accessed by a gated access drive off the eastern side of Crossways. The buildings within the site vary in form and design with large areas of soft landscaping and trees which give the property a verdant enclosed character and prevents any public views of the site from the highways.

The application building is located adjacent to the eastern boundary of the site and consists of a single storey building, with two identical buildings to the west. To the south are three similar single storey buildings which provide accommodation for the pupils at the school. The application building has a simple design with a pitched gable roof with open soft landscaping.

When planning permission was granted for this building and the adjacent two buildings, the proposal related to residential accommodation for staff employed with the school (F/66/187A). This permission included a legal agreement under Section 37 of the Town and Country Planning Act 1962 to restrict the use of these buildings to be occupied by staff employed at the school and states:

'Pursuant to section 37 of the Town and Country Planning Act 1962 the Council and the Owner have agreed to enter into this agreement in the following terms:

That the owner will not use or permit any dwelling or dwellings erected or which may be erected on any of the sites marked "A" "B" "C" and "D" under any planning permission granted or to be granted by the Council to be used for any purpose other than for the accommodation of staff employed at Farney Close School Bolney'

There has been no alteration or amendment to this legal agreement to date.

In 2002 planning permission was granted under application reference 02/00697/FUL for alterations to the fenestration and internal layout of these three buildings. The application form for this application stated that the use of the buildings was for residential accommodation for pupils attending the school and from the site visit this appears to be the last use of the application building.

Application Details

The application seeks planning permission for the change of use of the building to a teaching suite with internal and external alterations. The proposed internal alterations include the subdivision of the existing shower rooms to create 3 No. WCs which would result in the replacement of the 2 No. windows on the southern elevation of the building with 3 No. smaller windows. These alterations would be constructed in brick and white uPVC to match the existing building.

The proposal also includes the erection of a 3 metre deep canopy across the northern elevation of the building with an overall height of some 2.8 metres.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Bolney Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald area of Outstanding Natural Beauty
- DP25 - Community Facilities and Local Services
- DP26 - Character and Design

Bolney Neighbourhood Plan (September 2016)

Relevant policies:

- BOLBB1 - Built-up area Boundary
- BOLE2 - Protect and Enhance the Countryside

BOLD1 - Design of New Development and Conservation

Other Planning Guidance

High Weald AONB Management Plan 2019-2024

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

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

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

Paragraphs 54 and 56 of the NPPF refer to planning conditions and obligations, and state:

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

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

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

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on the High Weald AONB
- Impact on neighbouring properties

Assessment

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018) and the Bolney Neighbourhood Plan.

Policy DP12 of the Mid Sussex District Plan states:

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

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

The ethos of this policy is echoed in policies BOLBB1 and BOLE2 of the Bolney Neighbourhood Plan.

Policy DP25 of the Mid Sussex District Plan states:

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

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

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

The application site is located within the existing campus of the school and would provide additional updated teaching facilities to support the existing use of the site. Despite the legal agreement attached to the existing building it appears that the building has been used for a significant period of time as uses associated with the school other than staff accommodation. The proposal would be of a scale and size that would be appropriate to the existing built form of the site and would maintain the quality of the rural and landscape character of the countryside.

The legal agreement in place is to prevent the buildings from being used as dwellings separate from the existing use of Farney Close School. It is considered that as the proposed use of the building would be used in association with the school and given that it would appear that it has not been used as staff accommodation for a significant period of time, the legal agreement, in respect of the application building no longer serves a planning use.

It is therefore considered that the proposal would comply with policies DP12 and DP25 of the Mid Sussex District Plan and policies and BOLBB1 and BOLE2 of the Bolney Neighbourhood Plan 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 canopy and alterations to the fenestration are considered to be of design, form and scale that would be in proportion and appropriate to the character and form of the existing building. The proposal would not be visible from the highway, and not considered to have an impact on the character of the streetscene or the locality. The proposal is therefore considered to be in keeping with the character of the property and the locality.

Impact on 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan, policy DP16 of the District Plan and policy BOLE2 Bolney Neighbourhood Plan; requiring proposals to conserve and enhance the AONB.

Given the design, form and scale of the proposal in relation to the existing building, and that it would be constructed in materials similar to those of the existing, it is considered that that proposal would not have an impact on the AONB and would conserve it.

Impact on the amenities of neighbouring properties

DP26 states:

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

The proposed canopy and alterations to the building would be positioned within the existing built complex of the school with the closest neighbouring dwelling, Honeysuckle Cottage, some 120 metres from the proposal. Given the separation distance and the existing mature tree boundary in between it is considered that the proposal would not be visible from this neighbour and would not cause harm to their amenities.

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 in terms of its principle, design, size and scale which is in proportion and appropriate to the rural character of the site and the landscape of the AONB, and would not cause harm to the amenities of neighbouring properties.

Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP25 and DP26, policies BOLBB1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".
Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

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

INFORMATIVES

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

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

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

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

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed and Existing Plan incl Site	218.20.02a	-	24.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection.

Environmental Health - Licensing, Food and Safety Team

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 health and safety and the provision of sanitary accommodation.

However, the plans do not show sufficient detail to enable me to comment fully on whether requirements of the relevant legislation have been met completely.

Should you choose to use this building as a food premises or a workplace, please contact this department for food safety and health & safety advice.

This shouldn't be a barrier to you obtaining planning permission. If the Planning Authority is minded to grant permission, I would strongly advise you to consult Mid Sussex Environmental Health on internal layout when the development is at a suitable stage. Please see attached guidance notes.

Information on the Health and Safety at Work etc Act 1974 and associated regulations is on the Mid Sussex web site at <http://www.midsussex.gov.uk/environment>

The Food Business Operator should register the food business establishment at least 28 days before the food business is due to open. Details of how to do this and the main things you need to consider when setting up a catering business can be found on the Food Standards Agency website at <https://www.food.gov.uk/business-guidance/starting-a-food-business>

MID SUSSEX DISTRICT COUNCIL

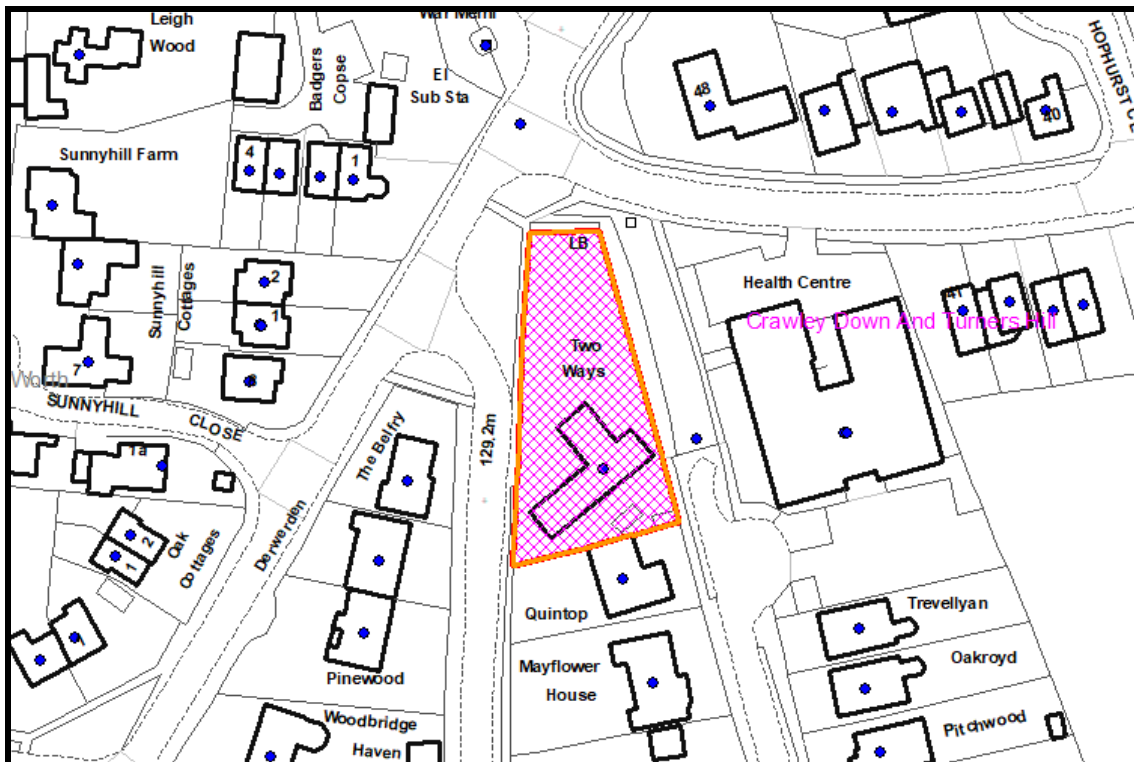
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

Worth

DM/20/4654



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**TWOWAYS STATION ROAD CRAWLEY DOWN CRAWLEY
DEMOLITION OF THE EXISTING DETACHED BUNGALOW AND THE
ERECTION OF 3NO. FOUR BEDROOM DETACHED HOUSES WITH
ASSOCIATE GARAGES
JAMIE COPLAND**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m
buffer / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th April 2021

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

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for the demolition of the existing detached bungalow and erection of 3no. four bedroom detached houses with associated garages at Twoways, Station Road, Crawley Down which is designated within the Mid Sussex District Plan as being within the built up area boundaries.

The application has been called in by Cllr Coote, Cllr Gibson and Cllr Webb on the grounds of overdevelopment and not in-keeping within the street scene.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. 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 application is that the proposal would provide a replacement dwelling and two additional dwellings within a location which provides for good access to local services and facilities by means other than the private car. In addition, the proposal would result in the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. In addition, the proposal accords with the Council's sustainability policy requirements.

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

The proposed dwellings are considered to be of an appropriate design size and scale that is appropriate and sensitive to the character of the area.

For the purposes of this application there will be a neutral impact in respect of a number of issues such as drainage, trees and the impact on the Ashdown Forest.

The Council would also receive a new homes bonus.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP6, DP17, DP21, DP26, DP29, DP37, DP39 and DP41 of the District Plan 2014-31 and Policies Policy CDNP04.2, CNP05, CDNP10 and CDNP11 of the Neighbourhood Plan, the Mid Sussex Design Guide SPD as well as the broader requirements of the NPPF.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

127 Third party letters of representation have been received in regards to this application, objecting to the proposal for the following reasons:

- Overdevelopment of the site
- Impact on neighbouring amenity
- Highways, access, parking and traffic impacts
- Not in-keeping
- Purchased by a developer
- Level of building within Crawley Down at capacity
- Bungalows are in need within Village
- Local school oversubscribed
- Health centre oversubscribed
- Contravenes a covenant on the land
- Lack of adequate infrastructure/services
- Not affordable houses
- Parking during construction
- Plot is too small
- Surface water provision already exceeded/drainage issues
- Contrary to Neighbourhood Plan
- Air pollution
- Loss of trees
- Disruption to wildlife
- Noise and disturbance
- Loss of valuable greenspace
- Detrimental to character
- Impact on property prices

- Not starter homes
- Set a precedent
- Garages not adequate size
- Contrary to development plan

SUMMARY OF CONSULTEES

Drainage Officer Comments:

No objections subject to conditions, advice and modifications necessary at detailed design.

WSCC Highways:

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.

Natural England:

No Objections subject to securing appropriate mitigation.

Street Naming and Numbering Officer:

Info 29

Environmental Protection Officer:

Recommended conditions on construction hours, deliveries and a construction management plan.

PARISH COUNCIL OBSERVATIONS

The Parish Council strongly objects as the proposed development is contrary to;

CDNP05 a) and c) due to overdevelopment of the site on a significant village access road and the overbearing nature of the development on the property immediately to the south, to CDNP10 a),c),d),e), and f), to CDNP06 due to the lack of adequate services in Bowers Place which is the indicated direction of flow for surface water and foul sewerage and to DP26.

The application refers to comparison with Bowers Place as the street scene, this is misleading, the proposal is in Station Road and in our view will, produce an unacceptable addition to the Station Road street scene.

The site is on a busy junction and a bus route. Station road is a busy access route for vehicles and pedestrians throughout the day and is especially busy during

surgery and school movement times. Introducing a further access and additional vehicle movements cannot from our perspective be supported.

The properties appear to be providing 2 car parking spaces each but no visitor parking, the drives appear to be too short for two cars external to the garage, without overlapping the pavement. Parking on the highway at this location is neither feasible or practical.

INTRODUCTION

This application seeks planning permission for the demolition of the existing detached bungalow and erection of 3no. four bedroom detached houses with associated garages at Twoways, Station Road, Crawley Down.

This application has been called into committee by Cllr Coote, Cllr Gibson and Cllr Webb for the following reasons:

'Further to our telephone conversation of the 8th February 21, I would like to call in the above application on the grounds of Overdevelopment and not Keeping within the Street Scene.

I also support the objection raised by Worth Parish Council.

This is seconded by Councillor Ian Gibson and supported by Councillor Roger Webb.'

RELEVANT PLANNING HISTORY

WP/116/80: Proposed extension to form lounge, and conversion of existing lounge to bedroom/bath en-suite. PERMISSION

WP/006/83: Double garage. REFUSED

WP/112/84: Extension to provide additional room together with a detached double garage. PERMISSION

WP/146/84: Extension to provide additional room together with a detached garage without complying with condition 4 attached to previous consent WP/112/84. PERMISSION

WP/102/86: Double garage, bedroom, study and utility room. PERMISSION

DM/20/3127: Demolition of the existing bungalow and the erection of 4no. four bedroom detached house with associate garages. WITHDRAWN

SITE AND SURROUNDINGS

Twoways is a detached bungalow located to the eastern (side) of Station Road, with the two storey detached dwelling Quintops to the southern (side) boundary. The

north of the site leads onto the junction of Hophurst Drive and Vicarage Road, with a footpath and bower Place to the east which leads onto the Heath Centre.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Crawley Down and within 7km of the Ashdown Forest.

APPLICATION DETAILS

The proposal seeks planning permission for the demolition of the existing detached bungalow measuring some 23 metres in width by 14.4 metres in depth with an eaves height of 2.5 metres and an overall height of 5.1 metres and the replacement with 3no. four bedroom detached houses.

The proposal is seeking to replace the existing detached bungalow with 2 identical dwellings (house type A) each measuring a maximum of some 9.9 metres in width, by some 11.8 metres in depth, with an eaves height of 5.5 metres and an overall height of 8.8 metres. Each dwelling would provide a lounge, hall, utility, WC, garage and a kitchen/dining room at ground floor, 3 bedrooms, bathroom and ensuite at first floor and a bedroom with an ensuite at second floor, providing 140 square metres of floor space per dwelling.

The third house as identified as house type b on the proposed plans would measure some 11 metres in width, by 8 metres in depth, with an eaves height 5.2 at the rear and an eaves height of 4.7 dropping down to 2.8 metres for the porch, with an overall height of 8.6 metres. The proposal would form a utility, WC, lounge and a kitchen/dining room at ground floor and 4 bedrooms, bathroom and ensuite at first floor, providing 135 square metres of floor space.

A single garage measuring some 3.2 metres in width, by 6.3 metres in depth with an eaves height of 2.25 metres and an overall height of 4.8 metres is proposed to the south of house type b.

The plans show that proposed dwellings are to be constructed of facing brick work walls, with feature brick detailing, splayed brick lintels, stone cills, sash windows and plain roof tile, with house type b including some weatherboarding wall. Each dwelling would provide off road parking for 3 cars.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Crawley Down Neighbourhood Plan. National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP4: Housing
DP6: Settlement Hierarchy
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
DP39: Sustainable Design and Construction
DP41: Flood risk and drainage

Neighbourhood Plan

Relevant policies:

Policy CDNP04.2: Infill Housing.
Policy CDNP05: Control of New Developments

Policy CDNP10: Promoting Sustainable Transport
Policy CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

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

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

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

ASSESSMENT

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

- Principle of the development;
- Character and Design
- Impact on amenities of surrounding occupiers;
- Highway safety;
- Sustainability;
- Trees;
- Dwelling Space Standards;
- Ashdown Forest;
- 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:

- 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 adopted District Plan and the Crawley Down Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

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

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

Under policy DP6, Crawley Down is classed as a category 2 settlement; the second largest settlement category in Mid Sussex after the main towns of Burgess Hill, East Grinstead and Haywards Heath. Category 2 settlements are defined as 'larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.'

At Neighbourhood Plan level, policy CDNP04.2 of the Neighbourhood Plan relates to Infill Housing and states that:

'Infill housing will be permitted provided it is in accordance with the Neighbourhood Plan and meet the following criteria:

- a) The spacing between buildings reflects the character of the street scene.*
- b) The plot size is appropriate to the scale of the building.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained and materials are compatible with materials of existing/surrounding buildings*
- d) The traditional boundary treatment of an area is retained and where feasible reinforced.*
- e) Suitable access and on-site parking is provided without detriment to neighbouring properties.*

- f) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- g) *The scale, height, and form of the development should be in character with the street scene. Where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.'*

Policy CDNP05 of the Neighbourhood Plan relates to Control of New Developments and states that:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) *The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) *Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) *The individual plot sizes are proportionate to the scale of the dwelling.*
- e) *Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) *Construction materials are compatible with the materials of the general area and are locally sourced where practical.'*

The criteria as outlined under the above Neighbourhood Plan policies will primarily be considered under further sections of this report where consideration will be given to design and scale and impact on the character of the area, parking provision and impact upon adjoining amenities. When considering the principle of new housing development, it is noted that the Neighbourhood Plan policies are permissive in nature and that new housing is not constrained by the location of development (i.e. whether it is within or outside the built up area boundary). Thus the principle of development in this location is supported by Neighbourhood Plan policies, subject to the proposal complying with other criteria as listed above.

Design and impact upon character of the area

Policy DP26 of the District Plan is relevant in the determination of this application as it relates to the character and design of new development, and states:

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

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

A similar ethos is found within Policies CDNP04.2 and CDNP05 as set out in the previous section of this report.

Para 127 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

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

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Council's Design Guide was adopted on the 4th November 2020 and thus is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

The existing bungalow to be demolished is not of any particular architectural merit, as such its demolition would not be resisted. The street scene is comprised of a mixture of designs, styles and materials, with a mixture of detached, semi detached, two storey, chalet bungalows and bungalows visible within the vicinity.

The proposed dwellings are considered to be of a fairly traditional design, which would be in-keeping with the character of the street scene. Although concerns have been raised in regards to overdevelopment and scale, owing to the mixture of housing types and the fact that the proposed plot sizes would be consistent with those within the wider street scene the proposed dwellings are considered to be of an appropriate design size and scale that is appropriate and sensitive to the character of the area.

A condition will though be used to secure the use of appropriate materials, including the new windows. This will ensure the application complies with Principle DG38 of the MSDC Design Guide (design buildings with architectural integrity and a sense of place). A landscaping condition will also be necessary, with the reasoning for this discussed further in the *trees* sub-section.

Consequently, the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan, Policies CNDP04.2 and CDNP05, the Mid Sussex Design Guide SPD and the NPPF.

Impact on neighbouring amenities

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

Policies CDNP04.2 and CDNP05 of the Neighbourhood Plan state that 'amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

In instances where there are discrepancies between policies in the development plan, the law requires that more weight should be given to the policy / plan that was last adopted. Thus when assessing impact upon neighbouring amenities, the test is whether the proposal would result in significant harm, as set out under District Plan policy DP26.

While DP29 of the DP seeks to protect the quality of people's lives from 'unacceptable levels of noise, light and air pollution...'

Within the built up area boundaries a degree of overlooking is considered acceptable, the proposed dwellings would be approximately 18 metres to the houses on the opposite side of Station Road, with this being a front to rear relationship and the limited openings proposed to the western (front) elevation of the proposed dwelling it is considered acceptable. The proposal does include two first floor side facing windows to house type a, however as these are serving the stairs and a bathroom they can be conditioned to be obscure glazed and non opening up to 1.7 metres above the floor level in which they are installed, while the first floor window to house type b is looking over the junction to the north of the application site. The rear windows are set over 21 metres from the Health Centre to the rear with established screening between. Consequently, the proposal is not considered to cause significant harm in regards to overlooking and a loss of privacy.

In regards to reduction in sunlight and daylight and a loss of outlook, the proposed dwelling are orientated to the north of Quintops, with any impact falling on the single storey garage. In addition owing to the distances from the dwellings to the western (front) it can be reasonably concluded that the proposal would not cause significant harm in regards to a reduction in sunlight and daylight and a loss of outlook.

The Council's Environmental Protection Officer has been consulted on the proposal and have raised no objections to the proposal on respects of noise or air pollution from the development and have recommended conditions on construction hours, deliveries and a construction environmental management plan (CEMP). Subject to these conditions and the fact that the building works will only be for a limited time during the construction phase it is not considered that the proposal would result in significant harm in regards to noise and disturbance and air pollution.

In view of the above it is considered that the application would comply with policies DP26 and DP29 of the District Plan and the Mid Sussex Design Guide SPD.

Highway Safety

MSDP Policy DP21 states:

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

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*

- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

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

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

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

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

A similar ethos is found within policy CDNP10 of the Neighbourhood Plan.

The NPPF states that:

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

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

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

West Sussex County Council (WSSCC) in their capacity as the local highways authority (LHA) has provided detailed comments on the merits of the application with these set out in full within Appendix B. Subject to conditions on access, car parking spaces, cycle parking, electrical vehicle charging spaces and a construction management plan they do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The site is in a sustainable location being within the built up area boundaries of Crawley Down and WSSCC Highways are satisfied that the provision of garages can be used for the secure, covered cycle storage that helps promote sustainable transport methods.

Consequently, there are no transport grounds to resist the proposal and it is therefore deemed to comply with policy DP21 of the Mid Sussex District Plan and Policy CDNP10 of the Neighbourhood Plan.

Sustainability

Policy DP39 of the District Plan states:

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

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

The application has been supported with the submission of a sustainability statement, which sets out the proposed dwelling will incorporate the following:

- System 3 continuous extract ventilation with 74% reduction in fan power
- Dual heating zone on the heating system
- Improved building fabric of between 30-52%
- Waste water heat recovery system on waste water to reduce domestic hot water demand
- Designed to reduce external opening
- External water butts
- Internal recycling and on site waste management plan

Consequently, the proposal is deemed to comply with Policy DP39 of the District Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the Mid Sussex District Plan supports this.

A proposed 4 bedroom dwellinghouse for 8 people over three storeys requires a minimum gross internal floor area of 130 square metres, while 1 4 bedroom dwellinghouse for 8 people over two storeys requires a minimum gross internal floor area of 124 square metres. Both house type a and house type b exceed the minimum space standards.

Trees

Policy DP37 of the District Plan states:

"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.

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

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*

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

The proposal requires the removal of three trees these are as follows: plum (category C1) tree, Hawthorne (category U) tree and a hazel (category U) tree, together with two hedges. None of these trees are subject to a TPO and it is not within a conservation area, as such these can be removed without the need for any formal consent. In addition the proposal includes the planting of 4 additional trees along the western boundary, details of which can be secured by condition. With such a condition in place, that will secure replanting, the application accords with Policy DP37 of the District Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative

Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application is within the 7km zone of influence and generates a net increase of 1 dwelling, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £2,340, and if the approved scheme provides for a strategic SANG contribution, this would be £4,066.

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

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

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

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

Natural England has been consulted on the appropriate assessment of this proposed development and have **NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

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.

Other matters

Drainage matters have been considered by the Council's Drainage Engineer and are deemed acceptable subject to further details being submitted in respect of surface water and foul water drainage prior to development commencing.

Concerns have been raised in regards to the loss of an accessible/single level housing contrary to Policy CDNP04.4. However, within the policy these are defined as being within the village boundary with a gross internal floor area not greater than 100 metres squared. Nonetheless, the existing bungalow has a floor area in excess of 100 metres squared and as such it is not considered that this policy is relevant to this application.

The replacement of one dwelling and the construction of 2 dwellings on the same site does not trigger infrastructure contributions under the Council's present infrastructure contribution supplementary planning document. In addition the proposal does not meet the threshold for the provision of affordable housing.

Impact on property prices and covenants on the land are not material planning considerations that can be taken into account in regards to this application.

Third party representation has raised concerns over impact on wildlife, however, these concerns are not supported by detailed survey evidence and owing to this being a residential garden within the built up area boundaries of Crawley Down it is considered that the risk of harm to wildlife is low.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. 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 application is that the proposal would provide a replacement dwelling and two additional dwellings within a location which provides for good access to local services and facilities by means other than the private car. In addition, the proposal would result in the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. In addition, the proposal accords with the Council's sustainability policy requirements.

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

The proposed dwellings are considered to be of an appropriate design size and scale that is appropriate and sensitive to the character of the area.

For the purposes of this application there will be a neutral impact in respect of a number of issues such as drainage, trees and the impact on the Ashdown Forest.

The Council would also receive a new homes bonus.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP6, DP17, DP21, DP26, DP29, DP37, DP39 and DP41 of the District Plan 2014-31 and Policies Policy CDNP04.2, CNP05, CDNP10 and CDNP11 of the Neighbourhood Plan, the Mid Sussex Design Guide SPD as well as the broader requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

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

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

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

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

3. No development shall be carried out unless and until samples or a schedule of materials and finishes to be used for the external facing materials and windows of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP04.1 of the Neighbourhood Plan. (The pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period).

4. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Site Layout" and numbered "PL-100".

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

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

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

6. 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 and Policy CDNP10 of the Neighbourhood Plan.

7. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide 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 and Policy CDNP10 of the Neighbourhood Plan.

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

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

9. Construction hours: Works of demolition/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 and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sunday & Public/Bank holidays: None permitted

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

11. 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 and visitors to the health centre from noise and dust emissions during construction and to comply with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. Before the development hereby permitted is occupied, the refuse and recycling enclosure(s) shall be provided as part of the development in accordance with elevational drawings to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policy DP26 of the District Plan.

13. The proposed first floor bathroom and stairs windows to the north and south (sides) of house type A shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

14. Prior to the occupation of the dwellings hereby permitted full details of the hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. This shall include details of any boundary treatment and a replacement tree for the one being removed. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP04.2 and CDNP05 of the Neighbourhood Plan.

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

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

16. No part of any concrete foundations, no infiltration drainage device and no construction activities shall be within 5 metres of any existing or proposed drain / sewer.

Reason: In the interests of protecting the natural environment and to accord with the NPPF requirements and Policy DP41 of the District Plan (2014 - 2031).

17. The development shall not be occupied until the sustainability measures set out in the accompanying sustainability report have been implemented.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

18. The development shall be carried out in accordance with the recommendations set out within the Arboricultural Impact Assessment (CTS-0NN9-AIA-01) unless otherwise agreed in writing by the LPA.

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

INFORMATIVES

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

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

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

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

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

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
Location and Block Plan	PL-100		16.12.2020
Proposed Floor and Elevations Plan	PL-101		16.12.2020
Proposed Floor and Elevations Plan	PL-102		16.12.2020
Street Scene	PL-103		16.12.2020
Existing Floor and Elevations Plan	PL-104		16.12.2020
Proposed Floor and Elevations Plan	PL-105		16.12.2020
Levels	1000	P02	16.12.2020
Drainage Details	1000	P02	16.12.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Object -

The Parish Council strongly objects as the proposed development is contrary to; CDNP05 a) and c) due to overdevelopment of the site on a significant village access road and the overbearing nature of the development on the property immediately to the south, to CDNP10 a), c), d), e), and f), to CDNP06 due to the lack of adequate services in Bowers Place which is the indicated direction of flow for surface water and foul sewerage and to DP26.

The application refers to comparison with Bowers Place as the street scene, this is misleading, the proposal is in Station Road and in our view will, produce an unacceptable addition to the Station Road street scene.

The site is on a busy junction and a bus route. Station road is a busy access route for vehicles and pedestrians throughout the day and is especially busy during surgery and school movement times. Introducing a further access and additional vehicle movements cannot from our perspective be supported.

The properties appear to be providing 2 car parking spaces each but no visitor parking, the drives appear to be too short for two cars external to the garage, without overlapping the pavement. Parking on the highway at this location is neither feasible or practical.

WSCC Highways:

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.

History

West Sussex County Council was consulted previously on Highways Matters for this location under planning application ref: DM/20/3127 which sought approval for demolition of the existing bungalow and the erection of 4no. four bedroom detached house with associate garages. The LHA conducted a site visit on 26/10/2020 at approximately midday. No highways objections were raised, however this application was withdrawn.

Summary

This demolition of the existing detached bungalow and the erection of 3no. four bedroom detached houses with associate garages. The site is located on Station Road, an unclassified road subject to a speed restriction of 30 mph in this location.

Access and Visibility

The applicant proposes to utilise the existing vehicular access and create two new vehicular accesses onto Station Road. The two new vehicular accesses will be 3m in width, and will require dropped kerbs. The Vehicle Crossovers (VCOs) will be subject to a licence obtained through the local area office, and constructed to a specification agreed with the local area engineer.

In the initial response for DM/20/3127 the LHA raised concerns regarding a potential 3rd party land issue for the proposed accesses. However, following a site visit and consultation with a Highway Boundary Officer, it has been confirmed that all the land in question between the carriageway and the property boundary is in fact maintained as public highway. Therefore, the LHA is satisfied that suitable visibility and rights of access are achievable for the proposed accesses.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access or nearby road network is operating unsafely or that the proposals would exacerbate an existing safety concern.

In principle, we would not foresee any capacity issues with the addition of 2 new houses in this location. A number of dwellings are already served from the Station Road and whilst a small rise in vehicle activities may occur, it is considered unlikely that any adverse impacts will result from this proposal.

Parking and Turning

Onsite parking provision of 9 parking spaces is proposed to serve this development. Two tandem parking spaces and one situated within the proposed single garage for each dwelling. The WSCC Car Parking Demand calculator would expect 9 parking spaces to be provided for this development. The proposed garage accords with the 3 x 6 m as outlined in Manual for Streets (MfS). It should be noted that under the revised WSCC Car Parking Guidance, each single garage measuring 3 x 6m counts as 0.5 parking space towards the parking provision.

On-site turning does not appear achievable, so vehicles may have to exit the site onto the maintained highway in a reverse gear. However, the LHA does not anticipate that this would give rise to a severe highway safety concern.

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.

The applicant has not demonstrated cycle parking provision. However, the LHA is satisfied that the garages can be utilised for secure and covered cycle storage. The inclusion of cycle parking provision helps promote the use of sustainable transport methods.

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 the application, the following conditions and informative should be applied:

Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Site Layout" and numbered "PL-100".

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 site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

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.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Construction Management Plan

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

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

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 site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

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

Drainage Officer:

APPLICATION DETAILS

Application Number	DM/20/4654
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	05 February 2021
Site Location	Twoways, Station Road, Crawley Down
Development Description	Demolition of the existing semi-detached bungalow and the erection of 3no. four-bedroom detached house with associate garages
Recommendation	No objection subject to conditions Advice and modification necessary at detailed design

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. However, concerns regarding drainage issues within the area have been raised as part of the planning consultation.

SURFACE WATER DRAINAGE

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

It is proposed that the development will utilise tanked permeable paving and soakaways to manage surface water drainage on site.

The existing proposed surface water drainage scheme utilises two soakaways to managing the surface water drainage from the three dwellings. One of these soakaways is located within the gardens of the dwellings and cross property boundaries.

We would also note that a soakaway is shown to be in very close proximity to the existing public foul water sewers. It is our experience that Southern Water will require no infiltration devices be located within 5 - 8 metres of a public sewer. The drainage plan also shows the soakaways being in very close proximity to shared foul lateral drains. The drainage plan suggests these shall remain private and not be adopted by Southern Water.

The principle of utilising soakaways to manage the surface water drainage is acceptable. However, modification to the proposed scheme will be required as part of the detailed drainage design.

In addition to any no development / no infiltration buffers required by Southern Water we would advise that shared lateral drains should also have a no development buffer of 5m placed on them. Any shared soakaway should be located within public realm and a minimum of 5m from any structures. 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 create new lateral connections to the existing foul sewer on site.

Connection to the main foul sewer is considered likely to be acceptable. As part of the detailed drainage design we will require confirmation that the existing connection is considered mains sewer and plans showing the existing public foul sewer layout. We will also require confirmation which sewers Southern Water are to adopt and what no development buffer zone has been required.

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.

WORKS WITHIN 5M OF DRAIN / SEWER

No part of any concrete foundations, no infiltration drainage device and no construction activities shall be within 5 metres of any existing or proposed drain / sewer.

Reason: In the interests of protecting the natural environment.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

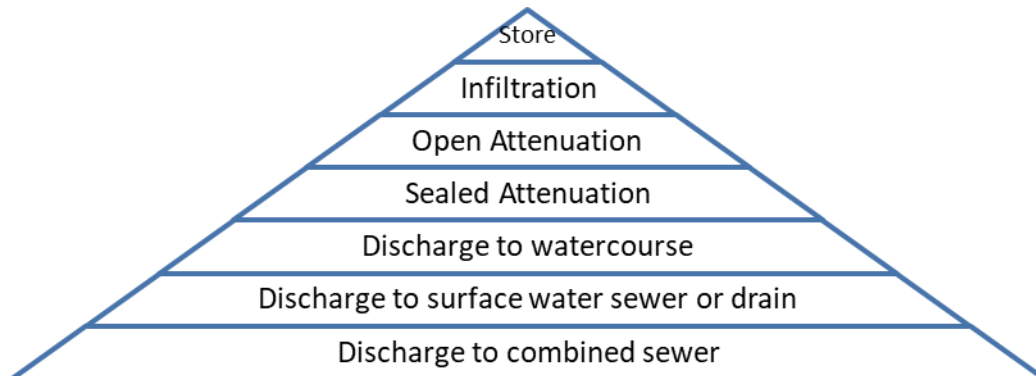
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change.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

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

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

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



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

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

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

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

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

USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

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

INFORMATION REQUIREMENTS

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

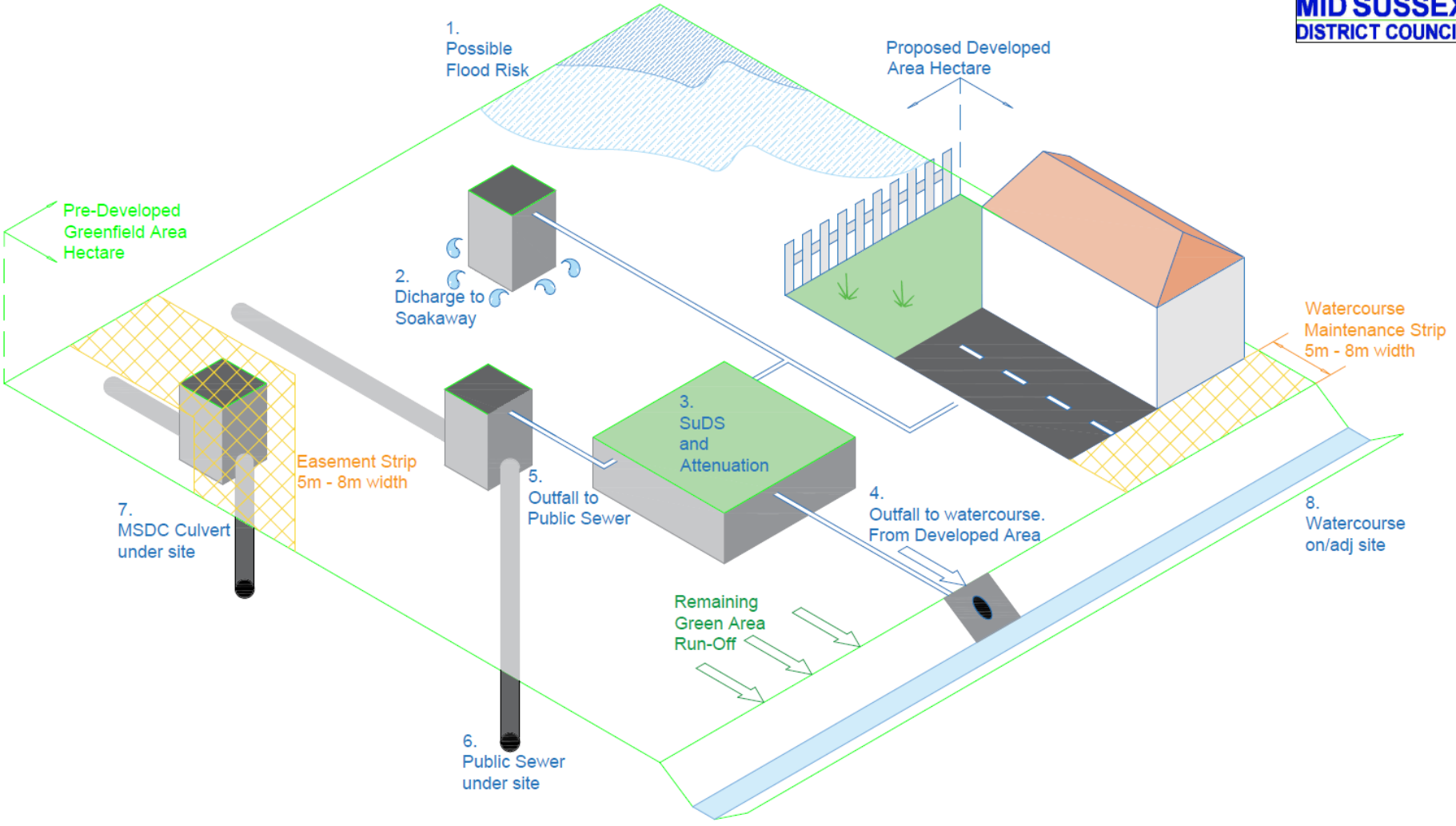
DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.
<p>Multiple plot development</p>	<ul style="list-style-type: none"> A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.
<p>Public sewer under or adjacent to site</p>	<ul style="list-style-type: none"> Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
<p>Infiltration</p> <p>e.g. Soakaways</p>	<ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to public sewer	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>
SuDS and attenuation	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>



Natural England:

Thank you for your consultation on the above dated and received by Natural England on 14 January 2021.

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

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

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

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

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

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

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.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle Consultations Team

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.

Linda Symes
Street Naming and Numbering Officer

Informative (Info29)

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

Planning applications requiring SNN informative

DM/20/4712
DM/20/4654
DM/20/4697
DM/20/4702

MID SUSSEX DISTRICT COUNCIL

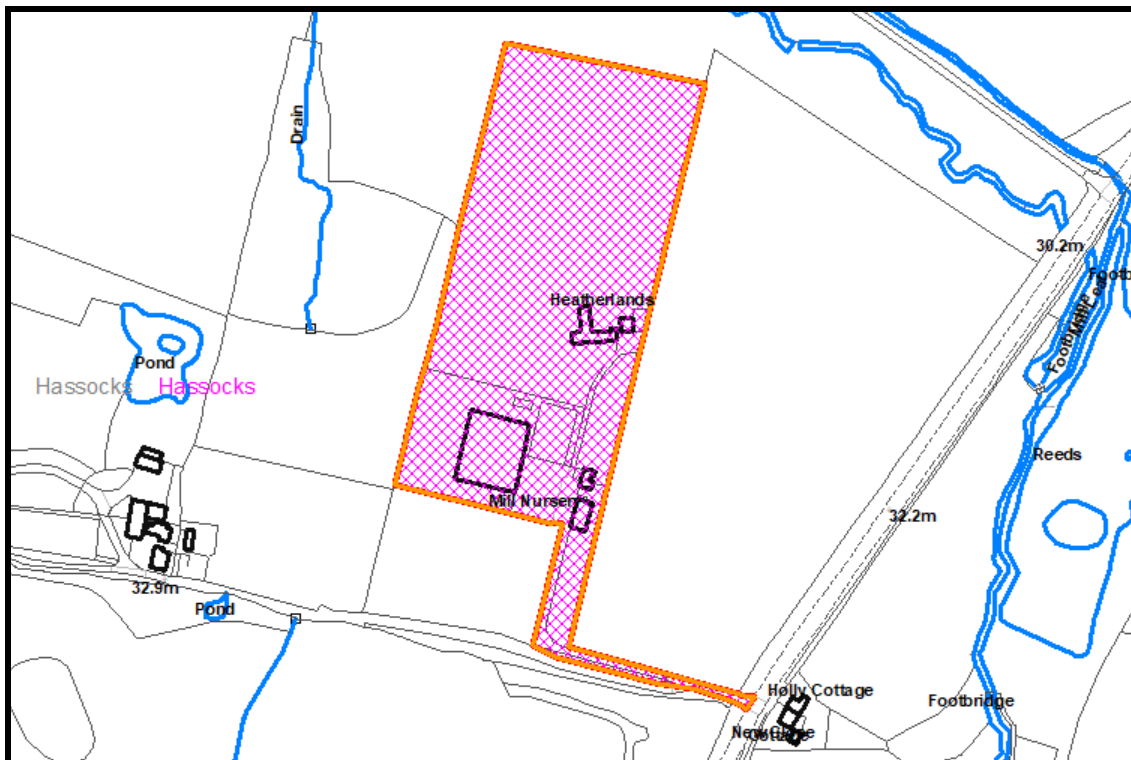
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

Hassocks

DM/21/0165



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**MILL NURSERY LONDON ROAD HASSOCKS WEST SUSSEX
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3NO. FOUR-
BEDROOM DWELLINGS AND 1NO. FOUR BEDROOM REPLACEMENT
DWELLING WITH ASSOCIATED PARKING, AMENITY SPACE AND
LANDSCAPING.**

LEGGEND INVESTMENTS LTD

POLICY: Ancient Woodland / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Road Improvement Act Agreement / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th April 2021

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

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. 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.

In terms of the principle of development, the site is located outside the built-up area of Hassocks or Burgess Hill. The new dwellings do not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, although the replacement dwelling does accord with Policy DP15. In accordance with the law, it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Although dismissed, it is considered that the most recent appeal decision should be afforded significant weight which outweighs this policy conflict, given that the Inspector determined that the site was suitably located for development.

Also weighing in favour of the scheme is that the development will provide 3 additional residential units in a relatively 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 construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited. In addition, there will be a material visual benefit arising from this development, given the dilapidated state of the buildings, which constitutes a blight in this area.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and this means that the proposal for new dwellings conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan (although the replacement dwelling is in accordance with DP15). However, due to the revised design of this proposal, the scheme will respect the rural character of this area and will not result in a coalescence of settlements.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, land contamination, archaeology, trees and biodiversity.

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.

It is considered that given the Inspector's comments on the most recent scheme and that the proposed development would not harm the rural landscape character, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP13, DP15 (in part), DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies 1, 4, 5, 8 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

1 letter of support:

- At last a pleasing design has been found for the site
- Only comment that the entrance from the road does not appear to be improving
- There are a lot of accidents on the corner
- Entrance should be made double width

SUMMARY OF CONSULTEES

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

MSDC Contaminated Land Officer

Conditions requested.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Street Naming and Numbering Officer

Informative requested.

West Sussex Fire and Rescue Service

No objection, subject to conditions.

WSCC Highways

No objection, subject to conditions.

PARISH COUNCIL OBSERVATIONS

RECOMMEND REFUSAL. The Parish Council maintains its response as submitted for the previous application DM/19/3716 for this site. The proposed application would be located within the Burgess Hill gap as defined in Policy 1 of the Hassocks Neighbourhood Plan (HNP). In addition, the application is for the replacement of one dwelling, previously associated with a rural business, with four new dwellings to create a small development within the countryside. Therefore it is considered by the Parish Council that this proposal is contrary to Policies 1 - Burgess Hill Gap and 9 - Character and Design of the Hassocks Neighbourhood Plan. Additionally it is, in our opinion, also contrary to Policies DP12 - Protection and Enhancement of Countryside, DP13 - Preventing Coalescence, DP14 - Sustainable Rural Development and the Rural Economy and DP15 - New Homes in the Countryside of the District Plan.

Furthermore, the application provides insufficient information to be certain of compliance with HNP Policy 5 - Enabling Zero Carbon: there is no SAP assessment provided (nor indication of the provision for electric vehicle charging). Therefore HPC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan - Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. Full compliance with HNP Policy 5 should be proven prior to granting any Planning Permission.

INTRODUCTION

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

RELEVANT PLANNING HISTORY

An agricultural tie on the existing residential property on the site was removed in 1993 under application CN/034/93.

DM/16/1087 was an application for determination as to whether prior approval was required for the change of use of an agricultural building to become 3 residential dwellings (C3 Use class). A decision that prior approval was not required was made in May 2016. In accordance with the permitted development order, the development had to be completed within 3 years of the decision.

DM/18/0581 sought planning permission for demolition of existing glasshouses, bungalow and outbuildings and erection of 4no., five bedroom, dwellings. A decision to refuse planning permission was made in February 2019. There were 2 reasons for refusal:

- *The proposed development is located within the countryside and occupies a location which is remote from a built up area boundary where local services will not be readily accessible as future occupiers will be heavily reliant on the private car to meet their daily needs. The development therefore conflicts with Policy DP21 of the District Plan and the NPPF principles.*
- *The proposed development is located within the countryside and occupies a location where the character of the surrounding area is verdant and rural in nature. The construction of four large detached houses and detached garages in this rural setting, coupled with the loss of a number of trees and vegetation, will therefore unduly urbanise the site and adversely affect the character of the surrounding area. The adverse visual impact of the development and urbanisation of the site would only be exacerbated by the cul de sac form of development that would be distinctly out of keeping with the more sporadic existing properties in the vicinity of this rural location. As a result the proposal conflicts with policies DP12, DP21, DP26 and DP37 of the District Plan, Policy 9 of the Neighbourhood Plan and the NPPF requirements.*

In November 2019, planning permission was refused for the demolition of all existing buildings on the site and the erection of 3 x 3-bed dwellings and 1 x 4-bed replacement dwelling, together with associated parking and amenity space (DM/19/3716). The reasons for refusal stated:

1. *The proposed development is located within the countryside and occupies a location which is distant from a built up area boundary where local services will not be readily accessible as future occupiers will be heavily reliant on the private car to meet their daily needs. The principle of development therefore conflicts*

with Policies DP12, DP15 and DP21 of the Mid Sussex District Plan and the NPPF principles.

- 2. The proposed development is located within the countryside and occupies a location where the character of the surrounding area is verdant and rural in nature. The construction of four large detached houses in this rural setting, coupled with the loss of a number of trees and vegetation, will unduly urbanise the site and adversely affect the character of the surrounding area. As a result the proposal's visual impact conflicts with policies DP12, DP26 and DP37 of the Mid Sussex District Plan, Policy 9 of the Neighbourhood Plan and the NPPF requirements.*

An appeal was lodged against this decision and dismissed in June 2020.

In January 2020, prior approval was granted for the change of use of 2 agricultural buildings to 3 x 1-bed residential dwellings (DM/19/4870).

SITE AND SURROUNDINGS

Mill Nursery is located to the north of the village of Hassocks. It is a vacant nursery that comprises various buildings all of which are in a dilapidated condition. This includes a glasshouse and brick-built outbuildings with an uninhabited bungalow located further to the north.

There are a substantial number of trees within and around the application site. There is existing access directly to London Road to the east via Mill Lane, partly shared with other residential and commercial properties to the west.

To the south is plantation woodland within the applicant's ownership, with Mill Lane beyond. To the north beyond the site's woodland is a public footpath, Mill Stream and Mill Race which is the access to Hammonds Mill Farm. To the east is a field between the site and A273 and to the west is paddocks and an area of ancient woodland.

In planning policy terms, the site lies within the countryside as defined by the Mid Sussex District Plan.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

The existing access via Mill Lane will be utilised.

A number of trees and vegetation is to be removed as set out within a supporting Arboricultural Impact Assessment. Generally, however, the clearance will take places within the central part of the site in order to facilitate the development whilst those trees located at the site's periphery will be retained.

In terms of the layout of the scheme, Plots 1, 2 and 3 are arranged in a 'horseshoe' formation in close proximity around a formal landscaped area (roughly within the area of the existing glasshouse). Each will possess a large garden area and a shared parking area (including communal car barn) to the south-east, alongside the internal driveway. To the north, occupying a similar footprint, will be the replacement dwelling, Plot 4, with detached double garage and substantial plot size, as reflecting that of the existing bungalow.

According to the applicant's Design and Access Statement, Plots 1, 2 and 3 'have been designed as a collection of farm buildings with the main house (Plot 4) as the principal farmhouse' with Plots 1, 2 and 3 'styled as simple barn forms with individualised fenestration and materials that reflect their position within the countryside setting ... Each dwelling has an open central entrance hall extending to the ridge of the building, with large glazing sections in where a barn door opening would have been.'

Plots 1, 2 and 3 will be arranged over 1.5-storeys with horizontal black stained weatherboarded elevations above a brick plinth and beneath a clay tiled roof with conservation style rooflight windows. Plot 4 is arranged over 2-storeys with brick elevations on the ground floor and black weatherboarding on the first floor beneath a clay tiled pitched roof.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the Hassocks Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP13: Preventing Coalescence
Policy DP15: New Homes in the Countryside
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Hassocks Neighbourhood Plan (Jul 2020)

Mid Sussex District Council formally 'made' the Hassocks Neighbourhood Plan part of the Local Development Plan for the Hassocks Neighbourhood Plan area as of 24 June 2020. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Hassocks Neighbourhood Plan area.

Relevant policies:

Policy 1: Local Gaps
Policy 4: Managing Surface Water
Policy 5: Enabling Zero Carbon

Policy 8: Air Quality Management
Policy 9: Character And Design

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.

Relevant design principles include:

- Principle DG5: Water features and sustainable drainage systems
- Principle DG6: Design to enhance biodiversity
- Principle DG19: Provision of off-street parking
- Principle DG21: Consider and allow for servicing, refuse collection and deliveries
- Principle DG22: Integrate refuse and recycling into the design of new development
- Principle DG24: Plan for cyclists
- Principle DG27: Integrate tree planting and soft landscape
- Principle DG37: Deliver high quality buildings that minimise their environmental impact
- Principle DG38: Design buildings with architectural integrity and a sense of place
- Principle DG39: Deliver appropriately scaled buildings
- Principle DG45: Privacy of existing and future residents
- Principle DG46: Provide attractive and usable external amenity space for all homes
- Principle DG47: Provide homes with sufficient daylight and sunlight

Waste Storage and Collection Guidance for New Developments (May 2015)

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF states: '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

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

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

In addition, paragraphs 11 (presumption in favour of sustainable development), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland) and 177 (habitats sites) are considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

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

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

- The principle of development;
- Previous appeal decision;
- Coalescence;
- Acceptability of a replacement dwelling;
- The design and visual impact on the character of the area;
- The impact on neighboring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Air quality;
- Archaeology;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Standard of accommodation;
- Accessibility; and
- Planning Balance and Conclusion

Principle of development

Policy DP12 of the Mid Sussex District Plan states (in part):

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

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

The supporting text sets out the following:

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

The application site is located in designated countryside for which no special justification of the proposal exists and is therefore considered contrary to the first criterion of this policy. The second criterion is engaged by Policies DP6 and DP15 of the Mid Sussex District Plan.

Policy DP6 of the Mid Sussex District Plan states:

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

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

- *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.'*

The proposal is for fewer than 10 dwellings. Hassocks is a Category 2 settlement (i.e. a large village which acts as a local service centre providing key services in the rural area of Mid Sussex. These settlements benefit from a good range of services and facilities including employment opportunities and access to public transport), and Burgess Hill is a Category 1 settlement (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). However, the site is distant from both settlements. It also maximises the amount of development on the site, in relation to the constraints of the existing trees, rural character and the limits of the existing buildings. However, the site is not contiguous with the built-up area of Hassocks or Burgess Hill. As such, this policy is not met.

Policy DP15 of the Mid Sussex District Plan allows for new dwellings in the countryside where special justification exists and where they would not be in conflict with Policy DP12. This covers agricultural workers' dwellings, exceptional design, rural exception sites, re-use of rural buildings and replacement dwellings.

In respect of the latter, the policy states:

Replacement dwellings in the countryside will be permitted where:

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*

- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

Although the existing bungalow is vacant, it could not be said to be abandoned. The Highway Authority are satisfied with the access and parking arrangements (as set out below) and the replacement dwelling would have no significant impact on the landscape, given that the site is currently secluded from wider views by dense vegetation at the margins.

In summary, in relation to the principle of the application, the proposed 3 new dwellings are contrary to the Development Plan, specifically Policies DP6 and DP12 of the Mid Sussex District Plan. The replacement dwelling does, however, accord with Policy DP15.

In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Previous appeal decision

As set out in the planning history, the most recent refusal was appealed and dismissed (largely due to the design of the scheme). However, the Inspector made the following key points:

In respect of the replacement dwelling:

Para 9: 'The replacement bungalow would, in isolation, not result in harm to the character of the area as it would simply replace one building with a new, somewhat larger dwelling. Due to the dilapidated state of the bungalow a replacement would generally improve the appearance of the site. Furthermore, having regard to the existing development on site, and the contained nature of the appeal site with established boundaries, I am satisfied that the proposal would not result in a risk to the coalescence of settlements.'

In respect of the new dwellings, the Inspector noted that the site was linked to both Burgess Hill and Hassocks by a cycleway, which could then be used for train travel, and bus stops are located within a short walking distance, which provide regular services to Hassocks and Burgess Hill. He concluded that the proposal would provide a 'genuine choice of transport modes' and:

Para 18: 'The proposal would provide a choice of transport modes and would therefore comply with Policy DP21 of the Local Plan which seeks to ensure that development is accompanied by the necessary infrastructure to support development. As such, despite the conflict with the Local Plan due to the site being within the countryside, I find that future occupiers would have access to services and facilities and as such the appeal site would be a suitable location for the development.'

The Inspector also noted that the prior approval (for 3 x 1-bed dwellings) was capable of being implemented and also that 'the current state of the site is such that it is highly unlikely it would revert to its previous use.'

Based on the above assessment, it is considered that this appeal decision constitutes a material consideration of such importance as to outweigh the (partial) policy conflict set out above.

Coalescence

Policy DP13 of the District Plan and Policy 1 of the Neighbourhood Plan seek to prevent coalescence between settlements.

Policy DP13 states:

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'

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

'Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection'

Policy 1 of the Neighbourhood Plan states:

'Local Gaps have been defined and will be safeguarded between:

- a. Keymer/Hassocks and Ditchling;*
- b. Keymer/Hassocks and Hurstpierpoint; and*
- c. Keymer/Hassocks and Burgess Hill.*

As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Local Gap where:

- 1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or*
- 2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not compromise individually or cumulatively*

the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'

Given the scale of the proposed development and its location within an enclave of other built forms (which this scheme does not go beyond), it is not considered that it would result in a coalescence of settlements between Hassocks and Burgess Hill. The impacts of this development would be extremely localised, due to the dense screening, so would not impact on the wider landscape.

It should be noted that the previous application was not refused by the council on this matter and the appeal Inspector determined that that scheme would not result in a risk to the coalescence of settlements. While there is some conflict with Policy 1 of the Neighbourhood Plan (which was adopted after this appeal decision), in that the development cannot be supported on the detailed grounds set out, it is considered that the Inspector's judgement should be afforded more weight.

Accordingly the application would comply with Policy DP13 of the Mid Sussex District Plan, albeit has some conflict with Policy 1 of the Neighbourhood Plan, but is outweighed by the most recent appeal decision.

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 9 of the Hassocks Neighbourhood Plan states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The previous scheme was dismissed on appeal, largely because the Inspector determined that its design would be 'a far more sprawling development of considerable mass [than the fallback position] and would result in significant harm to the character of the area.' The Inspector noted that the dwellings would not reflect the type of buildings one would expect to find in a farmstead [as] each would be a large 2-storey detached house and that the development would create an urban sprawl that would damage the character of the area by being transformed 'into an urban scheme sitting in a rural location which would be an alien and ungracious encroachment into the countryside.' The Inspector also found that the design of the dwellings was 'somewhat uninspired, especially when experienced upon entering the development.'

Taking on board these comments, the current scheme proposes a more traditional style of dwelling so that the farmstead layout is genuinely reflected in its elevations - i.e. 1.5-storeys in height beneath a pitched roof with rooflights and wide openings at the entrances. It is considered that this now reflects the rural character of this area in its use of natural materials and complies with the above development plan policies, as well as the Mid Sussex Design Guide SPD, in particular design principles DG38 and DG39.

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)'*

There are no residential dwellings within sight of the proposed development. Holly Cottage and New Close are located on the opposite side of London Road to the east around 130m away. 1 and 2 Hammonds Mill Cottages (some 250m away from the site boundary to the west) share part of the access onto London Road.

The development would not result in any overbearing impact or overlooking to neighboring properties, although noise and disturbance during construction could be controlled by condition. Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways matters

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

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*

- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy 5 of the Neighbourhood Plan states:

'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'

The Highway Authority has raised no objection to the proposal. The application has been accompanied by a Transport Report with trip generation data showing no capacity issues on the surrounding road network. The Design and Access Statement shows that the existing access will be widened to enable vehicles to pass in the opposite direction and one of the submitted plans demonstrates that the widened access can facilitate refuse collection vehicles entering from London Road. The Highway Authority consider this as an improvement from the existing arrangements, and would satisfy the neighbouring resident's concern in this respect. Visibility splays can be provided, subject to cutback of vegetation.

A total of 15 parking spaces will be provided - Plots 1, 2 and 3 will have 3 allocated spaces, 2 each in the car port and 1 each opposite the car port. Plot 4 has 4 allocated parking spaces, of which 2 will be situated within the proposed garage. The remaining 2 spaces are allocated as visitor parking spaces. The WSCC Car Parking Demand Calculator notes that 12 parking spaces should be provided for this development, so the proposed provision is acceptable. Electric vehicle charging points should be secured through condition, as should cycle parking provision.

Accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy 5 of the Hassocks Neighborhood Plan.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

Policy 4 of the Neighbourhood Plan states:

'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance.

Development proposals which incorporate sustainable drainage techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible.'

The site is within flood zone 1 and is at low fluvial flood risk although the site boundary is located approximately 30m from an area of Flood Zone 3, at high risk of fluvial flooding. Most of the site is shown to have a very low surface water flood risk although the access to the site from London Road is also shown to have an increased surface water flood risk.

The site has a high infiltration potential so permeable paving or soakaways may be possible on site, particularly as the application form states the development shall utilise sustainable drainage systems and main sewers to manage surface water drainage.

The application form states that the development will discharge foul water drainage to the main foul sewer.

The council's Drainage Engineer has raised no objection to this proposal, subject to conditions. Accordingly, the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood 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 site's former use as a garden nursery, the Council's Contaminated Land Officer has recommended three conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

Air quality

Policy 8 of the Neighbourhood Plan states:

'Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area.'

It is recognised that this development will generate additional traffic at the Stonepound Crossroads, which is an Air Quality Management Area.

Air quality is a material consideration when a development is planned. The Local Planning Authority requires an Air Quality assessment (AQA) in cases where it deems air quality impacts from the development may be detrimental to people's health. This is a complex issue which is interrelated to the issue of traffic congestion at the Stonepound Crossroads. The Air Quality Action Plan for Stonepound Crossroads is a long-term strategy for improving air quality and will involve

partnership working to ensure its delivery; it is not a reason to resist new development within the locality and each scheme must be assessed on its own merits against the NPPF and Local Development Plan policies.

Given that this application is for only 3 additional dwellings, it is not considered that it would result in a noticeable impact in this regard and hence the council would not be able to sustain an objection to this proposal on this ground, and accordingly the proposal would comply with this policy.

Archaeology

Paragraph 189 of the NPPF states:

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

The Glossary to the National Planning Policy Framework defines Archaeological interest as follows:

'There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point.'

The site lies in an area of archaeological interest, wholly within the boundaries of 'Archaeological Notification Area - Multi-Period features, Hassocks' (DWS8193) and partly within a short distance to the west of the boundaries of 'Archaeological Notification Area - Route of the Roman Road through Mid Sussex' (DWS8680; north-south orientation).

An Archaeological Desk Based Assessment (Heritage Assessment), December 2018 was submitted in support of the previous application and has been re-submitted. The Council's Archaeological consultant commented on the previous application as follows:

'A Heritage Statement (Parker Dann 2018) was submitted with the (previous) planning application and whilst its findings were of use it was recommended that an archaeological Desk Based Assessment which fully considered all available resources, including historic maps as well as plans and details of the proposed development, was required.

A Desk Based Assessment has now been submitted in support of the planning application (ASE 2018) and has concluded that:

The Site has a hypothetical moderate to high potential for archaeological deposits of Bronze Age and Romano-British date, a low to moderate potential for deposits of early medieval date, and a low potential for deposits of post-medieval date, based on discoveries elsewhere in the wider Study Area including fields immediately adjacent;

The Site has been exposed to some truncation from arable and horticultural cultivation, notably tree planting, and construction activity associated with the nursery and the brick buildings. However, much of this impact is likely to have been limited in depth;

The proposed works are likely to have a significant impact upon surviving archaeological deposits within the Site, particularly on the eastern side of the site where the houses are projected' (ASE 2018)

The archaeological desk-based assessment has adequately assessed the archaeological potential of the planning application site and indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case it is considered a condition could provide an acceptable safeguard. If planning permission is granted, the archaeological interest should be conserved by attaching a condition as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works. It is also recommended that any geotechnical works to be undertaken by the applicant at the site should be observed under archaeological watching brief conditions. The results of the trial trench evaluation and, if applicable, watching brief on geotechnical works will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope of field evaluation should be agreed with our office and carried out by a developer appointed archaeological practice. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.'

Therefore, subject to the imposition of the suggested condition, the proposal is acceptable in respect of the archaeological implications so therefore accords with paragraph 189 of the NPPF.

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.'*

Policy 5 of the Neighbourhood Plan states:

'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'

The applicant's Design and Access Statement sets out some sustainability measures to be incorporated into the scheme, as follows:

'Sustainable drainage techniques will be used where practical to fully disperse surface water (SUDS), including permeable paving below block paved areas/ washed gravel areas.

Refuse and recycling bins are to be accommodated for each dwelling within their rear gardens.

The proposed landscaping set within the garden areas and to the open spaces will be used to encourage and improve ecological diversity.

Boilers and appliances will be energy efficient with low NOx levels and all dwellings will undergo a full SAP assessment to ensure energy efficiency within the building envelope.

Water consumption in all dwellings will be reduced through the use of practical and hygienic water saving measures such as flow restrictors, reduced bath volumes, water efficient white goods and dual flush toilets

The orientation of buildings and aspect of the main habitable rooms allows for good levels of daylight within the dwellings, with natural ventilation to all habitable rooms.

High quality materials are proposed that will age gracefully and require the minimum of maintenance. Materials will be specified where possible to minimise their travel

distance to site, ensuring where relevant that materials are specified from recognised sustainable sources with the appropriate certification.'

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, Policy 5 of the Neighbourhood Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

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

An Arboricultural Report has been submitted showing that 13 trees are to be removed and 4 trees to be crown lifted to leave a 5m clearance. All but 1 are Category C, the other being a Category B Birch tree. Tree Protection Plans are also included, showing how the retained trees will be protected during construction.

Comments are awaited from the council's Tree Officer, but following extensive pre-application work, it is unlikely that an objection will be raised to the proposal on arboricultural grounds and hence, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

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

The application has been accompanied by the following reports:

- Preliminary Ecological Appraisal
- Reptile Survey Report
- Bat Roost Assessment
- Badger and Heron Survey Report

Whilst comments are awaited from the council's Ecological Consultant, no objection was raised to the previous applications on ecological grounds, and again it is likely that such matters can be addressed by way of suitable condition, in order to comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

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

The proposed development 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.

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.'

Excluding garages, the proposal provides the following internal floor space, exceeding the standard of 124 sq m for 4-bed, 8-person units:

Plot 1 - 189 sq m
Plot 2 - 225 sq m
Plot 3 - 185 sq m
Plot 4 - 260 sq m

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

Accessibility

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

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

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

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

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. 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.

In terms of the principle of development, the site is located outside the built-up area of Hassocks or Burgess Hill. The new dwellings do not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, although the replacement dwelling does accord with Policy DP15. In accordance with the law, it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Although dismissed, it is considered that the most recent appeal decision should be afforded significant weight which outweighs this policy conflict, given that the Inspector determined that the site was suitably located for development.

Also weighing in favour of the scheme is that the development will provide 3 additional residential units in a relatively 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 construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited. In addition, there will be a material visual benefit arising from this development, given the dilapidated state of the buildings, which constitutes a blight in this area.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and this means that the proposal for new dwellings conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan (although the replacement dwelling is in accordance with DP15). However, due to the revised design of this proposal, the scheme will respect the rural character of this area and will not result in a coalescence of settlements.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, land contamination, archaeology, trees and biodiversity.

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.

It is considered that given the Inspector's comments on the most recent scheme and that the proposed development would not harm the rural landscape character, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP13, DP15 (in part), DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies 1, 4, 5, 8 and 9 of the Hassocks 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 above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Hassocks Neighbourhood Plan.

4. The development hereby permitted shall not commence until a Flood Risk Assessment has been submitted and approved in writing by the Local Planning Authority. No building shall be occupied until any approved flood management measures have been carried out in accordance with the approved details.

Reason: To ensure flood risk has been appropriately considered and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood Plan.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood Plan.

6. Demolition / construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be operated at all times during the demolition / construction phases of the development.

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

7. 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.

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

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

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

Construction phase

10. Works of demolition/construction, including the use of plant and machinery necessary for implementation of this development, and deliveries of plant and materials to and from the site 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 safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

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

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

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with 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 comply with Policy DP21 of the Mid Sussex District Plan.

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

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

15. 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.

16. 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.

17. 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.

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

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy 5 of the Hassocks Neighbourhood Plan.

19. 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.

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

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

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

Post-occupation monitoring / management conditions

21. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

22. The recommendations set out in the Preliminary Ecological Appraisal, Reptile Survey Report, Bat Roost Assessment, and Badger and Heron Survey Report shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements, Policy DP38 of the Mid Sussex District Plan and Policy 8 of the Hassocks Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

5. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access widening works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license 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-orcrossoversfordriveways-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-orcrossoversfordriveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

The applicant is also advised to contact the highway authority to arrange for cutting back of overgrown vegetation within the highway verge to improve visibility splays upon exiting the site.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	6793-101	-	13.01.2021
Block Plan	6793-102	-	13.01.2021
Site Plan	6793-103	-	13.01.2021
Proposed Roof Plan	6793-104	-	13.01.2021
Site Plan	6793-105	-	13.01.2021
Proposed Floor and Elevations Plan	6793-106	-	13.01.2021
Street Scene	6793-107	-	13.01.2021
Proposed Floor Plans	6793-PL-110	-	13.01.2021
Proposed Elevations	6793-PL-111	-	13.01.2021
Proposed Floor Plans	6793-PL-112	-	13.01.2021
Proposed Elevations	6793-PL-113	-	13.01.2021
Proposed Floor Plans	6793-PL-114	-	13.01.2021
Proposed Elevations	6793-PL-115	-	13.01.2021
Proposed Floor Plans	6793-PL-116	-	13.01.2021

Proposed Elevations	6793-PL-117	-	13.01.2021
Visibility Plans	6973/101	P2	13.01.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND REFUSAL. The Parish Council maintains its response as submitted for the previous application DM/19/3716 for this site. The proposed application would be located within the Burgess Hill gap as defined in Policy 1 of the Hassocks Neighbourhood Plan (HNP). In addition, the application is for the replacement of one dwelling, previously associated with a rural business, with four new dwellings to create a small development within the countryside. Therefore it is considered by the Parish Council that this proposal is contrary to Policies 1 ' Burgess Hill Gap and 9 ' Character and Design of the Hassocks Neighbourhood Plan. Additionally it is, in our opinion, also contrary to Policies DP12 - Protection and Enhancement of Countryside, DP13 ' Preventing Coalescence, DP14 ' Sustainable Rural Development and the Rural Economy and DP15 ' New Homes in the Countryside of the District Plan.

Furthermore, the application provides insufficient information to be certain of compliance with HNP Policy 5 ' Enabling Zero Carbon: there is no SAP assessment provided (nor indication of the provision for electric vehicle charging). Therefore HPC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan ' Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. Full compliance with HNP Policy 5 should be proven prior to granting any Planning Permission.

MSDC Contaminated Land Officer

The application looks to demolish the existing buildings and erect 4 residential dwellings. The site has been identified as land that may be contaminated due to previous use as a garden nursery. Given the sensitivities of the proposed end use for this application, a phased contaminated land condition should be attached to ensure the site is safely developed for use as residential units.

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

Recommended 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, neighbours and other offsite receptors.

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

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Drainage Engineer

FLOOD RISK

The site is over 3 ha in size and under the National Planning Policy Framework (NPPF) the application should be supported by a Flood Risk Assessment considering all sources of flooding on site. No such report has been provided as part of the application.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The redline boundary of the site is however located approximately 30m from an area of Flood Zone 3, at high risk of fluvial flooding. Therefore, areas of the site may be impacted by fluvial flooding during the lifetime of the development.

Most of the site is shown to have a very low surface water (pluvial) flood risk. However, there is an isolated area of low surface water flood risk on the site. The access to the site from London Road is also shown to have an increased surface water flood risk.

There are not any historic records of flooding occurring on this site. However, there are records of flooding occurring on London Road in proximity to the site access.

No records of flooding occurring on the site 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 most of the site, where development is proposed, to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site. These infiltration tests should be undertaken at, or very close to the locations proposed for infiltration drainage devices.

Very little information has been provided in relation to how the development shall manage surface water drainage. The application form states the development shall utilise sustainable drainage systems and main sewers to manage surface water drainage.

We would advise the applicant that surface water drainage should follow the drainage hierarchy, with sustainable drainage options taking priority over discharge to a sewer. All four proposed dwellings are considered new build in terms of drainage potential. As such, all surface water drainage systems should be designed to cater for the 1 in 100-year storm event with 40% allowance for climate change. Infiltration drainage should have a half drain time of 24 hours or less, and any discharge rates to a watercourse should be limited to the Greenfield QBar runoff rate for the drained area.

If a shared drainage system is proposed, then a maintenance and management plan will be required. We would also advise that any shared drainage features such as shared soakaways or attenuation features should be located within public realm.

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

FOUL WATER DRAINAGE

Very little information has been provided in relation to how foul water drainage shall be managed on site. However, the application form states that the development will discharge foul water drainage to the main foul sewer.

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

SUGGESTED CONDITIONS

FLOOD RISK ASSESSMENT

The development hereby permitted shall not commence until a Flood Risk Assessment has been submitted and approved in writing by the local planning authority. No building shall be occupied until any approved flood management measures have been carried out in accordance with the approved details.

Reason: To ensure flood risk has been appropriately considered and to accord with the NPPF requirements.

C18F - MULTIPLE DWELLINGS/UNITS - DRAINAGE

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

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

MSDC Environmental Protection Officer

I have no objections to this development. However, I make the following comments to address the potential adverse impacts of the development.

The main adverse impacts on local amenity will be encountered during the site preparation, demolition and construction phases. The impacts from noise and dust during this time will need to be controlled to minimise these impacts. I therefore recommend the following conditions for implementation phase:

Construction hours, including deliveries: Works of demolition/construction, including the use of plant and machinery necessary for implementation of this development, and deliveries of plant and materials to and from the site 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.

Dust management: A dust management plan shall be submitted for approval and once approved shall be implemented and maintained while the development is being implemented.

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 a nuisance. Accordingly, you are requested that no burning of demolition/construction waste materials shall take place on site.

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.

Planning applications requiring SNN informative

DM/21/0165

West Sussex Fire and Rescue Service

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

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

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

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

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

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

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

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

WSCC Highways

West Sussex County Council was previously consulted on planning applications for this location with similar proposals. Planning application DM/19/3716 is of similar nature to the current proposal and sought approval for demolition of all existing buildings on site and the

erection of 3no three-bedroom dwellings and 1no four-bedroom dwelling, with associated parking and amenity space. This application was refused on non-highways grounds.

This proposal is for demolition of all existing buildings on site and the erection of 3no three-bedroom dwellings and 1no four-bedroom dwelling, with associated parking and amenity space. It is located and accessed via shared driveway which leads onto publicly maintainable London Road (A273) which is subject to 60mph speed restrictions at this point.

Access and visibility

The applicant has provided a transport report where trip generation data has been provided using the TRICS (Trip Rate Information Computer System) database. The total estimated daily trip rates for the existing use is 208. The proposed traffic generation data has shown a reduction of daily trips with the total number of 22 on average. Considering the reduction of daily movements, we do not have capacity issues.

The proposed dwellings will be utilised through the existing access onto London Road. In the design and access statement is stated that the existing access will be widened to enable vehicles to pass in opposite direction. Drawing no 6973 Rev P2 demonstrates that the widened access can facilitate refuse collection vehicle entering from London Road. This is considered as an improvement from the existing arrangements.

The widened access point has been shown as a main bellmouth junction with give way markings. It would be more appropriate for the existing vehicle crossover to be widened under a vehicle crossover (VCO) licence for the scale of the proposed works. Any vehicle access work must be implemented under licence to a specification obtained from WSCC Highways. The access plan should be representative of this type of access however details of this can be secured via condition.

Visibility splays at the access point with London Road have been demonstrated by the applicant. They appear to be sufficient for the anticipated speed limits; however site visit for DM/18/0581 was conducted where it was advised that the applicant should contact WSCC Highways to cut back vegetation and maintain the maximum achievable visibility in perpetuity. This informative is also advised for this application.

A data supplied to West Sussex County Council by Sussex Police reveals no recorded injury accidents within 5 years caused by the road layout. Therefore there is no evidence to suggest that the junction is operating unsafely or that the proposal would exacerbate an existing highway safety concern.

Parking and Turning

This development as stated in the application form will provide 15 parking spaces. Plot 1,2 and 3 have 3 allocated spaces, two each in the car port and one each opposite the car port. Plot 4 has four allocated parking spaces, of which two will be situated within the proposed garage. The remaining 2 spaces are allocated as visitor parking spaces. WSCC Car Parking Demand Calculator outlines 12 parking spaces to be provided for this development (at least 3 for each dwelling).

The proposed double garage for plot 4 meets the minimum requirements for double garage of 6 x 6 m as stated in Manual for Street (MfS). Under the revised WSCC parking guidance, each garage space (3 x 6m) counts as 0.5 of a parking space, and as such, each double garage (6 x 6m) counts as one parking space towards the expected provision.

The proposed car port is of adequate size to accommodate up to 6 vehicles. The hardstanding area that provides additional parking spaces for plot 1,2 and 3 and visitor also complies with the minimum requirements of 2.4 x 4.8 m per parking bay.

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

The closest bus stop that provides frequent services to Brighton, Burgess Hill and Kemp Town is Friars Oak bus stop which is approx. 10 minute walk. The closest train stations are Hassocks which is approx. 5 min cycling and Burgess Hill which is approximately 12min cycling. In order to promote the use of sustainable transport methods, secure and covered cycle storage should be provided for each dwelling.

The cycle storage can be secured via condition. There are also various liked footpaths that lead to Burgess Hill. Hassocks is approximately 18 minute walk.

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.

Conditions

Access (details required, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Vehicle parking and turning

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

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

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

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

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.

Informative

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access widening works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license 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-orcrossoversfordriveways-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-orcrossoversfordriveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

The applicant is also advised to contact the highway authority to arrange for cutting back of overgrown vegetation within the highway verge to improve visibility splays upon exiting the site.

MID SUSSEX DISTRICT COUNCIL

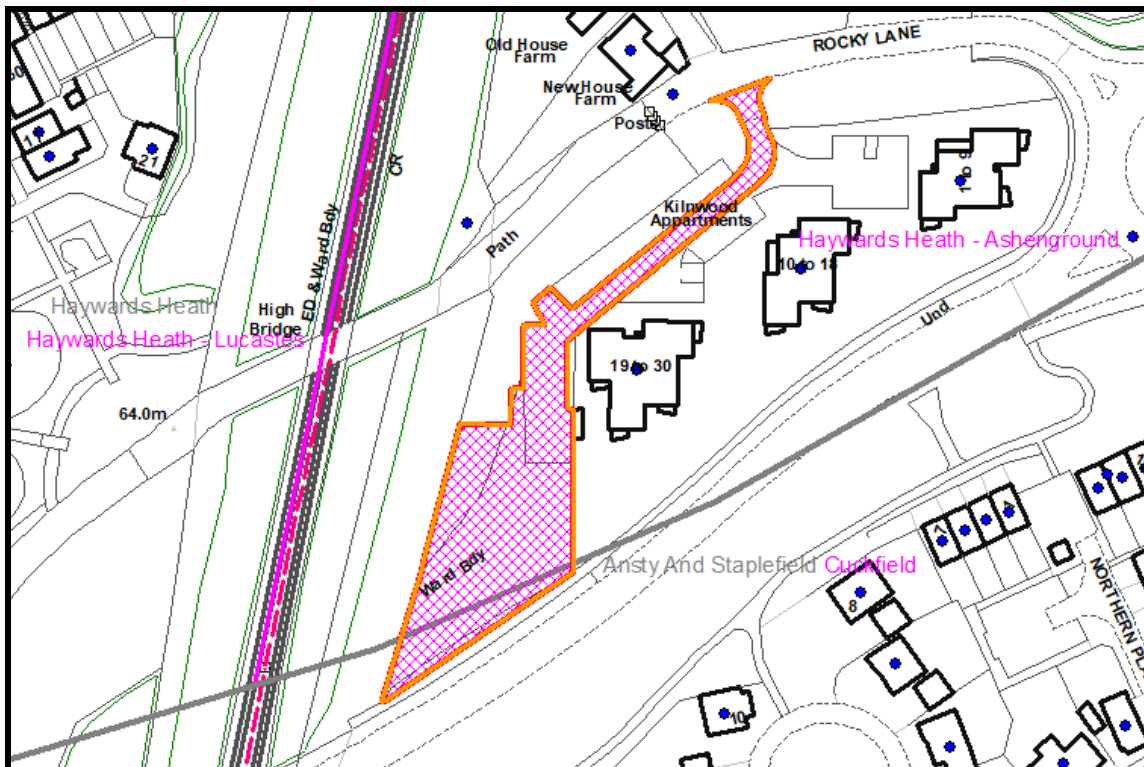
Planning Committee

8 APR 2021

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/20/3456



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LAND WEST OF KILNWOOD APARTMENTS ROCKY LANE HAYWARDS HEATH

ERECTION OF 9 APARTMENTS WITHIN A SINGLE THREE STOREY BUILDING, ALONG WITH ACCESS, PARKING AND LANDSCAPING. (REVISED PLANS RECEIVED 08.12.2020 SHOWING CHANGES TO THE RED LINE BOUNDARY, PARKING AND LANDSCAPING) (REVISIONS TO LANDSCAPING 03.02.2021)

MR ROBIN CROSS

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Informal Open Space / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat

Survey / Tree Preservation Order / Highways and Planning Agreement (WSSC) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 7th April 2021

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Caroline Grist

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 a three storey block of flats, containing 9 dwellings, with associated access, parking and landscaping on an area of land to the west of Kilnwood Apartments that is within the built up area boundary of Haywards Heath.

The application is before committee as the decision is finely balanced.

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 Haywards Heath 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.

Whilst the block of flats would reflect the design of the existing buildings, it is to be sited in an area of landscaping associated with the existing development that was also intended to soften its appearance and assist in creating a semi-rural appearance. This area of the site has a more prominent position through its higher land level, when viewed from Rocky Lane, and would appear visually further forwards. As such, given the pattern of development and semi-rural character along Rocky Lane, the introduction of a further block of flats is considered to have a significantly harmful impact on the character and appearance of the surrounding area.

Mitigation has been proposed through landscaping to the south of the flats and that would continue along the whole southern boundary of the development. This would include the removal of recently planted trees, which is harmful to their health and longevity, and the addition of further tree and shrub planting. This landscaping, however, cannot be guaranteed to remain in perpetuity and there are concerns that there would be future pressure on its retention as it grows to full maturity. As such it is considered that the enhanced landscaping would not mitigate the harm that has been identified.

Weighing in favour of the scheme is that the development would provide 9 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. Furthermore, three affordable housing units would be provided as well as relevant contributions to infrastructure. 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.

The proposal would result in the loss of existing car parking for the existing development, however concerns raised by local residents in respect of highways 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.

The development is considered to have a neutral impact in respect of a number of issues including on existing and future residential amenity, drainage and sustainability and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

Whilst the proposed development is identified to bring a range of benefits, when considered in as a whole in the planning balance, it is considered to have a significantly harmful impact on the semi-rural character of the surrounding area and would have an adverse impact on existing trees.

For the above reasons the proposal fails to comply with policies DP26 and DP37 of the Mid Sussex Development Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD. Accordingly, the application is recommended for refusal.

RECOMMENDATION

Recommend permission is refused for the reasons outlined at Appendix A.

LETTERS OF REPRESENTATION

Nineteen representations were originally received in response to the application. Ten of these responses are in support of the proposed development, noting the proposal will add to Mid Sussex's housing stock and that they are well designed. The remaining responses, in summary, raised the following issues:

- Development would be contrary to policies DP21 and DP26 of the Mid Sussex District Plan;
- Development would be contrary to policies E9 and H8 of the Haywards Heath Neighbourhood Plan;
- There is a five year housing land supply therefore these houses are not required;
- Overdevelopment of the site;
- Do not support the design of the flats;
- Proposed development is in a prominent position on high ground ahead of the established building line and would appear cramped;
- Will have an harmful impact on the semi-rural character of the area on a key approach road to Haywards heath;
- Proposal would have an harmful impact on views towards the South Downs along Rocky Lane, Old Rocky Lane and High Bridge;
- Development will be located in an area designated as landscape gardens for the existing tenants;
- Highway safety concerns;
- Will result in increased traffic and parking issues that would also affect Old Rocky Lane;
- Will result in a loss of parking spaces;
- No delivery parking spaces;
- It is a main thoroughfare for pedestrians and yet there is no footpath on the Public road and entrance to proposed site. This will be dangerous with increased traffic;
- Cycle access should be provided to the north side of the A272;
- Concerns regarding the submitted Transport Assessment;
- Adverse impact to the railway line;
- Lack of infrastructure;
- Concern regarding construction works;
- Should have been developed all together;
- Will create more disruption to the area;
- Flats will not be popular; and
- Question the letters of support.

It should be noted that any interested party can make a representation in response to a planning application and there are no requirements that prevent the same points from being made.

Following the closing of the consultation revised plans were submitted to overcome the concerns raised. These plans also changed the red line boundary of the development and a re-consultation was undertaken. Four representations were received that, in summary, raised the following new points:

- The addition of further trees does not overcome previous objections; and
- Concern regarding loss of wildlife corridors.

Further changes were made to the landscaping and three more representations were made. These letters state that the changes made do not overcome previous concerns. The choice of tree species proposed have also been questioned and that protected trees have been removed from the site.

SUMMARY OF CONSULTEES

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

Network Rail

No objection, informative recommended.

Southern Water

No objection, informative recommended.

WSSC Highways Authority

No objection, subject to conditions.

WSSC Minerals and Waste

No objection.

WSSC Public Rights of Way Officer

No objection.

WSSC Planning

S106 contributions sought:

Library - £2,847

Primary Education - £11,331

Secondary Education - £12,196

TAD - £12,380

MSDC Street Naming and Numbering Officer

No objection, informative recommended.

MSDC Contaminated Land Officer

No objection, subject to conditions.

MSDC Drainage Engineer

No objection, subject conditions.

MSDC Environmental Health Officer

No objection, subject to conditions.

MSDC Urban Designer

Object. Development would intrude into defined landscaping, arising from its proximity to the western boundary and to the existing apartment block C. Consequently, it will have an inappropriately urbanising impact upon this semi-rural site and the two blocks would appear conjoined.

Looking south-westwards along Rocky Lane from the roundabout junction (with Old Rocky Lane) the proposal extends the length of the building frontage; this creates an inappropriately urban appearance and context for the view towards the South Downs.

The landscaping, if allowed to grow to full maturity, may sufficiently soften the development where it is most visible, but this would take several years. Question a scheme that is wholly dependent on the delivery of these new trees, particularly as when they grow bigger they are likely to come under future pressure of removal or reduction because they will impact adversely on the views enjoyed by existing and future residents of the apartment blocks.

Existing trees have been removed and, as such, the existing development does not appear as softened and consequently sits less satisfactorily within its rural-edge context than was originally envisaged. The addition of the currently proposed building will exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

MSDC Tree Officer

Object. This development would be within an area approved and planted as landscaping/trees associated with the adjacent flatted development. This development was approved in part because the trees would provide some mitigation/screening from wider views and contribute to the biodiversity/softening of buildings etc.

This application proposes to relocate these trees and cluster them together in a small area along the frontage. This is not in the spirit of the previous approval. Furthermore, relocated trees are slower to establish and are more likely to suffer decline or death.

Existing trees on the site, albeit that they are still young, are not being respected. Relocating trees is not the intention of the policy DP37. The trees should be taken account of in situ. Furthermore, the provision of a hedge does not mitigate for the scale of the development or provide sufficient softening of buildings, biodiversity, screening or sufficient space for additional trees to be planted.

The additional landscaping would appear crammed in around the building with insufficient space for it to develop properly, unless as a wooded area, which the proposed trees are not appropriate for.

Consider the trees will come under future pressure to be felled due to encroachments, loss of light etc.

MSDC Parks and Landscapes Contract Monitoring Officer

Object. Proposed landscaping appears cramped and is mainly in a shaded area. The proposed planting is not suitable for this area and has little biodiversity benefit. The arrangement of re-located trees is not supported. No rationale has been provided behind the planting choices and there is concern regarding the existing landscaping that has been planted.

No comments provided on final scheme.

MSDC Leisure

S106 Contributions Sought:

Play - £8,123

Kickabout - £6,823

Formal Sport - £9,302

Community Buildings - £5,335

MSDC Housing

I understand that 3 affordable housing units (30%) are to be provided as required as part of this application. I can confirm that we will be requiring 3 on site affordable units in the form of 3 x 2B flats for rent on one floor. This will enable separate floors to be provided for different tenures.

Haywards Heath Town Council

Notwithstanding the fact that the principle of development on the site is effectively allowed, the Town Council OBJECTS to this application. As tabled, it would give rise to an overdevelopment of the site, it would reduce agreed landscape amenity and green space for existing residents and would result in parking congestion issues that would spill over on to the public space outside in the roadway. More significant than anything else is that the agents, DMH Stallard LLP, are very persistent in their disingenuous argument promoting that this cumulative unused windfall development land should not be subject to affordable housing or Section 106 funding for the community. Members are quite disappointed to see a developer bring forward something so blatantly wrong that would undermine both the Mid Sussex District Plan 2014-2031 and the Haywards Heath Neighbourhood Plan. The planning requirement to provide affordable housing is very clear - this is a cheap shot to undermine that and Members do not like it.

The Mid Sussex District Council Case Officer for the application has acknowledged that in purely design terms, the proposed block would be considered acceptable, but she has significant concerns regarding its location and visual prominence. The Town Council believes that the building would result in an overbearing form of development which would be too near the A272 relief road and a monstrous feature at one of the key entry points into the town.

The majority of the Town Council's response to the previous application for this site (DM/19/4731) remains relevant to this latest application and is reiterated below for the avoidance of doubt:

The Town Council objects to this application on account of there being no provision for affordable housing, which is contrary to Policy DP31 of the Mid Sussex District Plan (MSDP) 2014-2031. Whilst Members accept the applicant's contention that the site is unused windfall development land, they believe it is effectively an extension to the adjacent development of three blocks of apartments which was permitted under application references DM/15/5107 (outline) and DM/16/5547 (reserved matters). In other words, this latest proposal and the development of apartments each represent constituent parts of a 'cumulative' application for the entire site and, therefore, should both be subject to the same planning policy obligations. The Town Council has concerns that the Planning Supporting Statement prepared by DMH Stallard LLP conveniently omits any reference to the affordable housing liability for this site extension.

In the event that the application is granted permission, the Town Council requests that it is subject to the following conditions:

1. in view of the likely increase in vehicle movements to and from the apartments, the short stretch of Old Rocky Lane leading from the roundabout on the A272 relief road to the development must be upgraded so that it provides a proper continuous pavement for pedestrians as far as the footpath to Bolnore Village. At present, the pavement ceases shortly after exiting the A272, compelling motorists and pedestrians to use the same part of the highway, which is potentially hazardous and detrimental to highway safety;
2. street lighting provision along the short stretch of Old Rocky Lane should be improved for the benefit of pedestrians and highway safety in general. Care must be taken to ensure that any scheme does not cause undue light pollution for nearby residents;
3. the number of proposed on-site car parking spaces is inadequate and must be increased to ensure that parking does not spill out of the development on to Old Rocky Lane;
4. the design of the apartments should incorporate a scheme for solar panels (as unobtrusive as possible);

Reason: to accord with Policy DP39 of the MSDP 2014-2031;

5. electric vehicle charging points should be provided in the allocated parking area and ducting should be laid in order for any remaining parking spaces to be upgraded in the future;

Reason: in the interests of sustainability and as a result of the Government's 'Road to Zero' strategy, and to accord with Policy DP39 of the MSDP 2014-2031;

6. developer Section 106 contributions for local community infrastructure are allocated towards the proposed Country Park on land off of Hurstwood Lane.

Finally, the Town Council asks that Mid Sussex District Council reviews the ecological status of the site, given its previous status first as a reptile receptor site and then as a site from which reptiles - mainly slow worm and common lizard - were translocated.'

INTRODUCTION

Planning permission is sought to construct nine apartments within a single three storey building with associated access, parking and landscaping.

RELEVANT PLANNING HISTORY

DM/15/5107 - Outline application including access details for the development of up to 30 residential dwellings including vehicular access, open space, sustainable urban drainage systems; and associated landscaping, infrastructure and earthworks. Permitted.

DM/16/5547 - Reserved Matters application for 30 residential units including details of appearance, landscaping, layout and scale. Permitted.

DM/16/5543 - Discharge of planning conditions, including landscaping, relating to planning application DM/15/5107.

DM/17/2583 - Variation of Condition 2 relating to planning application DM/16/5547 to substitute plan drawings to provide 14 no. additional parking spaces. Permitted.

DM/19/4731 - Erection of 5 no. three storey dwellings along with associated access, landscaping and parking. Refused.

SITE AND SURROUNDINGS

The application relates to an area of land, 0.2 hectares in size, located to the west of Kilnwood Apartments. It is within the built up area of Haywards Heath, as defined by the Mid Sussex District Plan, and forms part of the original site for the adjacent apartments.

To the south of the site is the A272, with the London-Brighton railway line to the west. To the north is the Old Rocky Lane alignment, which also serves a small cluster of dwellings opposite the site. These dwellings include the Grade II listed Old

House Cottages; however, due to the position of the proposed development, it is considered that the setting of the listed building would not be affected. Beyond the A272, to the south, is a recent residential development known as 'The Beeches'.

The site slopes to the south/southwest and trees along the northern boundary of the site, to the west of the access and from Old Rocky Lane, are subject to a Tree Preservation Order (TP/15/0009). The site lies approximately 1km from Haywards Heath town centre.

APPLICATION DETAILS

Planning permission is sought to erect nine, two bedroom apartments, as well as associated access, parking and landscaping works.

The apartments have been designed to replicate the scale and appearance of the existing buildings. They are to be three stories in height, with a low pitched roof and a contemporary finish, using brick as the main facing material alongside brick detailing and bronze colour finishing to the windows and balconies. Three apartments are to be located on each floor, with one storey providing three affordable housing units and the remaining for open market.

In terms of parking the proposed site plan shows 14 vehicular parking spaces and 32 bicycle spaces for the proposed development that have been partially re-sited over the course of the application. Thirteen parking vehicle spaces are to be retained for the existing affordable housing and 28 for the remainder of the flats.

The landscaping for the proposal has developed during the application and in the final scheme it extends along the full southern boundary of the whole site, including the re-positioning of existing trees and planting of new trees.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

The requirement to determine applications 'in accordance with the plan' does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP37 - Trees, Woodland and Hedgerows
- DP39 - Sustainable Design and Construction
- DP40 - Renewable Energy schemes
- DP41 - Flood Risk and Drainage

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in December 2016.

Relevant policies:

- Policy E7 - Flooding and Drainage
- Policy E9 - Design
- Policy H8 - Housing Development within the Built up Area Boundary
- Policy T3 - Car Parking

West Sussex County Council Parking Calculator

Mid Sussex Design Guide Supplementary Planning Document

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework

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

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

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

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

National Planning Policy Guidance

Ministerial Statement and National Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design

and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- Design and impact on the character of the area;
- Impact on the amenities of neighbouring properties;
- Space standards;
- Highway impact and parking provision;
- Ashdown Forest;
- Sustainability;
- Drainage;
- Affordable Housing;
- Infrastructure; and
- Planning Balance and Conclusion.

Principle of Development

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

As the proposed development is within the built up area of Hayward Heath, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

As such the principle of development is considered to be acceptable subject to compliance with policy DP26.

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy DP37 of the Mid Sussex District Plan supports the protection and enhancement of trees, woodland and hedgerows and, in particular, ancient woodland will be protected

Policy E9 of the Haywards Heath Neighbourhood Plan states:

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

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*

- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development. Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'*

Policy H8 of the Neighbourhood Plan states:

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

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'*

In terms of the Mid Sussex Design Guide SDP, principle DG3 relates to working with a site's natural features and resources. It sets out that:

'The landscape characteristics should be considered from the outset of the design process. The existing natural landscape informs the existing character of most sites. It should be retained as much as possible so that it shapes the form of new development and is incorporated to enhance its setting while reducing its impact on the wider landscape. This includes the consideration of the topography, trees and vegetation, orientation, landform, geology, watercourses/drainage, field patterns, boundaries and ecology.

The integration of the natural features provides the basis for a green infrastructure network that should underlie new schemes and enable them to contribute positively to the sustainability agenda and give them a sense of place, while also reducing the impact of the built form on the wider landscape.

The provision of green infrastructure is increasingly important in addressing the effects of climate change as it can help mitigate flooding, maintain biodiversity and play a role in reducing urban air temperatures. Green infrastructure also encourage healthy lifestyles by enabling outdoor activities.'

Principle DG7 is considered to be relevant and states:

'Views across the open countryside from elevated locations in the District, especially in the High Weald and South Downs National Park, are an important part of the District's character and must be retained. Developments, particularly at a larger scale, must be carefully managed to minimise adverse impacts. New buildings should not obscure or cause adverse impact on these existing views and attention must be given to reduce the impact of development against the skyline or ridgelines of hills.'

Development proposals should soften their appearance within the landscape by minimising their visual impact through integrating them within the existing landform and with the careful siting of buildings and landscape.

Applicants should identify important views into and out of their site. This may include long distance views to landscape features or buildings or shorter distance views to attractive or distinctive townscape. Where appropriate development should be laid out so that these views are retained and where possible enhanced to improve legibility whilst ensuring that new development is appropriately screened so as not to impact on views towards the site.'

Principle DG38 sets out key considerations in terms of building design:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.'

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

In terms of tree planning and soft landscaping principle DG27 is also relevant and states:

'Trees and soft landscape make an important contribution to the character of an area by providing both physical and visual amenity, improving biodiversity and enhancing

sense of place. They have a strong impact on people's well-being, soften the impact of buildings and structures, and indicate the passage of the seasons through their growth and change through the year, and should therefore be incorporated throughout new development.

From the outset, there should be a clear landscape strategy that is an integral part of the design of new development covering all streets and public spaces while accounting for the growing process. Consideration must also be given to the future maintenance of trees and plants in the design. Native trees and shrubs and longer-lived species should be selected where possible and appropriate as they support a greater variety of wildlife, are often more suited to local conditions and better reflect the character of the wider countryside'.

It then sets out that trees and soft landscaping should be selected and located according to a range of features including the growing space available, the final height and spread, existing species in the locality, the character of the area, ensuring overlooking of shared spaces and minimising overshadowing.

The application site relates to an area of land to the west of Kilnwood Apartments, which formed part of that development site. It currently forms part of the landscaping for this development and sapling trees, for example, have been planted as part of this.

As reflected in the response from the Urban Designer, a key element of the Kilnwood Apartments development was its relationship with surrounding landscape. Whilst now within the built up area boundary for Haywards Heath, the character of this area is not overly residential, with surrounding development set back and away from the A272 by landscaping, creating a semi-rural appearance. The prominent ridge-line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened. The existing development was intentionally designed to provide generous landscaping within the development and along the southern boundary to minimise the interference of the long views of the South Downs, when viewed southwards along Rocky Lane. The Urban Designer has therefore advised that the current proposal would undermine the relationship of the existing development with the landscape.

Objection has also been raised by the Urban Designer as the proposal would inappropriately intrude into the defined landscaped areas around the apartment blocks that were established by the 2017 permission. This issue arises from the proximity of the development to the western boundary and to the existing apartment block C. It would therefore have an inappropriately urbanising impact upon this semi-rural site.

Concern was also raised regarding the position of the new block in relation to the adjacent building. This position was considered to be uncomfortably close and, as the spacing is smaller and more hard-edged, they are more likely to appear a joined buildings.

In terms of views it is advised that looking south westwards, along Rocky Lane from the roundabout junction with Old Rocky Lane, the proposal extends the length of the building frontage, creating an inappropriately urban context for the view towards the South Downs.

Lastly it was advised that the proposal appeared cramped due to the proximity of the car park and the balcony serving flat 31, providing a poor outlook.

Objection was also raised by the Council's Tree Officer. No additional landscaping was proposed other than a mixed native hedge, which would not mitigate the scale of the development or provide adequate softening or biodiversity, and the proposed block would be situated within an area that was approved, and planted as landscaping, for the existing development, which would provide screening to the existing flats, softening their appearance, and providing biodiversity.

The existing trees within the landscaping were to be re-located and clustered within the frontage, which would be contrary to the spirit of the original development and re-located trees would be slower to establish and are more likely to suffer death or decline.

In response to these comments revisions were made by the developer that re-arranged the parking layout and updated the landscaping scheme so that it would also extend to cover the full boundary along Rocky Lane.

The Urban Designer has reviewed the revised plans and advised that, whilst the landscaping may sufficiently soften the development, it will, however, take several years to develop and the nature of a scheme that is dependent wholly on landscaping is questioned. Furthermore, in the future, there may be pressure from residents for their reduction or removal as they may affect views or cause overshadowing.

It has also been noted that retained trees have been removed during the course of the previous development that has affected how the existing flats sit within its semi-rural context and the addition of a further block would exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

The Tree Officer has advised that the space for the trees appears tight and there would be insufficient space for them to grow. Furthermore, Parks and Landscapes Contract Monitoring Officer has objected in terms of the species of trees and plants proposed. It has been noted that many of the species proposed would not be suitable for the climate in this location or the soil conditions and would not provide the anticipated screening. Concerns were also raised that the landscaping appeared cramped and would have limited biodiversity value.

Further amendments were made in terms of the number of trees that are to be re-located and amended some of the species within the planting plan. The Urban

Designer has advised that overall the previous comments still stand. It is considered that the removal of the closest trees to the blocks may address some of the immediate overshadowing problems, but it also results in a reduced tree screen and over time there will also be pressure to reduce the trees that are still shown where they impose upon the far-reaching views of the Downs. The Tree Officer has also advised that their concerns remain.

Overall the proposed development is to be situated in an area of landscaping for the existing apartments that was to assist in softening its appearance and providing a cohesive scheme in the context of this semi-rural area. In terms of design it is considered that, as the proposed block of flats would replicate the existing development, no objections on this matter are raised. In terms of the impact on the character and appearance of the surrounding area, the application site is situated on a higher land level, when viewed from Rocky Lane, and due the proposed siting of the flats, it will visually appear further forward of the existing built form. Given the height and position of the new block it is considered that it would have greater visual prominence and would appear very dominant in views from Rocky Lane. Whilst it is acknowledged that there is now established development to the south of Rocky Lane, it is set away from the highway by a grassed area and at a lower level, thereby reducing its visual impact.

In terms of the landscaping proposed it would still result in the re-location of existing trees, in groups, to accommodate the development. Species of concern have been removed however little supporting information has been provided in terms of their ecology value. Whilst the increased landscaping would be of benefit to the scheme, planning conditions can only protect landscaping for the first five years of the development. It is also considered that conditioning the trees, so they are protected would have a limited benefit, as enforcement action can only be taken once they have been removed. Furthermore, there would likely be future pressure on the trees, as they grow to full maturity, and have greater impact on residents. As such it is considered that the landscaping proposed would not provide adequate mitigation to address the impacts of the proposed development on the character and appearance of the surrounding area. It is therefore concluded that the proposed development would not comply with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*'.

Policy H8 states that proposals should "safeguarded" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict

between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed development is to be sited to the west of the existing block of flats, block C, and have a separation distance of some 11.0 metres. Furthermore, the proposed flats are to continue the staggered arrangement of the existing development. Given the position of the new flats in relation to the existing and the separation distance proposed it is considered that there would not be a significant impact in terms of loss of light or outlook to existing residents. In terms of overlooking, due to the arrangement of the blocks and the windows within, there would not be any loss of privacy to existing or future residents.

In terms of the amenity for future residents, concern was raised by the Urban Designer regarding the outlook of the front flat as they would front onto parking spaces. This concern has been addressed, however, by the re-location of parking spaces to improve this aspect. The Environmental Protection Officer had previously raised issue regarding the proximity of the railway line and a road in relation to the new block of flats. A Noise and Vibration Assessment has been submitted and it is advised address this concern, providing a condition is attached to ensure that the recommendations set out in this report are complied with as well as stipulating that the internal noise levels meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

A number of representations have been made by residents regarding the impact of the building works on their amenity. Conditions have been recommended by the Environmental Protection Officer relating to construction and delivery hours as well as to prevent burning from taking place on site. A further condition has been proposed by the Highways Authority to secure a Construction Management Plan, which would also assist on this matter. It is therefore considered that these conditions would reasonably control the construction period of the proposed development, to ensure that there would not be an unreasonable impact to neighbours, and can be enforced against if necessary. It is therefore considered that, including the recommended conditions, the proposed development would comply with policy DP26 of the Mid Sussex District Plan and H8 of the Haywards Heath Neighbourhood Plan regarding the impact to existing and neighbouring residents.

Highway impact and parking provision

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

adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

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

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

Paragraph 109 of the NPPF is relevant in respect of transport matters and states that:

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

The Kilnwood Apartments development has 30 residential flats that, under DM/16/5547, originally had 41 car parking spaces secured. This level of parking was increased under DM/17/2583 and a further 14 car parking spaces were provided, bringing the total level to 55. This was based on 13 unallocated parking spaces for the 9 affordable two bedroom units and 42 allocated parking spaces for the 21 private market two bedroom units. There are therefore 4 spaces remaining for overspill/visitor parking to this site.

The submitted application is to allocate 14 spaces for the new development, leaving 13 parking spaces for the existing affordable housing and 28 for the remaining built flats. As part of the application, a supporting transport document has been supplied which states:

'Using WSCC's own parking assessment calculations it is shown that if all the apartments are allocated 1 parking space each, the total parking demand (allocated and unallocated) is 42 spaces, which equates to an average of 1.4 parking spaces per flat. Applying this parking average to 39 residential units, made up of the 30 consented apartments and the proposed 9 additional apartments, requires an overall on-site parking provision of 55 spaces, which is shown on the submitted development layout.'

The Local Highways Authority have reviewed this statement and agree with the conclusion. As such no further parking is required for the new development. Changes have been made to the parking arrangement during the course of the application to which no objections have been made.

No objections are raised by the Highways Authority on any other matters, including access and sustainability, and conditions are recommended in order to secure the cycle parking and a Construction Management Plan.

Given the response made by the Highways Authority, it is therefore concluded that the development would supply sufficient parking and would not result in any highways safety concerns. As such the proposal would accord with policy DP21 of the Mid Sussex District Plan and T3 of the Haywards Heath Neighbourhood Plan.

Standard of accommodation

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan seeks to ensure that Dwelling space standards comply with The Government's Technical Housing Standards - Nationally Described Space Standards document, which sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

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

Affordable Housing

Policy DP31 of the Mid Sussex District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

Whilst the proposed development would only provide nine new dwellings, consideration must be given to its context within the Kilnwood Apartment site and if these schemes should be aggregated.

Case Law establishes that the following criteria can be considered when considering if schemes can be aggregated:

- Ownership;
- Whether the areas of land could be considered to be a single site for planning purposes; and
- Whether the development should be treated as a single development.

These criteria are not mandatory or exhaustive, as there may be other relevant matters, and their consideration is a matter of planning judgement.

In terms of the development plan, whilst policy DP31 does not specifically reference aggregating sites, there are thresholds that set out when affordable housing will be sought for all residential developments. The phrase 'residential developments' is not defined, but the supporting text of DP31 does state that this would include '*any other developments where there is an increase in the number of residential units on the site*'. The word 'site' is again not defined and is not restricted, for instance, to an application site. It can therefore be considered that this application for further development is an increase in the number of residential units on the wider site area, having regard to the case law criteria above and any other relevant considerations.

In terms of the above criteria, with regards to ownership, the application site is within the same ownership as the larger application site. It is not considered relevant that the owner has changed from the original outline consent, as the plot was sold as a whole and the same developer has progressed the applications and development since. Furthermore, they would need to own the larger site, so the proposed development can benefit from the existing infrastructure and in terms of access and parking.

In terms of the site, it falls within the red line application site for the previous applications and was part of the same planning unit. There was never any suggestion that this smaller area was not part of the same unit and as there were landscaping requirements on this section of the site, there can be little argument to the contrary. There was never any physical barrier or separate access to the smaller application site area to suggest any separation or independence between the two areas. This 4th block is proposed to be constructed in an area of the original permission where there should be an extended and strengthened woodland belt and an informal woodland recreation area. The applicant has therefore proposed a new landscaping scheme to address this which will relate to the site as a whole. Whilst the parties may not have intended to always include a fourth block, this is not considered to be particularly relevant as it is clear that this area was always part of the wider site.

This smaller site would use the same access, internal road and parking. The building would look the same as the other buildings on the site and is set out in such a way that it appears to be a natural continuation of the buildings and the site. There is no physical barrier or separate access or alternative layout/design, such as the 5 dwellings applied for under DM/19/4731, that sets this building apart from the other blocks. It would appear to be part of the same development to anyone looking at it. Whilst the current blocks are complete and occupied, it is likely to be the same developer that will implement this permission and it is quite usual for development to be constructed in phases and for these to be completed and occupied at different times. There is significant interdependence with the remainder of the site for access and other infrastructure, including the landscaping elements. The proposed development would not be developed wholly independently.

It is therefore considered that the facts of the case point to this being a single site and, as such, affordable housing should be provided. The Housing Manager has confirmed that, in this instance, three on site affordable units will be required in the form of 3 x 2B flats for rent on one floor to enable separate floors to be provided for different tenures.

The Applicants have confirmed agreement to providing affordable housing and works are progressing on the legal agreement. The proposal therefore complies with Policy DP31 of the Mid Sussex District Plan.

Infrastructure contributions

Policy DP20 requires applicants to provide for the cost of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing, which is dealt with under Policy DP31 of the Mid

Sussex District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework, the infrastructure set out below is to be secured through a planning obligation.

County Council Contributions

Library: £2,847 - providing additional stock at Haywards Heath Library.
Primary Education: £11,331 - additional facilities at Warden Park Primary Academy.
Secondary Education - £12,196 - additional facilities at Warden Park Secondary Academy.
TAD: £12,380 - South Road Pedestrian enhancement scheme.

District Council Contributions

Play: £8,123 - Pinewood Way, Acre close and Sandy Vale locally equipped play areas.
Kickabout: £6,823 - Bolnore Recreation Ground.
Formal Sport: £9,302 - Bolnore Recreation Ground
Community Buildings: £5,335 - Ashenground Community Centre.

Local Community Infrastructure: £6,057 - To be confirmed.

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

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

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.'*

Paragraph 148 of the NPPF states:

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

Paragraph 153 states:

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

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

A statement has been submitted as part of this application setting out sustainability measures that include:

- Using a fabric first approach to maximise air tightness, provide high levels of insulation and optimise solar gains and natural ventilation;
- Water saving fittings are to be used with flow regulators;
- Water efficient WCs;
- High performance level of glazing to be installed to reduce heat loss and unwanted heat gains;
- Provision of water butts;
- Cycle storage; and
- Measures to reduce surface water run off.

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

Drainage

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

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

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

Ashdown Forest

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

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

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

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

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

National planning policy 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 five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The proposed development would result in nine new dwellings in a sustainable location, within the built up area of Haywards Heath; this would make a minor but positive contribution to the District's housing supply. 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 existing car parking for the existing development, concerns raised by local residents in respect of highways 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.

The development is considered to have a neutral impact in respect of a number of issues including on existing and future residential amenity, drainage and sustainability and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

Whilst the block of flats would reflect the design of the existing buildings, it is to be sited in an area of landscaping associated with the existing development that was also intended to soften its appearance and assist in creating a semi-rural appearance. This area of the site has a more prominent position through its higher land level, when viewed from Rocky Lane, and would appear visually further forwards. As such, given the pattern of development and semi-rural character along Rocky Lane, the introduction of a further block of flats is considered to have a significantly harmful impact on the character and appearance of the surrounding area.

Mitigation has been proposed through landscaping to the south of the flats and that would continue along the whole southern boundary of the development. This would include the removal of recently planted trees, which is harmful to their health and longevity, and the addition of further tree and shrub planting. This landscaping, however, cannot be guaranteed to remain in perpetuity and there are concerns that there would be future pressure on its retention as it grows to full maturity. As such it is considered that the enhanced landscaping would not mitigate the harm that has been identified.

Whilst the proposed development is identified to bring a range of benefits, when considered in as a whole in the planning balance, it is considered to have a significantly harmful impact on the semi-rural character of the surrounding area and

would have an adverse impact on existing trees. For this reason, the proposal fails to comply with policies DP26 and DP37 of the Mid Sussex Development Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD. Accordingly, the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

1. The development would have a significantly harmful impact on the semi-rural character of the area, through the urbanisation of a prominent location that also impedes views to the South Downs along Rocky Lane. The scheme would also result in the loss of agreed landscaping that formed part of the Kilnwood Apartments development. The proposal therefore fails to accord with policies DP26 and DP37 of the Mid Sussex District Plan, policies E9 and H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

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 Elevations	2004-P-005-P1		14.09.2020
Proposed Floor Plans	2004-P-004-P1		14.09.2020
Location and Block Plan	2004-P-001-P4		08.12.2020
Proposed Site Plan	2004-P-012-P1		08.12.2020
Proposed Site Plan	2004-P-002-P6		08.12.2020
Proposed Elevations	2004-P-013-P1		08.12.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Notwithstanding the fact that the principle of development on the site is effectively allowed, the Town Council OBJECTS to this application. As tabled, it would give rise to an overdevelopment of the site, it would reduce agreed landscape amenity and green space for existing residents and would result in parking congestion issues that would spill over on to the public space outside in the roadway. More significant than anything else is that the agents, DMH Stallard LLP, are very persistent in their disingenuous argument promoting that this cumulative unused windfall development land should not be subject to affordable housing or Section 106 funding for the community. Members are quite disappointed to see a developer bring forward something so blatantly wrong that would undermine both the Mid

Sussex District Plan 2014-2031 and the Haywards Heath Neighbourhood Plan. The planning requirement to provide affordable housing is very clear - this is a cheap shot to undermine that and Members do not like it.

The Mid Sussex District Council Case Officer for the application has acknowledged that in purely design terms, the proposed block would be considered acceptable, but she has significant concerns regarding its location and visual prominence. The Town Council believes that the building would result in an overbearing form of development which would be too near the A272 relief road and a monstrous feature at one of the key entry points into the town.

The majority of the Town Council's response to the previous application for this site (DM/19/4731) remains relevant to this latest application and is reiterated below for the avoidance of doubt:

The Town Council objects to this application on account of there being no provision for affordable housing, which is contrary to Policy DP31 of the Mid Sussex District Plan (MSDP) 2014-2031. Whilst Members accept the applicant's contention that the site is unused windfall development land, they believe it is effectively an extension to the adjacent development of three blocks of apartments which was permitted under application references DM/15/5107 (outline) and DM/16/5547 (reserved matters). In other words, this latest proposal and the development of apartments each represent constituent parts of a 'cumulative' application for the entire site and, therefore, should both be subject to the same planning policy obligations. The Town Council has concerns that the Planning Supporting Statement prepared by DMH Stallard LLP conveniently omits any reference to the affordable housing liability for this site extension.

In the event that the application is granted permission, the Town Council requests that it is subject to the following conditions:

1. in view of the likely increase in vehicle movements to and from the apartments, the short stretch of Old Rocky Lane leading from the roundabout on the A272 relief road to the development must be upgraded so that it provides a proper continuous pavement for pedestrians as far as the footpath to Bolnore Village. At present, the pavement ceases shortly after exiting the A272, compelling motorists and pedestrians to use the same part of the highway, which is potentially hazardous and detrimental to highway safety;
2. street lighting provision along the short stretch of Old Rocky Lane should be improved for the benefit of pedestrians and highway safety in general. Care must be taken to ensure that any scheme does not cause undue light pollution for nearby residents;
3. the number of proposed on-site car parking spaces is inadequate and must be increased to ensure that parking does not spill out of the development on to Old Rocky Lane;
4. the design of the apartments should incorporate a scheme for solar panels (as unobtrusive as possible);

Reason: to accord with Policy DP39 of the MSDP 2014-2031;

5. electric vehicle charging points should be provided in the allocated parking area and ducting should be laid in order for any remaining parking spaces to be upgraded in the future;

Reason: in the interests of sustainability and as a result of the Government's 'Road to Zero' strategy, and to accord with Policy DP39 of the MSDP 2014-2031;

6. developer Section 106 contributions for local community infrastructure are allocated towards the proposed Country Park on land off of Hurstwood Lane.

Finally, the Town Council asks that Mid Sussex District Council reviews the ecological status of the site, given its previous status first as a reptile receptor site and then as a site from which reptiles - mainly slow worm and common lizard - were translocated.'

Parish Consultation

The Town Council upheld its OBJECTION to the application, stated in its response dated 23/10/20 as it was deemed that no material changes had been made to the application and there was still no provision for affordable housing. To this end, none of the Town Council objections had been addressed so the Town Council repeated its previous comments on the application.

Network Rail

Thank you for consulting Network Rail on the planning application DM/20/3456, please see our formal comments below.

From a planning perspective Network Rail has no objections to the proposed development. However, due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail recommends the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. The ASPRO team will ensure that the works can be completed safely without posing a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the attached Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

Southern Water

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

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

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration

- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

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

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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

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

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

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

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

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

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been

submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

WSSC Highways Authority

Comments received 27.01.2021

WSSC has reviewed the previous planning response from County Highways. Our comments still Stand.

Comments received 14.10.2020

The highway authority has no objection to the proposed use.

The transport note supplied with the application states that the proposal is likely to have a minimal impact on the local highway network, and we agree.

Most of the issues raised by the application have been addressed in previous planning applications for the site, which resulted in the construction of 30 apartment homes. The resolved issues include road access (already in place) and sustainability.

As for parking, the transport note states in paragraph 3.4:

Using WSSC's own parking assessment calculations it is shown that if all the apartments are allocated 1 parking space each, the total parking demand (allocated and unallocated) is 42 spaces, which equates to an average of 1.4 parking spaces per flat. Applying this parking average to 39 residential units, made up of the 30 consented apartments and the proposed 9 additional apartments, requires an overall on-site parking provision of 55 spaces, which is shown on the submitted development layout.

The authority agrees with this assessment and has no further comments to make on vehicle parking.

The site layout was substantively covered in the previous applications.

Conditions:

Cycle parking

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

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

Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details 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 (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.

WSCC Minerals and Waste

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

We would not expect to be consulted on applications of this type as it is within brownfield land within the built up area, and therefore no mineral sterilisation will occur.

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

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

WSCC Public Rights of Way Officer

Further to the recent consultation on the above named planning application I can confirm WSCC PROW have no comment to make as no PROW are affected by the proposal.

WSCC Planning

S106 contributions sought:

Library - £2,847

Primary Education - £11,331

Secondary Education - £12,196

TAD - £12,380

MSDC Street Naming and Numbering Officer

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

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of

fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Contaminated Land Officer

The site has had historical use as agricultural land, and as such may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination.

It is noted that some limited testing was carried out as part of 12/00535/DCOND for the area proposed to be developed as part of this application, and that no issues.

However it is still recommended that a discovery strategy should also be attached to the proposal, so that in the event that contamination not already identified is found, that works stop until such time that a further assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

1) 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.

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

SURFACE WATER DRAINAGE

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

The application has been supported by a Drainage Strategy Briefing Note (Arden, June 2020). This report states that infiltration testing was undertaken in July 2017 for the adjacent development which shows infiltration rates close to the development site to be 1.2×10^{-5} m/s. The proposed drainage strategy is based upon this infiltration rate.

We would advise the applicant that site specific infiltration testing should be utilised during the detailed drainage design to ensure accurate, up to date infiltration rates are used.

It is proposed that the development will manage surface water drainage using infiltration. Unlined permeable block paving is proposed for all vehicular areas. An attenuation / infiltration area is proposed beneath the permeable paving, located a minimum of 5m from all structural elements. It is proposed that the residential block would discharge to the attenuation / infiltration area.

The surface water drainage system has been designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. We would advise the applicant that infiltration devices should be sized to ensure a half drain time of 24-hours or less.

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 manage foul water drainage through a gravity fed connection to the public foul sewer located adjacent to the site. It is understood that qualifying foul drains will be offered for adoption.

The Surface and Foul Water Drainage Strategy plan (Ardent, 196240-300, Nov 2019) shows a proposed foul water sewer being laid beneath an existing surface water swale. It is unclear what drainage or flood risk management function the existing swale provides.

We would advise the applicant that Southern Water generally require public sewers to be located away from any infiltration devices. We understand that they require sewers to be a minimum of 5m from any infiltration device. However, we would advise the applicant to confirm this with Southern Water.

The Flood Risk and Drainage Team are also likely to object to the locating of a foul drainage pipe beneath an existing swale, where that swale provides an active drainage or flood management function. This objection is due to the interruption of service of the swale during construction, and the potential impact on the swale's function post-development.

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.

PROTECTIVE MEASURES DURING CONSTRUCTION - EXISTING DRAINAGE / FLOOD MANAGEMENT FEATURES (INCLUDING SWALE)

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of any existing drainage or flood management

features on site, including the identified swale, shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

MSDC Environmental Health Officer

Given the proximity of the site to the railway line and a road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to. Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter are dealt with at the planning stage.

A Noise and Vibration Assessment by Ardent (ref: NO X274-01A), dated the 17th June 2020 has been submitted as part of the applications, and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed in the report should ensure that future residents are protected in regards current environmental noise levels. This includes ventilation specification as well as glazing specification, due to the fact that BS8233:2014 standards cannot be met with the windows open.

A condition is therefore recommended to ensure that the proposed protection is put in place, and that internal levels within the proposed properties therefore meet World Health Organisation Guidelines on Community Noise and BS8233:2014 standards.

Additionally Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise and dust. Conditions are therefore recommenced in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

1. Glazing and trickle vents installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Ardent (ref: NO X274-01A), dated the 17th June 2020.

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

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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

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

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

MSDC Urban Designer

Comments received 04.03.2021

Overall my previous comments stand. I would though add that the removal of the closest trees to the blocks may address some of the immediate overshadowing problems, but it also results in a reduced tree screen and over time there will also be pressure to reduce the trees that are still shown where they impose upon the far-reaching views of the Downs.

Comments received 06.01.2021

As my comments largely focus on tree planting, they are subject to Irene's views which I will defer to.

The revised drawings do not appear to show any change to the proposed building envelope or footprint. The main difference is the addition of a proposed tree belt along the Rocky Lane road frontage that extend across the front of the existing blocks A-C as well as the proposed block D. If these trees were allowed to grow to full maturity, this may sufficiently soften the development from the vantage where the development is most visible and impacts on the viewing corridor towards the South Downs. However, this will take several years. Furthermore, I question a scheme that is wholly dependent on the delivery of these new trees, particularly as when they grow bigger they are likely to come under future pressure of removal or reduction because they will impact adversely on the stunning far-reaching views enjoyed by existing and future residents of the apartment blocks, and because the closest trees may also overshadow living rooms and balconies.

It should also be borne in mind that the 2017 consent showed the retention of a number of large mature trees that were subsequently removed from the western boundary (where the current apartment block is proposed) approximately at the time of the development of blocks A-C; with the loss of this back drop of mature trees (five of these trees were deemed good enough to be category B in the outline application tree survey) along this boundary, the built scheme is less softened and consequently sits less satisfactorily within its rural-edge context than was originally envisaged (and assessed at the previous application). The addition of the currently proposed building will exacerbate this. Furthermore, the proximity of the proposed block on the western boundary will have a further urbanising impact at least in the short to medium term as it will result in an abrupt contrast with the more natural landscape to the south and west when viewed along Rocky Lane; over time the proposed trees on this boundary may mitigate this to some extent but it is again dependent on them being allowed to reach maturity.

For these reasons I maintain my previous objection (dated 9/11/20) to the scheme.

Comments received 13.11.2020

This scheme has been submitted without pre-application consideration and follows the 2017 approval (DM/16/5547) of the three adjacent apartment blocks designed by the same architect that both I and the Design Review Panel supported. Subsequently there was also a refused scheme for 5 three storey dwellings (DM/19/4731) which like the current scheme was trying to fit too much on to this site.

A key element of the approved scheme was its relationship with the landscape, which is now undermined by the current proposal. The prominent ridge-line and semi-rural position of this site makes the landscaped thresholds agreed in the previous scheme necessary to ensure that new development is suitably softened so it: (a) sits comfortably within its immediate semi-rural context, and (b) does not inappropriately impede upon wider views of the South Downs along Rocky Lane. The landscaped thresholds, that include generous separation gaps between the blocks and around the boundaries, are therefore key elements of the earlier scheme, and relevant for any subsequent proposal. I therefore object to the application as it runs contrary to the guidelines set out in DG3, DG7 and DG27 of the Mid Sussex Design Guide SPD for the following reasons:

- The current application inappropriately intrudes into the defined landscaped threshold areas around the apartment blocks that have been established by the 2017 consent. This arises from its proximity to the western boundary and to the existing apartment block C. Consequently, it will have an inappropriately urbanising impact upon this semi-rural site.
- It is uncomfortably close to the adjacent apartment block, and the two blocks are more likely to look conjoined as the separation gap is smaller and more hard-edged than the gaps between the approved apartment blocks.
- Looking south-westwards along Rocky Lane from the roundabout junction (with Old Rocky Lane) the proposal extends the length of the building frontage; this creates an inappropriately urban appearance and context for the view towards the South Downs.

Another sign that the scheme has been squeezed-in is the proximity to the car park of the balcony serving the adjacent ground floor flat (no.31) which provides it with a poor outlook.

MSDC Tree Officer

Comments received 18.02.2021

My previous comments stand.

Comments received 06.01.2021

I'm afraid that while I note the additional 'beefed up' landscaping, it does feel as if it's been crammed in around the building with insufficient space for it to develop properly, unless as a wooded area, which these trees are not appropriate for.

Furthermore, the landscaped area which it is now proposed to build on, or relocate trees from, was intended to allow space for the trees but still allow an area for residents to use. I consider that these trees will come under future pressure to be felled due to encroachment, loss of light etc.

My comments were not intended just to address views of the buildings and screening but also in relation to amenity space for existing flat occupants.

I continue to object and my previous comments stand.

Comments received 29.10.2020

I object to this application.

There is no additional landscaping proposed apart from a mixed native hedge. This development would be within an area approved and planted as landscaping/trees associated with the adjacent flatted development. This development was approved in part because the trees would provide some mitigation/screening from wider views and contribute to the biodiversity/softening of buildings etc

This application proposes to relocate these trees and cluster them together in a small area along the frontage. I believe this is not in the spirit of the previous approval. Furthermore, relocated trees are slower to establish and are more likely to suffer decline or death.

The proposal is contrary to DP37. Existing trees on the site, albeit that they are still young, are not being respected. Relocating trees is not the intention of the policy. The trees should be taken account of in situ. Furthermore, the provision of a hedge does not mitigate for the scale of the development or provide sufficient softening of buildings, biodiversity, screening or sufficient space for additional trees to be planted.

MSDC Parks and Landscapes Contract Monitoring Officer

Comments received 11.01.2021

Thank you for giving us the opportunity to comment on the planning application DM/20/3456 (Revised plans received 08.12.2020 showing changes to the red line boundary, parking and Landscaping).

Studying carefully the proposed plans for these flats I cannot support this application for the reasons mentioned below.

Planting Plan:

- The proposed landscape area looks as being very cramped and is mainly located in the shaded area of these flats having little or no architectural value for this residential area.
- The proposed planting plan is composed from a mixture of plants that either thrive in acid soil conditions or alkaline soil conditions.
- The proposed planting plan is formed from a mixture of grasses and perennials that will thrive in full sun conditions only. For example Libertia, Phlomis, Miscanthus. Moreover there is a deficiency in plants that will flower and the site is not going to be aesthetically pleasing
- The proposed planting plan have little or no biodiversity value.

Proposed trees:

- Populus tremula: These tree are native tree that are predominant in colder parts of the UK such as Scotland so it is unlikely for these specie to thrive in southern conditions. Also when these trees are in flower the catkins and the fluffy seeds are known to be a problem for people with allergies. These trees like wet conditions that aren't present for that location. Moreover if these trees will ever rich maturity they may become dangerous

as the soft wood will split in storm conditions and as these trees are located in exposed conditions is very likely for them to become a problem.

- Multi-stem Betula Pendula: Nice small architectural tree that is more likely to be present in a courtyard than on a side of a railway. The small multi-stem trees will not create a visual barrier/screening from the railway track for the residents living in the flats.
- Relocated trees: The newly planted trees that are proposed to be relocated will be crammed in a corner diminishing the architectural and biodiversity value.

Planting strategy:

- The document that was presented is not relevant and doesn't explain the reasoning behind the design decision. It is obvious that the plan to relocate the trees is to make space for the new block of flats and there are no design considerations regarding the outlook of this area in the distant future. Moreover there are evidence that the existing soft landscape for the existing block of flats is failing as the exposed site and the lack of maintenance is not providing a good environment for the planted vegetation to thrive.

If the proposed planning application is to be approved a Landscape management plan for the area needs to be provided to make sure the planting will take and the proposed goal is achieved.

MSDC Leisure

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

CHILDRENS PLAYING SPACE

Pinewood Way, Acre close and Sandy Vale, all owned and managed by the Council, are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new development and a contribution of £8,123 is required to make improvements to play equipment at one or more of these playgrounds. A further contribution of £6,823 is required toward kickabout provision for older children at the Bolnore Recreation Ground.

FORMAL SPORT

In the case of this development, a financial contribution of £9,302 is required toward formal sport facilities at Bolnore Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,335 is required to make improvements to Ashenground Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Housing

I understand that 3 affordable housing units (30%) are to be provided as required as part of this application. I can confirm that we will be requiring 3 on site affordable units in the form of 3 x 2B flats for rent on one floor. This will enable separate floors to be provided for different tenures.