
2 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, 11TH MARCH, 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 meetings of the Committee held on 21 January and 11 February 2021 | 3 - 18 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|-----------------|
| 6. | DM/20/1503 - Oakwood, Amberley Close, Haywards Heath, RH16 4BG. | 19 - 52 |
| 7. | DM/20/4426 - Little Torch, 4 Hassocks Road, Hurstpierpoint, | 53 - 102 |

Hassocks, West Sussex, BN6 9QN.

Items Recommended for Refusal.

None.

Other Matters.

- | | | |
|----|--|------------------|
| 8. | DM/20/3832 - Evergreen Farm, West Hoathly Road, East Grinstead, West Sussex, RH19 4NE. | 103 - 114 |
| 9. | Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given. | |

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

**Minutes of a meeting of Planning Committee
held on Thursday, 21st January, 2021
from 4.00 - 5.54 pm**

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

G Allen
R Cartwright
E Coe-
Gunnell White

J Dabell
A MacNaughton
C Phillips

M Pulfer
D Sweatman
M Pulfer
D Sweatman

Absent: Councillor N Walker

Also Present: Councillors Ash-Edwards, Llewellyn-Burke, Webster & De Mierre.

1 TO RECEIVE APOLOGIES FOR ABSENCE.

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

2 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

Apologies were received from Councillor Walker.

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

The Chairman declared a personal interest in application DM/20/1333 - Land at Junction of Blackwell Farm Road and Holtye Road, East Grinstead, West Sussex, RH19 3JW as he was a Member of the Cabinet when Cabinet approved the disposal of the land.

Cllr Eggleston declared a personal interest in application DM/20/4096 - Fairfield Recreation Ground, Fairfield Road, Burgess Hill, West Sussex as he is a Member of Burgess Hill Town Council who are the applicant, but he was not involved in submitting the application.

Cllr MacNaughton declared a prejudicial interest in application DM/20/1333 - Land at Junction of Blackwell Farm Road and Holtye Road, East Grinstead, West Sussex, RH19 3JW as he was the Cabinet Member whom approved the funding for the development.

Cllr Dabell declared a personal interest in application DM/20/1333 - Land at Junction of Blackwell Farm Road and Holtye Road, East Grinstead, West Sussex, RH19 3JW as he is a Member of East Grinstead Town Council and sits on East Grinstead Town Council's Planning Committee which has previously debated the application. He confirmed that he reserved his right to speak at the Town Council's Planning

Committee and comes to this meeting with an open mind to hear representations from Officers, Public Speakers and Members of the Committee.

Cllr Allen declared a personal interest in applications DM/20/4096 - Fairfield Recreation Ground, Fairfield Road, Burgess Hill, West Sussex DM/20/2740 The Emperor Restaurant and DM/203780 Ote Hall Farm as he is a Member of Burgess Hill Town Council and sits on Burgess Hill Town Council's Planning Committee which has previously debated the application. He confirmed that he comes to this meeting with an open mind to hear representations from Officers, Public Speakers and Members of the Committee.

Cllr Cartwright declared a personal interest in application DM/20/4096 - Fairfield Recreation Ground, Fairfield Road, Burgess Hill, West Sussex as he is a Member of Burgess Hill Town Council and sits on Burgess Hill Town Council's Planning Committee which has previously debated the application. He confirmed that he comes to this meeting with an open mind to hear representations from Officers, Public Speakers and Members of the Committee.

Cllr Pulfer declared a personal interest in application DM/20/1388 - 2-6 The Broadway, Haywards Heath, West Sussex, RH16 3AH as he is a Member of Haywards Heath Town Council and sits on Haywards Heath Town Council's Planning Committee which has previously debated the application. He confirmed that he comes to this meeting with an open mind to hear representations from Officers, Public Speakers and Members of the Committee.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 10 DECEMBER 2020.

The Minutes of the meeting of the Planning Committee held on 10 December 2020 were agreed as a correct record and signed electronically by the Chairman.

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

The Chairman had no urgent business.

6 DM/20/1388 - 2-6 THE BROADWAY, HAYWARDS HEATH, WEST SUSSEX, RH16 3AH.

The Chairman directed Member's attention to the Agenda Update Sheet.

Susan Dubberley, Senior Planning Officer, introduced the report which sought planning permission for the demolition of the existing building and construction of a retail unit (Class A1-A5 use) and 19 residential apartments, with associated vehicle parking, landscaping and ancillary works, and retention of existing access.

Andrew Sommerville, Agent of the Applicant, spoke in favour of the application.

A Member believed the development should be approved as the building is poorly fashioned and was so even when the building was in use. He asked where the bin storage would be located on the site.

The Senior Planning Officer showed where the bin storage was located; the bin storage

for the retail unit is located to the north of the site and for the residential units it is located to the south-west of site bordering the bicycle storage.

A Member felt that this is a great site to develop however was disappointed that it offers no affordable housing units. He hoped that there was suitable S.106 funding in place as an alternative.

The Chairman confirmed that it would not be viable to provide affordable housing now but if the developer makes more revenue from the properties then the review mechanism in the legal agreement would require the developers to pay a contribution towards affordable housing as appropriate.

The Chairman then moved to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet, which was proposed by Cllr Pulfer and seconded by Cllr Coote.

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

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

RESOLVED

A

That outline planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions, to include a clause requiring a viability review and the conditions set in Appendix A as amended in the Agenda Update Sheet;

and

B

That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 10th March 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

7 DM/20/4096 - FAIRFIELD RECREATION GROUND, FAIRFIELD ROAD, BURGESS HILL, WEST SUSSEX.

Steve King, Planning Applications Team Leader, introduced the report which sought Planning permission for the construction of a petanque court and two benches at Fairfield Recreation Ground, Fairfield Road, Burgess Hill. He noted that the application was before the Committee as Mid Sussex District Council is the landowner.

The Chairman noted that no Member wished to speak so moved to the vote to approve the application in accordance with the Officer Recommendation which was proposed by Cllr Eggleston and seconded by Cllr Sweatman.

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

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
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 outlined at Appendix A.

8 DM/20/2740 - THE EMPEROR RESTAURANT, 1 CYPRUS ROAD, BURGESS HILL, WEST SUSSEX, RH15 8DX.

Joseph Swift, Senior Planning Officer, introduced the report which sought planning permission for the proposed amendment to application DM/17/4575 to redistribute a proportion of the commercial space in the proposed building whilst retaining 10 flats. He drew Members' attention to the Agenda Update Sheet which noted a few changes to Conditions 8 and 17.

A Member confirmed that it is a minor variation to an existing approval so would support approving the application.

A Member enquired where the bin storage would be located and whether the previous issue of window size was addressed.

The Senior Planning Officer confirmed that issue of the window size was brought up by the Urban Designer and was addressed through the submission of amended plans. He also confirmed that the bin storage is enclosed and secured by a condition.

The Chairman then moved to the vote to approve the application in accordance with the Officer Recommendations, which was proposed by Cllr Eggleston and seconded

by Cllr Coote.

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

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

RESOLVED

A: That planning permission be approved subject to the completion of a S106 Legal Agreement to secure the infrastructure contributions and the conditions set in Appendix A as amended in the Officer Update Sheet;

and

B: That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure requirements by the 21st March 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

9 **DM/20/3780 - OTE HALL FARM, JANES LANE, BURGESS HILL, WEST SUSSEX, RH15 0SR.**

Joseph Swift, Senior Planning Officer, introduced the report which sort planning permission for the erection of a farm shop and café/tea room buildings and car park at Ote Hall Farm, Janes Lane, Burgess Hill. He drew Member's attention to the Agenda Update Sheet which included a letter of support from Cllr Hillier as well as comments from Burgess Hill Town Council recommending approval of the application.

Carola Godman Irvine, Applicant, spoke in favour of the application.

Robin Walker, Chairman of Theobalds Road Association, spoke in favour of the application.

A Member believed that the application is a good proposal and does not conflict with other shops in the area. He believed that the shop would become a depot for the purchase of local produce and will be good for the green economy and the creation of jobs.

A Member felt that the application was an excellent proposal. He sought clarification as to whether the hedging of a nearby footpath leading to the site had been resolved and expressed hope that electric vehicle charging points would be created to future-proof the site.

The Vice-Chairman noted the pictures in the officer's presentation and that the road looks extremely worn at the entrance of the site so asked that the Planning Committee communicate to West Sussex County Council Highways that the road should be improved.

The Chairman then moved to the vote to approve the application in accordance with the Officer Recommendation, which was proposed by Cllr Cartwright and seconded by Cllr Coote.

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

Councillor	For	Against	Abstain
G Allen	Y		
R Cartwright	Y		
E Coe-Gunnell White	Y		
P Coote	Y		
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 set in Appendix A.

[Cllr MacNaughton removed himself from the discussion and voting at 4:55pm]

10 DM/20/1333 - LAND AT JUNCTION OF BLACKWELL FARM ROAD AND HOLTYE ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 3JW.

Andrew Watt, Senior Planning Officer, introduced the application which sought full planning permission for the construction of 10 affordable dwellings (6 x 3-bed houses and 4 x 2-bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

Steven King, Planning Applications Team Leader, noted that the previous application was approved under a different policy context, with the Mid Sussex Local Plan being the development plan at that time. He outlined that although the development plan had changed, with the Mid Sussex Local Plan being replaced by the District Plan, the issues that Members had come to a view on in the previous application remained the same issues now. He advised that officers considered that the application is still acceptable. He advised that whilst the site is used as open space it was not allocated as open space in the Mid Sussex District Plan. He added that Mid Sussex District

Council Leisure Officers consider that the site is surplus to requirement and advised that the Committee should give weight to this view.

Cllr Liz Bennett, Ward Member, spoke on behalf of her residents who are very unhappy about the development and value the area of open space. She stated the pandemic has shown the need for open spaces and the importance of it for health, wellbeing and safe distancing. The space is held in high regard and forms an important part of the street scene, along the gateway and into the town. She believed that something more innkeeping to the local area would be appropriate such as a rose garden of remembrance would have been more welcomed by the community and residents. She also highlighted the vehicle movements along Blackwell Farm Road which is an access and exit for 450 houses as well as a primary school which has created frustrations of residents with dangerous parking and gridlocked motorists.

Cllr Margaret Belsey, Ward Member, spoke against the application. She noted the permission previously granted on the site and that East Grinstead Town Council's Planning Committee have rejected the application on three separate occasions. She asked that the decision be deferred until relevant traffic survey has been carried out as the one carried out for the application was done so during the pandemic and therefore is not an accurate reflection on the use of the road.

The Senior Planning Officer confirmed that the previous Road Safety Audit was out of date and consequently a new audit was carried out during the pandemic.

The Chairman explained that the principle for the loss of space and housing on the site was established by the previous permission on the site.

A Member noted that the principle of development was approved under a different policy context and therefore believed that the principle carried little weight.

The Planning Applications Team Leader referred to P.60 of the report which detailed the now expired outline permission being afforded limited weight. He noted whilst that the previous permission had expired and was determined under a different policy context, the issues to be considered in the determination of this application are similar to the issues that were considered by the Planning Committee in the determination of the previous application. He advised that whilst the Mid Sussex Local Plan had been replaced by the District Plan officers considered that there were no grounds to come to a different decision about this planning application compared to the decision that was made on the previously approved application. He stated that the Committee would need to ask whether the impact is severe enough if it were to resist the application on highways grounds; officers do not feel that 10 additional dwellings would cause a severe impact on the highway network.

The Member supported the need for affordable housing however he did not feel this provision was located in the right place. He said that open green spaces are sacrosanct and disagreed with the leisure officer's comments. He noted that the previous Road Safety Audit reported that the proposed scheme would cause impact in additional traffic around the school and an increase in pedestrians use of the walkways. He expressed serious concerns about the pedestrian access across the A264 and asked what the mitigations there are to improve safety.

The Senior Planning Officer explained that the application does not provide any mitigations, however the absence does not cause officers to be concerned.

The Member directed Members' attention to P.160 and highlighted that bullet-points 3,4, 5 and 6 conflicts with the proposal. He also highlighted the many and various objections received from a small development. He raised concerns with the drainage of the site due to a partial area being located within Flood Zone 1 and comments from the WSCC Lead Local Flood Authority stating that some parts of the site are at risk for surface water flooding.

The Chairman reiterated the comments the Mid Sussex District Council Drainage Officer.

The Senior Planning Officer outlined the attenuation tanks provided on the site in the centre and car parking in the south. He noted the scheme provided flood paths for further mitigation. He stated that the applicant recognises that the lower part of the site is more susceptible to surface water flooding, however officers feel that, with the detail drainage plan and management and maintenance plan, the scheme is acceptable.

A Member felt that the development is an excellent development, for somewhere else. He echoed the concerns of the Ward Member, Cllr Belsey and stated that the A264 is the main road from Tunbridge Well and Lingfield. He stated that any increase of traffic through the area would produce further nightmare. He said he would like to see the traffic report redone and postponed to an appropriate time to properly carry out the traffic report.

The Planning Applications Team Leader drew Members' attention to the bottom of P.196 of the report where the Highway Authority confirm that they don't consider the proposal would have an adverse impact on highway safety or have a severe cumulative impact on the highway network, which is the test in policy DP21 of the District Plan and within the NPPF. He referred to sites in Felbridge where there were concerns about the impact of new development on the highway network. He noted that at a site in Felbridge, Tandridge District Council lost an appeal against their refusal of a planning application for a housing development that they had refused on highway grounds, contrary to the advice of the Highway Authority who had not objected to the scheme. This resulted in an award of costs against Tandridge District Council by the Planning Inspector who allowed the appeal. He said the Committee would need to be careful in how much weight they give to the comments of the Highway Authority who are the statutory body for the highway network in the District. He also advised that if the Highway Authority had not been satisfied with the Transport information that had been provided by the applicants then they would have said so in their consultation responses.

A Member expressed disappointment and surprise that there haven't been improvements to the pedestrian crossing given the increase use of the development and thought something more safe or secure would be desirable there.

A Member thought it totally unacceptable to ask that children, who would have to be supervised, walk across the A264 to East Court. He added that he has not seen four pages of objections to planning applications and believed that the Committee should be listening to the local people in the local area.

The Chairman noted that if the Highways Authority do not agree then the refusal would struggle at appeal. He also noted that the principle of development and loss of green space had been established. He stated that the Committee would need good planning reasons to refuse the application and asked that Members do not lose sight of the affordable housing provision. The Chairman then moved to the vote to approve the application in accordance with the Officer Recommendations and Agenda Update

Sheet, which was proposed by Cllr Coe-Gunnell White and seconded by Cllr Cartwright.

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

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

RESOLVED

A

That, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, infrastructure contributions, affordable housing provision and Traffic Regulation Order, planning permission be granted subject to the conditions set out in Appendix A and the Agenda Update Sheet;

and.

B

If by 21 April 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions and affordable housing, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reasons:

'The application fails to comply with Policies DP20 and DP31 of the Mid Sussex District Plan, Policies EG3, EG5, EG7 and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development.'

And

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

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

None.

The meeting finished at 5.54 pm

Chairman

A handwritten signature in black ink, appearing to read "Gay" followed by a stylized surname, with a small cross-like mark to the left of the first name.

**Minutes of a meeting of Planning Committee
held on Thursday, 11th February, 2021
from 4.00 - 6.15 pm**

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

G Allen
R Cartwright
E Coe-
Gunnell White

J Dabell
R Eggleston
A MacNaughton

C Phillips
M Pulfer
D Sweatman

Absent: Councillor N Walker

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal 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 MacNaughton declared a prejudicial interest in item 6 DM/20/3955, as he was the Cabinet Member who approved the sale of the land and agreed to withdraw for the item.

Cllr Dabell declared a personal interest in item 6 DM/20/3955, as he is a Member of East Grinstead Town Council and sits on East Grinstead Town Council's Planning Committee, which had previously debated the application. He confirmed that he reserved his right to speak at the Town Council's Planning Committee but was attending the meeting with an open mind to hear representations from Officers, Public Speakers, and Members of the Committee.

Cllr Pulfer declared a prejudicial interest in item 7 DM/20/3988, as the tree subject to the application is on his land and he confirmed he would withdraw for the item.

The Chairman declared a personal interest in item 6 DM/20/3955 as the application falls within his ward and he was a Member of the Cabinet when Cabinet agreed the land could be disposed of.

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

The Chairman had no urgent business.

5 DM/20/1516 - PIKFIELD ENGINEERING LTD FACTORY, DURKINS ROAD, EAST GRINSTEAD, RH19 2ER.

Andrew Watt, Senior Planning Officer introduced the application which sought approval for demolition of an existing building and the erection of a building comprising eight dwellings.

Katie Turner, a local resident spoke against the application.

Angela Joseph, local resident spoke against the application.

Joanne Halcrow, local resident spoke against the application.

Hamish Watson, architect spoke in favour of the application.

Members highlighted their concerns of overdevelopment, parking for the development, accessibility for refuse lorries and potential noise pollution. One Member noted that the closing of windows to decrease noise volume was not acceptable, especially in warm weather.

Members expressed concern that the design was not in keeping with the character of the local area. A Member stated that the design did not create a sense of place while addressing the character and scale of the surrounding buildings and landscape; and would dominate the surrounding area.

The Senior Planning Officer said that there are no visitor parking spaces, but there are no parking restrictions in the surrounding area. He noted that the Highways Authority considers parking provision in the area to be acceptable. Regarding refuse vehicles, he clarified that the site plan showed there was sufficient width for access to the site and that the Environmental Health Officer had not raised objections to the application on the issue of noise from the adjoining industrial estate. There has been negotiation between the agent and the Council's Environmental Health Department to carry out a representative noise measurement.

Another Member expressed concern that the Highways Authority had not visited the site and believed the authority should have undertaken a site visit to provide a more considered report. The additional capacity in the area would impact the local sewage infrastructure. The Chairman confirmed that the Highways Authority had not objected, and they only carried out a visit if requested by officers and ward members under the Council's traffic light scheme.

A Member said that if the land was on a genuine brownfield site, then the site should be developed for alternative use.

Senior Planning Officer advised that there would not be a significant loss of privacy to residents in Durkins Road due to the proposed design and residents were currently able to see into neighbouring gardens.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet, which was proposed by Councillor Coote and seconded by Cllr Coe Gunnell-White. A recorded vote was carried out by the Legal Officer and the Committee voted with four in favour and seven against, the motion failed.

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

The Chairman asked Members if there was a proposer and seconder for an alternative motion. Cllr Sweatman proposed to refuse the application which was seconded by Cllr Eggleston. The Chairman asked for further explanation for the reasons to overturn the recommendation. Overdevelopment, environmental issues, as well as the comfort of the future residents, were highlighted as key factors in their votes.

The Team Leader noted Members' concerns of overdevelopment but said this was not sufficient on its own. Members would need to highlight specific issues of the development. He confirmed environmental concerns were not sufficient as there had been no objection from the Environmental Officer.

The Chairman emphasised that any reasons for a refusal of the application needed to be robust and defensible at appeal. A Member expressed concern at being asked to cast votes for a second time. He felt that it would be beneficial if the application was deferred to a later committee meeting.

After legal consultation, the Chairman noted that the Committee had not agreed on the reasons for a refusal and the motion to refuse was withdrawn. He asked if there was a proposer and seconder for a second motion to approve the application. The Vice-Chair said he had been in planning for years and said this would be an indefensible case at appeal and to take a second vote.

The Chairman requested a new proposer and a new seconder. Cllr MacNaughton proposed the motion to approve the application in accordance with the officer recommendations, which the Chairman seconded. A recorded vote was carried out by the Legal Officer and the application was approved with four in favour, one against, and six abstentions.

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

RESOLVED

That planning permission be granted subject to the conditions set out in Appendix A, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions and infrastructure contributions.

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

'The application fails to comply with Policy DP20 of the Mid Sussex District Plan, Policies EG3, EG5, and EG11 of the East Grinstead Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.' 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policies EG5 and EG16 of the East Grinstead Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

[Cllr MacNaughton removed himself from the discussion and voting at 5:36 pm.]

[Cllr Coe-Gunnel White left the meeting at 5:36 pm.]

6 DM/20/3955 - LAND SOUTH OF SOUTHEND COTTAGE, BRIGHTON ROAD, HANDCROSS, RH17 6BZ.

Deborah Lynn, Planning Officer introduced the report. She drew Members' attention to the Agenda Update Sheet, which listed a late letter of objection from local residents, an additional condition and informative and referenced amended plans.

The Chairman noted that the application was before the committee as the site is located on land owned by Mid Sussex District Council. He added that he felt satisfied it was a good use of the land.

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		
R. Eggleston	Y		
G. Marsh	Y		

C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

RESOLVED

That permission be granted subject to the conditions outlined in Appendix A and the condition and informative in the Agenda Update Sheet.

[Cllr MacNaughton returned to the meeting at 5:56 pm.]

[Cllr Pulfer removed himself from the discussion and voting at 5:56 pm.]

7 DM/20/3988 - 6 BURMA CLOSE, HAYWARDS HEATH, RH16 3JE.

The Members confirmed to the Chairman that an introduction was not required for this application and they did not need to see any photos. The Members were asked to consider a tree in a protected group in Burma Close.

The motion to grant permission for the proposed tree works in accordance with the officer recommendation was proposed by Cllr Coote and seconded by Cllr Eggleston. 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		
R. Eggleston	Y		
A. MacNaughton	Y		
G. Marsh	Y		
C. Phillips	Y		
D. Sweatman	Y		

RESOLVED:

That permission be granted for the proposed tree work subject to conditions suggested in Appendix A.

[Cllr Pulfer returned to the meeting at 5:57 pm.]

8 DM/20/4535 - MSDC STATION CAR PARK, STATION ROAD, BURGESS HILL, RH15 9DG.

Katherine Williams, Planning Officer, introduced the report. The application sought permission for a shipping container within Station Road Car Park, Burgess Hill with a 2-metre-high close boarded timber fence and the application site is located on land owned by Mid Sussex District Council.

Chris Founds, the agent spoke in favour of the application.

The Planning Officer drew Members' attention to the agenda update sheet, which addressed some of the comments from neighbours, adding that the proposal part of the Full Fibre project.

Members discussed the issue of noise and fencing. The importance of the Full Fibre project work was highlighted.

Nicholas Bennett, Senior Environmental Health Officer advised that due to the location of the ventilation system, the shielding of noise would be provided by the far end of the container. Noise levels would meet the guidelines for night-time emissions.

The motion to approve the application in accordance with the officer recommendation was proposed by Cllr Coote and seconded by Cllr Sweatman. The Chairman took the motion to a vote and a recorded vote was carried out by the Legal Officer. The application was approved with 8 votes in favour and 2 votes 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 outlined at Appendix A.

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

None.

The meeting finished at 6.15 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

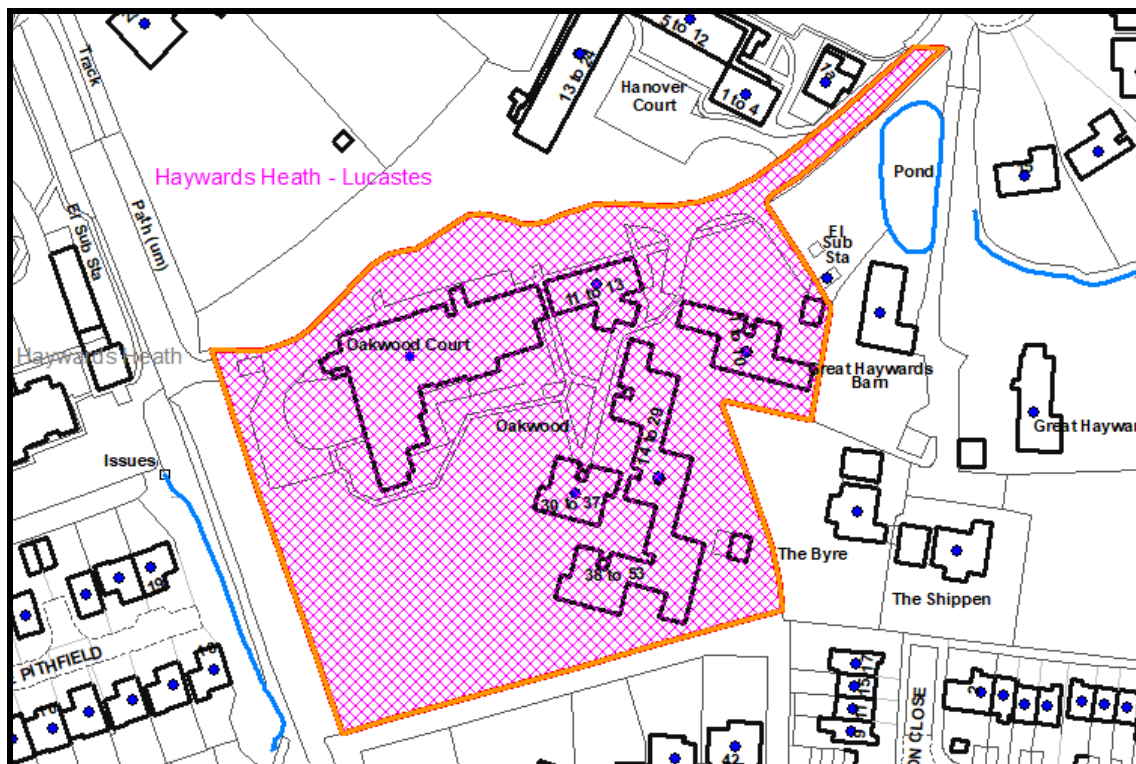
Planning Committee

11 MAR 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/1503



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**OAKWOOD AMBERLEY CLOSE HAYWARDS HEATH WEST SUSSEX
PARTIAL DEMOLITION OF EXISTING SOUTHERN WING AND
CONSTRUCTION OF A PART TWO-STOREY/PART THREE-STOREY
EXTENSION TO EXISTING CARE HOME TO PROVIDE 31NO. BEDROOMS
AND COMMUNAL/ANCILLARY FACILITIES, WITH ASSOCIATED
PARKING AND LANDSCAPING. (AMENDED PLANS RECEIVED,
INCLUDING REDUCTION IN THE SIZE OF THE EXTENSION).
SUSSEX HOUSING AND CARE**

POLICY: Area of Special Control of Adverts / Built Up Areas / District Plan Policy / Local Wildlife Sites / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order Points / Trees subject to a planning condition / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 19th February 2021

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the partial demolition of existing southern wing and construction of a part two-storey/part three-storey extension to existing care home to provide 31 no. bedrooms and communal/ancillary facilities, with associated parking 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.

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.

The site lies within the built -up boundary of Haywards Heath where development is generally acceptable in principle. The principle of the development is also supported by DP25 which supports the provision or improvement of community facilities and local services, that includes specialist accommodation and care homes. The proposal will increase the number of bed spaces and employment on the site and will also provide the care home with new facilities.

This house and its grounds were created from part of the farmlands of Great Haywards Farm, the farmhouse to which survives and is a Grade II listed building located a short distance to the east. Great Haywards Barn, now a residential conversion, is also Grade II listed and is located between Oakwood Court and Great

Haywards. However, it is considered that the proposal will not materially affect the settings of either listed building.

The design of the proposed extension is considered to be acceptable following amendments to reduce the size of the extension, along with changes to the design and a reduction in the size of a new external terrace. It is considered that the elevations and layout now work well with the existing building and its setting and are in line with policy DP26 of the District Plan and the design principles of the Design Guide SPD.

In regard to residential amenity, the closest properties to the proposed care home extension are Oakwood Flats which sit within the same grounds as Oakwood Care Home, the orientation of the extension and the block of flats, is such that the closest windows would be at different angles to each other and would not be directly facing one another. Whilst it is clear that the outlook to the closest flats would change given the distances and orientation is not considered that there would be a significant impact. The flats located further to the south would be sited some 21m from the proposed extension. In view of the above it is considered that there would be no significant impact on the Oakwood flats in terms of overlooking or loss of light or privacy.

A new open terrace/sensory garden has been reduced in size so that the nearest point to the Oakwood flats has now been increased, in order to address concerns regarding noise and disturbance to residents. The location and distance from the flats are now considered acceptable, such that there should be no significant impact on residents of the flats from the terrace.

The encroachment of the original submission into the communal open space to the south was previously a concern. However, the reduction in the footprint has also reduced the loss of the open space to what is now considered to be an acceptable level, when weighed up against the gain in bedroom accommodation.

It is noted that a number of the objections received are also concerned with traffic movements, parking, noise and disturbance during construction works and a condition requiring the submission and approval of a construction management plan prior to the commencement of any works is included in the recommendation.

There will be a neutral impact in respect of highway safety and parking provision, drainage, and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is therefore considered to comply with policies DP21, DP25, DP26, DP34, DP37 and DP41 of the District Plan, policies E7, E9 and E9 of the Haywards Heath Neighbourhood Plan and the broader requirements of the NPPF.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

RECOMMENDATION

It is recommended that planning permission be approved.

SUMMARY OF CONSULTATIONS

WSCC Highways:

No objection subject to conditions

WSCC Flood Risk:

No objection

Southern Water:

No objection

MSDC Drainage Engineer:

No objection in principle subject to conditions.

MSDC Arboriculturist:

No objection

Ecologist:

No objection subject to conditions

MSDC Environmental Health:

No objection subject to conditions.

MSDC Environmental Health - Contaminated Land:

I have no comments to make on this application.

MSDC Leisure:

As this is a residential facility providing support and care for older people with on-site communal facilities, we do not require a financial contribution toward off-site leisure infrastructure.

MSDC Urban Designer:

No objection

MSDC Conservation:

No objection.

Third Party Representations

28 letters of objections have been received raising the following concerns:

- Overshadowing
- Overlooking and loss of privacy
- Overbearing nature of proposal
- Loss of trees
- Loss of ecological habitats
- Design and appearance
- Layout and density of buildings, over development of the site bearing in mind its bulk and position on the site.
- Noise and disturbance; Noise and disturbance from car park area likely to be used by antisocial hours by care staff.
- Public visual amenity
- Flood risk
- Noise and disturbance during construction
- Potential damage to adjacent houses during construction work
- Concerned over the provision made for site workers parking
- Request a 2.4m fence be erected at the west and south boundaries
- Insufficient recreational space and amenity is left for the adjoining community by the loss of the garden area taken by the proposed extension.
- The North elevation of the proposed extension is drab with very poor fenestration and looks more like a prison than a care home.
- Any damage to bridleway should be repaired.
- The increased risk of flooding, particularly given the gradient of the land and the risk of damage to mature tree roots which provide natural drainage.
- No need for additional residential care in the area at least 25 care homes within a 5 mile radius and new care home being built on Butlers Green Road.
- Doctors Surgeries already under strain with a 2-3 week wait for appointment.
- This proposal will lead to a significant overdevelopment of the site and create additional demand for on-street parking in Wealden Way and other roads in the locality of which there is very little available.
- No access modifications are proposed to the site either during building or on completion. The existing access from Amberley Close is shared by Hanover Court as well as Sussex Housing and is already far too restricted for safe day to day use. With car parking spaces along the side of the access opposite the entrance to Hanover court the access to emergency vehicles is often obstructed.
- It is intended to formalise 6 parking spaces on the access road from the roundabout from Amberley Close. While it is true that no restrictions currently prevent ad hoc parking in this road, parked cars have often caused access problems in the past. Indeed parking cones have been used to restrict such parking for more than a year.
- Concerned with arrangements for both foul water and surface water drainage. The pumping station on site has suffered from mechanical breakdown this year

and seems to have resulted in contamination to the pond which should only take surface water

- Insufficient recreational space and amenity is left for the adjoining community by the loss of the garden area taken by the proposed extension.
- Have reviewed the revised plans online and am not convinced that the reductions in the size of the extension go far enough.

4 letters of support:

- Existing native trees on the site will be conserved and professionally managed by the site operator.
- Gas Supply and high speed Fibre Optic Broadband capability will be brought within affordable distance of neighbouring properties by the developer. The local electricity supply will be upgraded, leading to improved voltage stability and supply reliability.
- Introduction of significant local employment opportunities.
- Significant noise reduction from A23 traffic to neighbouring properties
- The Mid-Sussex Strategic Housing and Economic Land Availability Assessment (SHELAA) has identified the site (Site No 774) as suitable for housing development with a potential yield of up to 33 dwellings.
- My 99 year old mother has been a resident at Oakwood Court for over a year, during which time she has enjoyed care and support from the wonderful team there.
- Oakwood is placed in a most marvellous situation: close to the town, yet in the countryside. The grounds lend themselves to landscaping; an extended patio area would benefit residents and visitors. There would be scope for more outdoor activities to enhance the wellbeing of each and every resident.
- The proposed extension to, and enhancement of, Oakwood would mean that more elderly residents could benefit from living there.

Mims Davis MP: Objects:

- Concerns over impact of additional traffic and congestion on roundabout, already issues with delivery drivers blocking the roundabout.
- Development is bulky dense, creating a loss of amenity and therefore overbearing.
- Flats at Oakwood are very small and outside space and access is vital to all residents.
- Potential for ambulance access to be further impacted.
- Loss of trees

Haywards Heath Town Council

In principle, this is an application that the Town Council would like to be able to support. However, on this occasion, it **STRONGLY OBJECTS** for the following reasons:

1. the proposed extension would, by virtue of its scale, give rise to an overdevelopment of the site which would be overbearing, unneighbourly and detrimental to the amenities of existing residents;
 2. the proposal would result in the loss of two Category B trees and three Category C trees which are an integral part of the landscape character of the site. Their removal would be detrimental to visual amenity;
 3. the proposal would lead to a reduction in the amount of outdoor amenity space available to existing residents living at the site and this would have a detrimental effect on their well-being;
 4. notwithstanding the increase in the number of on-site parking spaces, the proposal would lead to an intensification in use of the existing single point of access which would add to the hazards faced by highway users and could potentially hinder the free flow of emergency services/refuse/goods vehicles to and from the site;
 5. the proposed increase in the number of on-site parking spaces would not be sufficient to cater for the additional number of vehicles resulting from the extension and this would increase the pressure for on-street parking in neighbouring roads, which would be detrimental to the amenities of local residents;
 6. the proposal is contrary to Policies E9 and E13 of the Haywards Heath Neighbourhood
-

INTRODUCTION

This application seeks planning permission for the partial demolition of existing southern wing and construction of a part two-storey/part three-storey extension to existing care home to provide 34 no. bedrooms and communal/ancillary facilities, with associated parking and landscaping.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND ITS SURROUNDINGS

The application site comprises an existing 33-bedroom 2 storey care home (Use Class C2), located at the southern end of Amberley Close in Haywards Heath. The care home is owned and run by Sussex Housing and Care.

To the south/south-east of the site are a group of some 37 flats set within two storey buildings, known as Oakwood Flats that are also owned and operated by Sussex Housing and Care, providing sheltered accommodation.

To the north of the site are the rear gardens of residential properties in Bolnore Road and to the north west of the site is Joan Nightingale House, which provides sheltered housing. To the north east of the site is Hanover Court which consists of 23 retirement apartments and 1 bungalow. To the south are residential properties in Ferny Croft.

This care home and its grounds were created from part of the farmlands of Great Haywards Farm, the farmhouse to which survives and is a Grade II listed building located a short distance to the east. Great Haywards Barn, now a residential conversion, is also Grade II listed and is located between Oakwood Court and Great Haywards.

Amongst the established trees on the site is a Wellingtonia tree, subject to a Tree Preservation Order, and located to the west of the existing care home.

The site is located within the Built Up Area Boundary of Haywards Heath.

APPLICATION DETAILS

The proposal is for the partial demolition of existing southern wing and construction of a part two-storey/part three-storey extension to existing care home to provide 31 no. bedrooms and communal/ancillary facilities, with associated parking and landscaping.

The application has been amended since the original submission following concerns regarding the scale of the extension, design, encroachment on the existing amenity space and impact on the residential amenity of the Oakwood sheltered flats, located to the east of the care home. The amendments to the scheme include a reduction in the footprint of the extension, changes to the elevations and materials and the new outdoor terrace/sensory garden has also been reduced in scale. The number of bedrooms has been reduced from 34 to 31.

The amended application would provide 31 new beds (a net increase of 27 beds since four would be lost through the demolition works). The extension would increase the size of the care home from 33 beds to 60 beds. In addition to an increase in bedrooms, the proposal would also include a laundry, a new plant room, a lounge/dining area, a hairdressing salon, staff areas and other additional ancillary space. The number of employees on the site would increase by 9 persons. The extension would measure some 41m in length and have a maximum width of some 17.5m and a height of approximately 10.4m

The extension uses the changes in site level, so that the extension would be two storeys on the west elevation and three storeys from the east elevation. The extension would adjoin the existing care home at the western end (following the partial demolition) and extend southward with an existing staircase retained and modified to link the extension with the existing home. The southern section of the extension would be angled to the west.

The proposed materials for the new extension are a main brick will be a close match to the existing building with the bays picked out in a lighter brick with soldier courses above and below windows in the darker brick to match the existing as closely as possible. Contrast is created by use of buff brick to highlight elements in the design.

Windows have been designed to be similar in style to blend in with and to complement the design and the windows of the existing building with the use of corner windows and breaks in the brickwork to add relief to the elevations.

Roof tiles of matching profile and similar colour to the existing building will also be used. Photovoltaic panels are proposed positioned on the south facing roof of the existing building to optimise generation.

Externally, a sensory garden/terraced area will be provided as well as private patios for some of the ground floor rooms.

Currently, there are 29 parking spaces which are used by staff and visitors to Oakwood Court and residents of Oakwood Flats. The new proposal is for the replacement of 6 existing spaces with 4 disabled parking spaces and the provision of an additional 20 new spaces in the extended car park to the West of Oakwood Court. This will provide a total of 50 parking spaces and include eight electric vehicle charging spaces.

A new external bin store and cycle storage is proposed with space for 8 bicycles.

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 include:

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP20 Securing Infrastructure
Policy DP21: Transport
Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP29: Noise, Air and Light Pollution
Policy DP34: Listed Buildings and Other Heritage Assets.
Policy DP37: Trees, Woodland and Hedgerows
Policy DP39: Sustainable Design and Construction
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Haywards Heath Neighbourhood Plan

Haywards Heath Neighbourhood plan (Made with full weight on 15 December 2016)

The most relevant policies are:

E7 Sustainable Drainage Systems
E8 Sustainability
E9 (Design)

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

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.

Assessment

Principle of development

The site lies within the built-up boundary of Haywards Heath where development is generally acceptable in principle and is supported by policy DP6 which states:

Development will be permitted within towns and villages with defined built-up area boundaries.

The principle of the development is also supported by DP25 which states that:

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

The preamble to this policy in the District Plan sets out a list of community facilities and local services and the list includes 'specialist accommodation and care homes'.

In view of the above it is considered that that the principle of the extension of the existing care home and increase in bed spaces along with the new communal/ancillary facilities is acceptable.

Design

Policy DP26 in the District Plan seeks to ensure a high standard of design in all new development and requires new development to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place.

It states:

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

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

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

Policy E9 of the Neighbourhood Plan has a similar aim and seeks to ensure that new development will protect and reinforce the local character within the locality of the site.

The MSDC Design Guide has been adopted and is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for site optimisation.

The Council's Urban Design Officer initially had concerns about both the design and scale of the building and its relationship with the surrounding communal space. He has considered the amended scheme which has been negotiated by your officers and has raised no objections, making the following comments:

The revised drawings have resulted in the reduction and finessing of the proposed extension and consequently they address my original concerns about both the design and scale of the building and its previously imposing relationship with the surrounding communal space.

The proposal now benefits from the following:

- *The length and depth of the building extension has been reduced and the outdoor terrace area has been cut back. This has increased the proportion of open space around the building allowing more recreational space and for the development to be more satisfactorily softened by the surrounding landscape. It also helps safeguard the privacy of residents by providing greater separation distance between the proposed communal areas including the external terrace and the existing block of flats on the east side of the site.*
- *The front/west elevation has been reorganised with a series of three single window bays in place of two double window bays. This generates a more subdivided and vertically proportioned façade that helps to reduce the building's scale and ties in better with the existing façade while also providing some underlying rhythm. In addition, the frontage now more elegantly accommodates the plant room and the internal and external layout has been reorganised to afford the lower floor residential accommodation an improved front threshold arrangement that provides more privacy and landscaping.*

- *The proposed extension also integrates with existing building better as it will now feature a facing brick that more closely matches the original facades. Nevertheless, the projecting bays at the front and communal lounge/dining room at the rear feature a lighter brick that provides some additional necessary articulation which is embellished at the front by decorative panels between the windows.*

Overall the elevations and layout now work well with the existing building and its setting and is line with policy DP26 of the District Plan and the design principles of the Design Guide SPD. I therefore have no objections to this planning application.

Officers agree with the comments of the Urban Designer and it considered that, following the amendments secured to the scheme, the application is acceptable in design terms, subject to conditions relating to the finer details of the design as set out in the recommended conditions.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan and the Design Guide SPD.

Impact on the Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DP34 of the District Plan concerns listed buildings and their settings and has the overall aim to:

'Development will be required to protect listed buildings and their settings' and 'Special regard is given to protecting the setting of a listed building'.

Paragraphs 192 - 196 of the NPPF are also relevant:

"192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Council's Conservation Officer has considered the original submission and also the amended plans and has made the following comments:

The application site is an unlisted building located within the town of Haywards Heath. Although currently in use as a care home, the building was constructed during the late 19th century as a large house set in substantial grounds. The building has subsequently been altered and extended, and further buildings constructed within the gardens. This house and its grounds were created from part of the farmlands of Great Haywards Farm, the farmhouse to which survives and is a Grade II listed building located a short distance to the east. Great Haywards Barn, now a residential conversion, is also Grade II listed and is located between Oakwood Court and Great Haywards.

The current proposal is for the partial demolition of the southern wing of Oakwood and the construction of a part two/part three storey extension, with associated landscaping works.

The proposed extension is located to the south western corner of the site, and is therefore separated from the listed barn and former farmhouse at Great Haywards by the existing modern buildings within the grounds of Oakwood, as well as a pair of houses which have been recently constructed to the south of the former farmstead, and intervening trees and planting. I consider it unlikely that there would be intervisibility between the proposed new extension and either of the listed buildings or their immediate settings, and as there is no highway or public right of way which runs between the site and the listed buildings the approaches to the heritage assets

would be unaffected. Therefore, although the site does form part of the former farmlands of Great Haywards Farm (albeit an area that was separated from these lands during the 19th century) I consider that the proposal will not materially affect the settings of either listed building.

In view of the above it is therefore considered that the proposal would comply with the policy DP34 and the relevant paragraphs of the NPPF

Access, parking and highway safety

Policy DM21 of the District Plan is relevant and states:

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

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

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

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

- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

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

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

The existing site entrance would be used, located to the northeast of the site, which is via the existing 4.8m wide site entrance onto the mini roundabout on Amberley Close. Currently, there are 29 parking spaces which are used by staff and visitors to Oakwood Court and residents of Oakwood Flats. The new proposal is for the replacement of 6 existing spaces with 4 disabled parking spaces and the provision of an additional 20 new spaces in the extended car park to the West of Oakwood Court. This will provide a total of 50 parking spaces and four points to allow for eight electric vehicle charging spaces. Secure and undercover cycle parking spaces for 8 cycles will be provided.

The objections received regarding the intensification of the access to the site and concerns over additional parking pressures are noted. However, WSCC Highways Authority has considered the information submitted in regard to highways, access and transport and has not raised an objection. The additional trip generation for the extension is calculated as 20 trips, which Highways Authority considers will not have a 'Severe' impact on the adjoining highway network. The proposed car parking provision is also considered sufficient to alleviate the risk of overspill parking onto the surrounding highway network.

It is noted that a number of the objections received are also concerned with traffic movements, parking, noise and disturbance during construction works and a condition requiring the submission and approval of a construction management plan prior to the commencement of any works is included in the recommendation.

In light of the above it is considered that the application complies with Policy DP21 of the Mid Sussex District Plan.

Amenity

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

The nearest residents to the development are those living in the sheltered Oakwood flats to the east of the care home and it is noted that objections have been received from some residents concerning overlooking and loss of privacy.

The closest properties to the proposed care home extension are Oakwood Flats which sit within the same grounds as Oakwood Care Home, at its closest point, the extension is some 16m from these flats. However, the orientation of the extension and the block of flats, is such that the closest windows would be at different angles to each other and would not be directly facing one another. Whilst it is clear that the outlook to the closest flats would change given the distances and orientation is not considered that there would be a significant impact. The flats located further to the south would be sited some 21m from the proposed extension. In view of the above it is considered that there would be no significant impact on the Oakwood flats in terms of overlooking or loss of light or privacy.

A new open terrace/sensory garden has been reduced in size so that the nearest point to the Oakwood flats has now been increased, from some 7m to approximately 15m in order to address concerns regarding noise and disturbance to residents. The location and distance from the flats are now considered acceptable, such that there should be no significant impact on residents of the flats from the terrace.

The distance between the proposed extension and the closest property to the south would be approximately 31m and there are trees and mature vegetation on the southern boundary which would obscure views of the extension from these properties. The distance between the proposed extension and the properties to the west would be approximately 30m and again there are trees and mature vegetation on the southern boundary. Given these distanced and existing screening it is considered that there would be no significant impacts on the outlook, light and privacy to properties to the west and south of the site.

The encroachment of the original submission into the communal open space to the south was previously a concern. However, the reduction in the footprint has reduced the extension by between 3.3m and 7.5m and thereby reduced the loss of the open space to what is now considered to be an acceptable level, when weighed up against the gain in bedroom accommodation. It should be noted that the District Plan does not have any specific policy in regard to the amount of outdoor amenity space a development should provide, however the NPPF para.122 states that:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

Similarly policy DP26 of the District Plan, which is set out in full above, requires that proposals:

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

In view of the above it is considered that the application would comply with policy DP26 of the District Plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate. The proposal falls within Flood Zone 1 which is an area of low risk of flooding.

While some of the objections received relate to concerns over the arrangements for both foul water and surface water drainage and potential flood risk. The Drainage Engineer has considered the drainage information that has been submitted with the application and has raised no objection and has recommended that this matter can be suitably dealt with by condition. WSCC in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the application in respect of surface water drainage and has raised no concerns.

In view of the above it is considered that the application would comply with policy DP41 of the District Plan.

Biodiversity/Ecology

Para 170 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;

- *a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

A number of the objections received relate to the potential loss of wildlife and habitats. The Consultant Ecologist has reviewed the ecology reports that have been submitted with the application documents and has raised no objections, subject to a condition to ensure that the recommendations set out in the Preliminary Ecological Appraisal Report and the Bat Survey Report by the Ecology Consultancy (dated November 2019) are implemented in full.

In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan of and the NPPF.

Trees

Policy DP37 of the District Plan states that:

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

To facilitate the development the proposal requires the removal of trees where the extension is proposed. There are also trees that need to be removed to enable the construction of the three parking bay. The Wellingtonia tree, subject to a Tree Preservation Order, and located to the west of the existing care home would not be affected by the development. Replacement tree planting is proposed which would be secured by a landscaping condition.

An Arboricultural Impact Assessment and an Arboricultural Method Statement has been submitted with the application and the Council's Tree Officer has considered both reports and although there is no overall objection, has made the following comments:

There are three category B trees, three category C trees, three category C groups and sections of a further three category C groups which need to be removed to facilitate the proposed development. The removal of category C trees should not act as a constraint to the development, however the loss of category B trees should ideally be avoided wherever possible. In this case it is accepted that the loss of these three category B trees (T34 (cypress) T15 (ash) and T19 (sycamore)) would not necessarily detract from the character of the surrounding landscape, however the loss of an apparently healthy ash tree (T15) would be regrettable given the number of ash trees currently being lost to disease. I would therefore support an amendment to the scheme to retain this tree but do not feel this is sufficient justification to object to the development overall on arboricultural grounds.

In view of the above it is therefore considered that the proposal would comply with policy DP37.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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 transport assessment submitted with the application shows that the existing employees on the site are generally employed from the local area and that the catchment area for these staff is around five miles and it is therefore likely that the additional 9 staff would also come from within a similar catchment area. The daily additional trip generation is estimated as 11 vehicle trips, 8 being vehicle drivers and 3 being vehicle passengers.

Based on the information submitted this means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

Infrastructure

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

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

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

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

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

and:

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

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

In this case WSCC have confirmed they do not require any contributions due to the nature of the application. The MSDC Culture officer has also confirmed that they do not require a financial contribution toward off-site leisure infrastructure, given this is a residential care home for frail and elderly people with on-site communal facilities.

Given the above the application would therefore comply with policy DP20 of the District Plan.

Conclusion

Planning permission is sought for the partial demolition of existing southern wing and construction of a part two-storey/part three-storey extension to existing care home to provide 31 no. bedrooms and communal/ancillary facilities, with associated parking 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.

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.

The site lies within the built -up boundary of Haywards Heath where development is generally acceptable in principle. The principle of the development is also supported by DP25 which supports the provision or improvement of community facilities and local services, that includes specialist accommodation and care homes. The proposal will increase the number of bed spaces and employment on the site and will also provide the care home with new facilities.

This house and its grounds were created from part of the farmlands of Great Haywards Farm, the farmhouse to which survives and is a Grade II listed building located a short distance to the east. Great Haywards Barn, now a residential conversion, is also Grade II listed and is located between Oakwood Court and Great Haywards. However, it is considered that the proposal will not materially affect the settings of either listed building.

The design of the proposed extension is considered to be acceptable following amendments to reduce the size of the extension, along with changes to the design and a reduction in the size of a new external terrace. It is considered that the

elevations and layout now work well with the existing building and its setting and are in line with policy DP26 of the District Plan and the design principles of the Design Guide SPD.

In regard to residential amenity, the closest properties to the proposed care home extension are Oakwood Flats which sit within the same grounds as Oakwood Care Home, the orientation of the extension and the block of flats, is such that the closest windows would be at different angles to each other and would not be directly facing one another. Whilst it is clear that the outlook to the closest flats would change given the distances and orientation is not considered that there would be a significant impact. The flats located further to the south would be sited some 21m from the proposed extension. In view of the above it is considered that there would be no significant impact on the Oakwood flats in terms of overlooking or loss of light or privacy.

A new open terrace/sensory garden has been reduced in size so that the nearest point to the Oakwood flats has now been increased, in order to address concerns regarding noise and disturbance to residents. The location and distance from the flats are now considered acceptable, such that there should be no significant impact on residents of the flats from the terrace.

The encroachment of the original submission into the communal open space to the south was previously a concern. However, the reduction in the footprint has also reduced the loss of the open space to what is now considered to be an acceptable level, when weighed up against the gain in bedroom accommodation.

It is noted that a number of the objections received are also concerned with traffic movements, parking, noise and disturbance during construction works and a condition requiring the submission and approval of a construction management plan prior to the commencement of any works is included in the recommendation.

There will be a neutral impact in respect of highway safety and parking provision, drainage, and trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is therefore considered to comply with policies DP21, DP25, DP26, DP34, DP37 and DP41 of the District Plan, policies E7, E9 and E9 of the Haywards Heath Neighbourhood Plan and the broader requirements of the NPPF.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-Commencement conditions

3. No development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

- hours of construction working;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of controlling surface water during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- measures to control noise affecting nearby residents;
- dust control measures;
- pollution incident control.

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

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

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

6. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority:
- 1:20 scale section and elevation (vignette) drawings of the top floor of one of the projecting bays at the front showing the details of the window (including the reveals), decorative brickwork and flat roof.
 - The position of the rainwater downpipes on the elevations.

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

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

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

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

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

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

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

9. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 13:00 hrs
Sundays and Bank/Public Holidays: None permitted
- Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.
10. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
- Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.
11. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces have been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.
12. The building shall not be occupied until the car parking on the approved plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.
- Reason: To provide adequate on-site car parking space for the development and 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.
13. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.
14. The recommendations set out in the Preliminary Ecological Appraisal Report and the Bat Survey Report by the Ecology Consultancy (dated November 2019) shall be implemented in full unless otherwise approved 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 DP38 of the District Plan and 175 of the NPPF.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	SH801-0-12	P3	18.01.2021
Proposed Elevations	SH801-2-05	P8	18.01.2021
Proposed Elevations	SH801-2-11	P1	18.01.2021
Proposed Elevations	SH801-2-12	P1	18.01.2021
Proposed Elevations	SH801-2-13	P2	18.01.2021
Proposed Elevations	SH801-2-14	P1	18.01.2021
Landscaping Details	HBA-834-01		27.04.2020
Proposed Site Plan	SH801-0-10	P8	27.04.2020
Location Plan	SH801-0-11	P8	18.01.2021
Existing Site Plan	SH801-0-13	P3	18.01.2021
Existing Block Plan	SH801-0-14	P5	18.01.2021
Proposed Floor Plans	SH801-1-11	P10	18.01.2021
Proposed Floor Plans	SH801-1-12	P11	18.01.2021
Proposed Floor Plans	SH801-1-13	P10	18.01.2021
Existing Floor Plans	SH801-1-18	P1	18.01.2021
Existing Elevations	SH801-2-06	P3	18.01.2021
Proposed Elevations	SH801-2-07	P1	27.04.2020
Proposed Sections	SH801-3-02	P4	18.01.2021
Proposed Floor and Elevations Plan	SH801-4-01	P1	18.01.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

In principle, this is an application that the Town Council would like to be able to support. However, on this occasion, it **STRONGLY OBJECTS** for the following reasons:

1. the proposed extension would, by virtue of its scale, give rise to an overdevelopment of the site which would be overbearing, unneighbourly and detrimental to the amenities of existing residents;
2. the proposal would result in the loss of two Category B trees and three Category C trees which are an integral part of the landscape character of the site. Their removal would be detrimental to visual amenity;
3. the proposal would lead to a reduction in the amount of outdoor amenity space available to existing residents living at the site and this would have a detrimental effect on their well-being;
4. notwithstanding the increase in the number of on-site parking spaces, the proposal would lead to an intensification in use of the existing single point of access which would add to the hazards faced by highway users and could potentially hinder the free flow of emergency services/refuse/goods vehicles to and from the site;
5. the proposed increase in the number of on-site parking spaces would not be sufficient to cater for the additional number of vehicles resulting from the extension and this would increase the pressure for on-street parking in neighbouring roads, which would be detrimental to the amenities of local residents;
6. the proposal is contrary to Policies E9 and E13 of the Haywards Heath Neighbourhood Plan.

MSDC Leisure:

Thank you for the opportunity to comment on the plans for an additional 29 care home bedrooms (Use Class C2) at Oakwood, Amberley Close, Haywards Heath RH16 4BZ on behalf of the Head of Corporate Resources.

As this is a residential facility providing support and care for older people with on-site communal facilities we do not require a financial contribution toward off-site leisure infrastructure.

Drainage Engineer:

Recommendation - No objection subject to conditions

Advice:

FLOOD RISK

The development is over 1 hectare and as such is required to be supported by a Flood Risk Assessment. The applicant has acknowledged this, and a Flood Risk and Drainage Strategy report has been submitted as part of the application.

The report identifies the site to be in flood zone 1 at low risk of fluvial flooding and in an area of very low risk of surface water flooding. The report assesses flood risk from other sources and concludes that the site is at low risk of flooding from all sources.

We would advise the applicant that whilst the development itself is located within an area of very low flood risk the pond located to the north-east corner of the site forms part of a wider surface water flood risk flow route. This surface water flood risk should be considered as part of the development design, and drainage design, to ensure flood risk is not increased downstream.

SURFACE WATER DRAINAGE

It is proposed that the development will discharge surface water drainage from the extension into the existing surface water drainage system on site which ultimately discharges into an existing pond on site.

The report states that the 1 in 1 Greenfield runoff rate from the development area is 0.6l/s, QBar Greenfield runoff rate is 0.7l/s and the 1 in 100-year runoff rate is 2.3l/s. However, the applicant proposes to discharge at 2.5l/s for all return periods up to the 1 in 100-year event with a 40% allowance for climate change.

We would usually require development to restrict discharge rates to the Greenfield QBar rate and as such would not consider the proposed 2.52l/s discharge rate to be acceptable.

The proposed drainage strategy also shows that the flow control would be located at the discharge point into the existing system. As such, there will be an increase in surface water discharge rates and volumes into the existing pond. No details on the capacity of the pond has been provided, nor has the increased runoff rate into the pond been considered.

In summary, whilst the report shows that surface water drainage of the extension is possible on site, we will require the detailed drainage design to consider the following:

- Runoff rates and volumes into the pond should be shown to not negatively impact flood risk on site, the surrounding area or further downstream. This should also consider the potential impact increased runoff rates can have on sediment loads and erosion.
- Discharge rates should aim to be no greater than the QBar Greenfield runoff rate for all events up to the 1 in 100-year event with climate change.

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

FOUL WATER DRAINAGE

It is proposed that the development will utilise the existing foul water drainage network on site which discharges via an adopted pumping station to public foul sewers.

The principle of foul water drainage is considered acceptable. However, communication and approval with the local sewerage provider will be required as part of the detailed drainage design.

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

SUGGESTED CONDITIONS

FLOOD RISK & DRAINAGE CONDITION

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 area of the building extension 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.

Environmental Health - Contaminated Land

I have no comments to make on this application.

Environmental Health - Environmental Protection

Having looked at the application I note the planned plant is proposed to be internal and has been well placed, next to the bin store so as not to affect residents. As such I do not believe conditions will be required in relation to plant noise and vibration.

I do have concerns about the impact of noise and dust on local residents during the construction of the proposed. I would, therefore, recommended that a condition is attached to the proposed application requiring a Construction Environmental Management Plan (CEMP) to be submitted prior to construction.

Recommendation: Approve with conditions

1) Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

WSCC Flood Risk:

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

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

Flood Risk Summary

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

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

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

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

Modelled groundwater flood hazard classification: Low risk

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

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourses running from the pond on site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

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

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk and Drainage Strategy included with this application state that a permeable paving and below ground attenuation with a controlled discharge to pond/watercourse would be used to control the surface water runoff from the site.

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

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

The maintenance and management of the SUDs system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

West Sussex County Council

Background and Proposals

WSCC in its role of Local Highway Authority (LHA) The development proposal is for the demolition of 5 bedrooms and construction of an extension to provide a replacement for the 5 demolished bedrooms and 29 additional bedrooms with associated car parking at Oakwood Court. The highway aspects of the proposals are supported way of a Transport Statement (TS).

Comments

The sites vehicle and pedestrian access to the development will utilised via the existing main site entrance located to the northeast of the site. Vehicular and pedestrian access to the site is via the existing 4.8m wide site entrance onto the mini roundabout on Amberley Close at the north eastern site boundary. The existing visibility splays onto Amberley Close are considered acceptable from the highway point of view. From an inspection of the available of the latest accident data no issues with operation of the existing access have been recorded.

The applicant has used the Trip Rate Information Computer System (TRICS) database to ascertain the number of additional trips the proposals would result in on the network.

The total calculated additional trip generation for the extension equates to 20 daily two way vehicle trips. The LHA does not consider the addition of 20 trips would have a 'Severe' impact on the adjoining highway network in accordance with paragraph 109 of the National Planning Policy Framework (NPPF). No additional capacity testing is considered necessary for the proposals.

The proposed car parking provision is sufficient to alleviate the risk of overspill parking onto the surrounding highway network. The applicant will provide secure and undercover cycle parking areas will be provided.

The site is well located with existing transport links. The development proposals will have no material impact on those facilities or the local highway network. The TS confirms that a travel Plan will be implemented by the Management Company for the development who will seek to reduce as much as possible reliance on the use of private cars. The LHA would consider a Travel Plan Statement (TPS) is more appropriate for this applications size and proposals, this could be secured by an appropriate planning condition.

Conclusion

Having considered the information within the TS the LHA would be satisfied that the proposals are in accordance with National Planning Policy Framework parameters namely paragraph 109.

Any approval of planning permission would be subject to the following condition:

Travel Plan Statement (to be approved)

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

Reason: To encourage and promote sustainable transport.

Southern Water:

Thank you for your letter dated 12/06/2020.

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

A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:

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

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

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

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

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

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

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

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

We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Please note that there is a private foul rising main and a pumping station within the development site.

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

Ecologist:

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The recommendations set out in the Preliminary Ecological Appraisal Report and the Bat Survey Report by the Ecology Consultancy (dated November 2019) shall be implemented in full unless otherwise approved 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 DP38 of the District Plan and 175 of the NPPF.

MID SUSSEX DISTRICT COUNCIL

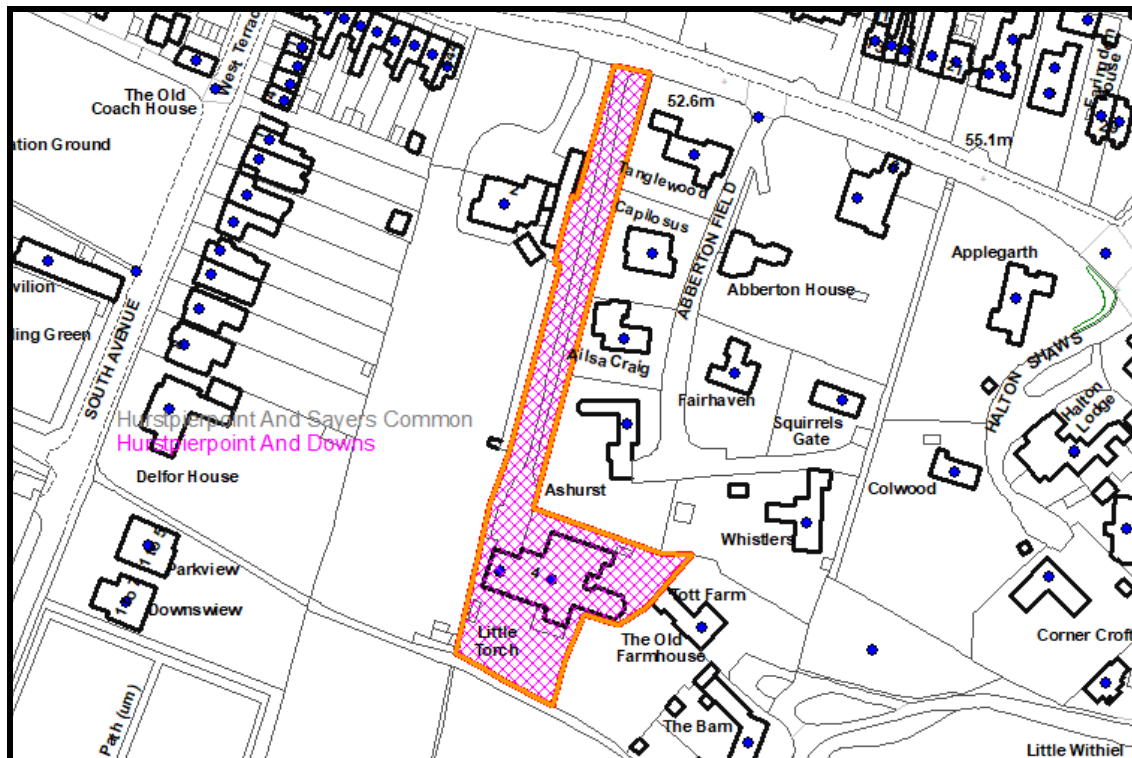
Planning Committee

11 MAR 2021

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/20/4426



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**LITTLE TORCH 4 HASOCKS ROAD HURSTPIERPOINT HASOCKS
CHANGE THE USE FROM CLASS C2 TO CLASS C3 TO FORM 8NO.
RESIDENTIAL FLATS, 2NO. DWELLING HOUSES, CAR PARKING AND
ASSOCIATED DEVELOPMENT.
MARTIN HOMES HURSTPIERPOINT LTD**

POLICY: Built Up Areas / Conservation Area / Pre 1974 Conservation Area
Boundary / Classified Roads - 20m buffer / Aerodrome Safeguarding
(CAA) / Trees subject to a planning condition /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th April 2021

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Stuart Malcolm

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the change of use of Little Torch from Class C2 (residential institution) to Class C3 (dwellinghouses) to form 8no. residential flats, 2no. dwellinghouses together with car parking and associated development.

The application is before Members because the Council's Constitution requires planning applications for this number of units to be determined by planning committee when recommended for approval.

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

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built up area of Hurstpierpoint. There is no overriding planning reason to object to the loss of the C2 use in this location.

There are other material considerations that also need to be taken into account when assessing the principle such as the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited. The development will be sympathetic to its surroundings and will only have a minor impact on the setting of the adjoining South

Downs National Park.

As identified within the heritage assessment of this report, the proposal will cause less than substantial harm to heritage assets and great weight needs to be given to this. A condition to secure additional mitigation to minimise the impact on the heritage assets will however be used. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, demonstrable and compelling public benefits associated with the delivery of 10 residential units in a sustainable location, as set out within this report, which are considered to outweigh the less than substantial harm to the conservation area and the setting of the listed buildings as identified.

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 planning application, through the completion of a satisfactory legal agreement, will provide the necessary infrastructure required to mitigate the impact of the development.

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 and in respect of the ecological and biodiversity effects of the development.

The Council would also receive a new homes bonus.

The application is deemed to comply with Policies DP4, DP6, DP18, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies HurstC2, HurstH1, HurstH5 and HurstH6 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, the MSDC Development Infrastructure and Contributions SPD, the MSDC Design Guide, The South Downs Local Plan and Policies Map 2014-2033, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

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

RECOMMENDATION

Recommendation A

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

Recommendation B

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

'In the absence of a signed legal agreement the application fails to deliver the necessary 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.'

SUMMARY OF REPRESENTATIONS

8 different neighbouring residents have written in objecting on the following issues:

- Excessive traffic movements
- Highway safety as Hassocks Road congested and poor visibility as access not adequate
- Too much parking but limited for visitors
- Proposed use more intensive than existing use
- Traffic, noise
- Parking will cause pollution and nuisance to neighbouring amenity
- Is turning on site possible as per tracking details submitted?
- Reliance on private cars
- Environmental and wildlife impact caused by development
- Adverse heritage impact - listed buildings and conservation area
- Overdevelopment in conservation area
- Light pollution
- Extra noise pollution
- Bin stores poorly located
- Waste collection will cause highways issues
- Are smaller units required in village?
- Adverse impact on trees and loss of some
- No heritage statement submitted with application when originally submitted
- Will flooding be exacerbated
- Pressure on school and health infrastructure
- No consultation with neighbours from applicant
- Was planning consultation long enough?
- Maintaining private access from the site
- Drainage problems and have Southern Water been consulted
- Site not allocated for development in Neighbourhood Plan.

SUMMARY OF CONSULTEES

MSDC Conservation:

Disagree with conclusions of Heritage Statement but consider that the proposal will cause less than substantial harm to the conservation area and the setting of adjoining listed buildings.

MSDC Leisure:

No objection subject to securing contributions

MSDC Waste:

No objection

MSDC Environmental Protection:

No objection subject to conditions

MSDC Trees:

No objection subject to conditions

MSDC Ecology:

No objection subject to conditions

MSDC Drainage:

No objection

MSDC Street Naming:

Add informative

WSCC Highways:

No objection subject to conditions

WSCC Infrastructure:

No objection subject to securing contributions

WSCC Minerals and Waste:

No objection

WSCC Water and Access:

No objection

South Downs National Park:

No objection, minor impacts on the setting of the National Park.

Southern Water:

No objections

PARISH COUNCIL OBSERVATIONS

Permission - The committee reiterate our previous comments in relation to traffic/highways issues. The committee were disappointed to note that WSCC Highways declined to visit the site. The points made by the Conservation Officer should be taken into consideration and incorporated into the design.

Previous comments read - Permission is granted subject to parking/highways issues being resolved:

- Double yellow lines opposite the junction to allow for a wide turning space
- Visibility and sight lines

INTRODUCTION

Application DM/20/4426 seeks full planning permission for the change of use of Little Torch from Class C2 (residential institution) to Class C3 (dwellinghouses) to form 8no. residential flats, 2no. dwellinghouses together with car parking and associated development.

RELEVANT PLANNING HISTORY

The only history of note is DM/17/2899 which permitted, in September 2017, the change of use of existing ground floor of the managers house to residential (C3). The managers house area subject to this previous consent is included within the current application before Members.

SITE AND SURROUNDINGS

The site, known as Little Torch, is the former Torch Trust Holiday and Retreat Centre that currently falls within the C2 use class (residential institutions). It was previously used as a holiday and retreat centre for people who have sight loss and was operated by The Torch Trust who vacated the building in May 2020 having closed down their operations at the property in 2019.

The site measures approximately 0.35 hectares in size and contains a large detached building at its southern end that provides 17 bedrooms. There is also an

attached chapel and an ancillary 1 bed flat. The two storey building comprises a mixture of tile hanging and brick elevations with some render in parts, with traditional clay tiles to the main roof and mastic asphalt to the flat roofs.

The site is accessed directly off Hassocks Road (B2116) where a long driveway leads to the rear of the site where the building is located. The driveway is flanked by a planted grass verge where mature trees also separate the drive from the neighbouring properties in places.

To the west lies Hampton Lodge, a grade II listed property set towards Hassocks Road with a large rear garden to the south. To the east of the driveway lie four dwellings located on Abberton Field, these being (from north to south) Tanglewood, Capilosus, Ailsa Craig and Ashurst. To the east of where the main building is located there are four more residential properties; Whistlers, The Granary, Tott Farm and Tott Barn, the latter two both being Grade II listed.

The site is located wholly within the Hurstpierpoint Conservation Area and the built up area of Hurstpierpoint whilst to the south of the site lies open countryside within the South Downs National Park. A public footpath (68Hu) runs east/west just to the south of the property boundary.

APPLICATION DETAILS

The existing building will be converted to facilitate the change of use and 10 individual residential units will be provided in total.

The external changes largely involve the replacements of fenestration with some additional openings created and others closed to facilitate the new residential use. The other significant change involves the removal of an existing conservatory at the rear and the creation of extension replacing it.

The existing access road from Hassocks Road will be widened (but not within the highway itself) to allow two cars to pass and further down the drive a passing place will be incorporated to allow two way traffic. A refuse/recycling area is to be located to the north of the long driveway, herringbone parking will be incorporated elsewhere and disabled parking will be situated immediately adjacent to the building.

In terms of access the applicant has confirmed that: *"all flats will be accessed via the existing main entrance and the ground floor flats will have a secondary access via their private garden. The houses will be accessed via a private entrance. 6 private and secure gardens are provided to ground floor units. An area of communal garden (400m²) is situated to the south of the site and access to the PRow is retained."*

The proposal includes 24 unallocated car parking spaces with 18 of these on the driveway and the remaining 6 spaces (including 2 disabled spaces) located adjacent to the buildings main entrance under a new carport. A total of 14 secure parking space for bicycles are provided through the site with 6 being within a storage area next to the front entrance and the others being provided within storage in private gardens.

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 Hurstpierpoint and Sayers Common 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
- DP18 Setting of the South Downs National Park
- DP20 Securing Infrastructure

- DP21 Transport
- DP26 Character and Design
- DP27 Dwelling Space Standards
- DP28 Accessibility
- DP29 Noise, Air and Light Pollution
- DP30 Housing Mix
- DP34 Listed Buildings and Other Heritage Assets
- DP35 Conservation Areas
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage
- DP42 Water Infrastructure & the Water Environment

Neighbourhood Plan

Relevant policies:

HurstC2: South Downs National Park

HurstH1: Hurstpierpoint and Sayers Common new housing development

HurstH5: Development principles

HurstH6: Housing sites infrastructure and environmental impact assessment:

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

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.

Listed Building and Conservation Area (LBCA) Act 1990

Technical Housing Standards

South Downs Local Plan and Policies Map 2014-2033

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 Visual Impact
- Heritage
- Transport, Highways and Movement

- Residential Amenity
- Trees
- Ecology & Biodiversity
- Ashdown Forest
- Infrastructure
- Other Issues
- Planning Balance and Conclusion

Principle of Development

Policy DP6 of the Mid Sussex District Plan states in part:

"Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement. The growth of settlements will be supported where this meets identified local housing, employment and community needs."

Hurstpierpoint is categorised as a Category 2 settlement in Policy DP6 of the Mid Sussex District Plan, these being 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."*

The site is considered suitably sustainable in location (discussed in more detail within transport, highways and movement sub-section) and therefore the proposal accords with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At Neighbourhood Plan level, Policy HurstH1 refers to new housing development and states, inter alia:

"To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- a) Enhance the existing settlement pattern of the village;*
- b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;"*

Policy HurstH6 (Housing sites infrastructure and environmental impact assessment) is a policy supporting housing development in principle subject to meeting certain criteria. It states:

"New housing developments which meet the policies of this plan and meet the criteria below will be supported:

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;*

- b) *the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements;*
- c) *the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area;*
- d) *the retention and protection of significant landscape features within the site and along the site's boundaries;*
- e) *an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken;*
- f) *the provision of adequate surface water and foul water drainage capacity;*
- g) *the provision of, or financial contributions towards, community facilities and the provision of public open space;*
- h) *the provision of parkland areas, to be owned and managed by the local community."*

It is also a material consideration to take into account the existing C2 (residential institutions) use of the site when assessing the change to C3 (dwellinghouses) and the fact that the previous planning permission on the site accepted such a change in principle. Whilst in a C2 use, the existing use does not fall clearly into any of the *Community Facilities and Local Services* listed within Policy DP25. Furthermore, given the internal layout and age of the building, an alternative C2 provider would be unlikely to find the site an attractive proposition. Given the above points and the need for housing in the district then there is no overriding planning reason to object to the loss of the C2 use in this location.

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

Furthermore, and in a similar vein, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one. This means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

Based on the above policy background, as well as the existing use and the other material considerations, the principle of the development in this location is acceptable.

Design and Visual Impact

Policy DP26 states that:

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

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

Policy DP18 refers to the setting of the South Downs National Park. It states that:

"development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies."

HurstH5 (development principles) states that:

"House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004)."

Countryside HurstC2 refers to the South Downs National Park and states that:

"development in the Parish that contributes to the setting of the South Downs National Park will only be permitted where it conserves or enhances and does not detract from the National Park's visual qualities and essential characteristics."

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

As set out in the *application details* section, the physical changes to the building are limited and largely relate to the creation of a new extension at the rear to partially replace a conservatory and some limited fenestration amendments. The extended driveway to facilitate the parking spaces and two way movements is also one of the main physical changes but the nature of this means that the visual impact is limited.

The effects of these physical changes on the Hurstpierpoint Conservation Area and the adjoining listed buildings are discussed in more detail in the following Heritage sub-section of the report.

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 both the *heritage* and *trees* sub-sections.

In terms of meeting the design requirements from both the District Plan and the Neighbourhood Plan set out within Policies DP26 and HurstH5, then the application meets the terms of these policies. This is largely because, even though they are minor, the physical changes are sympathetic to the building and the surrounding area.

In terms of the wider landscape impact, the application also needs to be considered in the context of the setting of the South Downs, with the National Park boundary being immediately to the south. The South Downs National Park Authority (SDNPA) has commented that:

"The SDNPA makes no comment on the principle of development. Although the landform of the application site is visible from public vantage points, including rights of way within the National Park the building already exists, and providing a sensitive landscaping scheme is provided to ensure shared public space has regard to the National Park's setting it is considered that there would be minor impacts on the setting of the National Park."

Planning officers concur with the assessment that any impacts on the National Park would only be minor in nature. A condition will however be used to ensure that external lighting is to be approved by the local planning authority prior to the development being occupied. This is to ensure compliance with paragraph 180(c) of the NPPF outlines that development should limit the impact of light pollution on intrinsically dark landscapes such as the South Downs.

In light of the above the application is considered to accord with Policies DP18 and DP26 of the District Plan, HurstH5 and HurstC2 of the Neighbourhood Plan, the MSDC Design Guide and the NPPF.

Heritage

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The LPA is also under a duty by virtue of s.72 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects conservation areas in exercise of planning functions):

"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

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

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

The statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan.

Policy DP34 of the District Plan states in relation to the setting of listed buildings:

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;...*
- Special regard is given to protecting the setting of a listed building;"*

Policy DP35 of the District Plan refers to conservation areas and sets out that:

"Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area."*

Paragraph 192 of the NPPF states that:

"in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Paragraph 193 of the NPPF is also particularly relevant with this setting out that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

(and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 196 of the NPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The Council's Conservation Officer has commented on the proposals to inform the understanding of the impact of the development on both the conservation area and the nearby listed buildings. The Officer considered that, notwithstanding the extent of the alterations to the building, Little Torch retains character and makes a modest positive contribution to the Conservation Area.

In respect of the impact on the conservation area, the officer has identified some areas of concern:

"The proposed change of use is not in itself considered contentious, as it returns the building to its original purpose. The associated external alterations and replacement rear extension are also not considered contentious in principle, although the flat roof form and high balustrading of the replacement rear extension result in an unwelcome increase in the apparent height and bulk of this element of the building, rendering it inappropriately dominant in the elevation and in views from the PROWs to the south.

I also have concerns regarding the associated landscaping scheme which includes extension of hard land surfacing to the front of the building to provide an extended parking area, extensive decking to the rear garden adjacent to the building, and subdivision of the part of the garden nearest to the house to create a series of private garden spaces. The loss of grass verging and other planting from the area adjacent to the driveway, with the provision of numerous parking spaces, will detract from the character of the site and the positive contribution that the gardens around it make to the Conservation Area, including views along the drive from Hassocks Road. To the rear (south) of the property, the extensive areas of decking, the subdivided gardens and associated fencing including tall close boarded fencing, will all detract from the open and verdant character of the gardens and the positive contribution that these make to the character of the Area and to views into it from the adjacent PROWs."

The Conservation Officer's conclusion is that these areas of concern detract from the character and appearance of the Conservation Area and views into it from the south and would therefore be contrary to Development Plan Policy DP35. In terms of the degree of harm, the Conservation Officer's view is that the proposal would result in less than substantial harm at the low-moderate end of the scale.

In respect of the impact on the listed buildings, Tott Farm and Tott Barn, the Conservation Officer has concluded that:

"The above mentioned works to the rear of the property will have a potential impact on the setting of the adjacent Tott Farm as there are longer views from the PROW to the south in which the buildings appear as neighbours. The increased apparent bulk resulting from the height of the replacement extension to the rear of the building may result in the building gaining a degree of undue visual prominence in these views which may detract to an extent from the manner in which the special significance of the listed farmhouse is appreciated. The screening along the boundary between the two properties is such that the works to the back garden would not however be considered to impact directly on the setting of Tott Farm. The detrimental impact on views of Tott Farm from the south would be contrary to the requirements of District Plan Policy DP34, and in terms of the NPPF would be considered to cause less than substantial harm at the lower end of the scale."

In respect of the impact on Hampton Lodge, the Conservation Officer has concluded that:

"In relation to Hampton Lodge, a further listed building located to the west of the site, this has a very different relationship with the site than Tott's Farm and Barn. Although Hampton Lodge is set close to the northern part of the driveway to the Torch, the building itself is much nearer to Totts Farm, and is appreciated in the same views from the PROWs to the south. Hampton Lodge being located further north and well screened does not appear in these views. I also consider that the impact of the works on the driveway leading to the Torch on the setting of Hampton Lodge is likely to be negligible given the screening between the two and along the road frontage of Hampton Lodge."

Since the Conservation Officer's initial comments were made the applicant submitted a Heritage Statement (HS). The Conservation Officer disagrees however with the conclusions of the HS regarding the impact of the current proposals in identifying the degree of harm to these heritage assets.

The submission of the HS has therefore not altered the Conservation Officer's overall conclusion that the proposal will lead to less than substantial harm to both the conservation area (less than substantial harm at the low-moderate end of the scale) and to the setting of the adjoining listed buildings at Tott Farm and Barn (less than substantial harm to the lower end of the scale). This harm must be given considerable importance and weight in the decision making process.

No changes have been made by the applicant to the rear extension so this needs to be considered as submitted given it is a fundamental part of the proposals. The landscaping proposals can however be subject to a condition specifying that additional details are needed to be submitted prior to works commencing. The condition, number 3 in Appendix A, will apply to hard and soft landscaping as well as boundary treatments and will also set out the need for a management plan to address those communal parts of the grounds. Furthermore, an informative will be used making it clear that a high close boarded fence and areas of decking as shown on the currently submitted plans are unlikely to be supported as part of any submitted landscaping plan. With such a condition in place securing mitigation measures, it can clearly be demonstrated that great weight is given to the less than substantial harm identified. Given the concerns raised on the potential for enclosures

and decking to harm the heritage assets, a condition will also be used to remove permitted development rights in the future for these particular features.

Whilst securing amended landscaping proposals will help to mitigate the impact of the development, the overall conclusion is that the development will lead to less than substantial harm to these heritage assets. In such cases, and as outlined above, para 196 of the NPPF is clear on how the local planning authority needs to assess the application:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In this particular case there are clear, demonstrable and compelling public benefits associated with the delivery of 10 residential units in a sustainable location, as set out within this report, which are considered to outweigh the less than substantial harm to the conservation area and the setting of the listed buildings as identified.

Transport, Highways and Movement

Policy DP21 of the District Plan states:

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

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

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

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

development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

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

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

Criteria (a), (b) and (c) of Policy HurstH6 (set out in full previously within this report) also apply. (Housing sites infrastructure and environmental impact assessment) is a policy supporting housing development in principle subject to meeting certain criteria. It states:

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 (WSCC) 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. The comments are in two parts with additional information being supplied to the LHA following an initial request for clarification on some matters.

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

"The applicant has confirmed that no changes are proposed to the existing access where it meets Hassocks Road. A passing place will be provided within the site but these alterations are not within highway land. As per WSCC Road Safety Audit

(RSA) policy, an RSA is required for a development of 10+ units where a new access/ modifications are proposed. If an existing access is being used then an RSA is required where intensification of 50 or more vehicle movements per day are expected. As per previous comments, the proposed use could see a decrease (from 46 x trips to 30 x trips over the day). Therefore an RSA is not required and a capacity issue at the existing access is not expected.

WSCC local mapping and plans indicate that the existing access is at least 4.5m wide which is sufficient for 2 x cars to pass. Furthermore, there is no nearby collision data related to use of the access that would suggest a visibility or safety issue. Additionally, as no increase in vehicle movements over existing permitted use is expected, the LHA could not raise transport grounds to resist the application."

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

"The 24 x spaces will be unallocated. As per previous comments, on the basis of parking being unallocated the development could see a demand for 20 x spaces and thus the LHA is satisfied with parking provision."

Amendments to the disabled spaces have also been provided to ensure sufficient access width in line with DfT guidance and WSCC is satisfied with the plan submitted showing this. Cycle spaces are also to be provided and secured via condition.

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

"A TRICs (Trip Rate Information Computer Systems) analysis has been carried out to predict the change in vehicle trips from the existing C2 'sheltered accommodation' use to the proposed C3 residential use. Using suitable parameters it has been predicted that the existing permitted use (17 units) could create 46 x trips over the day with 3 two-way movements in the AM and 3 two-way movements in the PM peak hours respectively. For the proposed residential use privately owned houses and flats have been interrogated and found that 30 trips over the day could result with 3 two-way movements in the AM and 3 two-way movements in the PM peak hours respectively. Therefore no increase in peak hour trips is anticipated and a decrease in trips over the 12-hour day period could result.

On this basis the LHA does not consider that the existing access use would intensify over what could already be supported by the existing permitted use on site and therefore no capacity issue to the nearby road network is anticipated."

The site is in a sustainable location close to the centre of Hurstpierpoint village. Regarding this location, WSCC has commented that:

"There is footway on the opposite side of Hassocks Road which would require pedestrians to cross from the site access to reach the wider pedestrian network. To the west of the site there are a range of local retail and amenities within Hurstpierpoint with the Co-op being 5 minute walk distant. Bus services from

Hassocks Road reach locations such as Haywards Heath, Burgess Hill and Crawley and the nearest Train Station is at Hassocks, an 8 minute cycle from the site.

It is therefore considered that some options for use of sustainable transport could be utilised from the site, although lack of pedestrian crossing at the site access may discourage this for some residents."

The provision of cycle parking will also help promote sustainable travel.

No objections are raised to the servicing arrangements by either WSCC or the MSDC Waste team with suitable tracking details being provided with the application. A refuse store is to be located close to the site entrance although further details of the design of this will be secured via condition.

WSCC conclude their response by stating that 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, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Whilst Policy HurstH6 requires the submission of a Transport Assessment and Travel Plan, the scale of this development falls under the planning application validation thresholds set by the Council for such documents to be submitted.

It is evident from the above assessment that the application therefore complies with Policy DP21 of the District Plan, the relevant criteria of Policy Hurst H6 and the NPPF.

Residential Amenity

Policy DP26 of the District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution."

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

Policy DP27 of the District Plan states:

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

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

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

Policy DP29 of the District Plan states that:

the environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution."

Paragraph 127 of the NPPF requires development to, inter alia:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

The nearest properties most likely to be affected are Hampton Lodge to the west, those properties on Abberton Field and the properties to the immediate east of the Little Torch building.

Hampton Lodge is located close to Hassocks Road and shares a long border with the application site. Given the separation between the two buildings (approx 85 metres) and the intervening vegetation, the physical works to the building and the change of use will not result in significant harm in residential amenity terms. Any future views from the building towards the rear garden of Hampton Lodge will be no worse than at present so significant harm could not be demonstrated in respect of loss of privacy. The location of the parking, with 20 spaces diagonally adjacent to the boundary does have more potential to affect the neighbouring residents. To ensure that the headlights of the cars are not causing a significant light nuisance to the rear garden of the neighbour, a condition will be used to secure a solution that will minimise the potential for headlights to do this. This could be a hard or soft edged solution along or close to the southern boundary but it will be for the applicant to submit a scheme that is acceptable to planning officers both in terms of being effective and visually acceptable.

There is a strong tree screen along the driveway and the boundary with the Abberton Field properties as well as to the immediate north and north east of the application building where it shares a boundary with Ashurst and Whistlers. The north façade of the building is changing very little from the existing building although new rooflights are being inserted in the chapel element. These are though located some 33 metres and 45 metres from the buildings at Ashurst and Whistlers respectively meaning significant harm from overlooking is not caused and no internal cill height restrictions are necessary.

Potential noise caused by traffic using the access road to the development is not a reasonable ground to object to the application because, as set out in the preceding

transport, highways and movement sub-section, the vehicular trips to and from the site will likely be less than could be possible now under the lawful C2 use. This means that there will be no significant harm to the neighbouring residents at Hampton Lodge or those on Abberton Field as a result of traffic noise caused by the development.

Overall noise levels, i.e. those not caused by traffic but just by general use, should also be potentially less in a C3 residential use compared to what may be generated from the lawful C2 residential institution use that could also include boarding schools, residential colleges or training centres.

It is important to highlight that there are no objections from the Council's Environmental Protection team in respect of potential noise or air pollution from the development.

There are very few physical changes to the eastern façade of the Little Torches building, this being the elevation facing towards Tott Farm, Tott Barn and The Granary. The most significant physical change is the insertion of rooflights to facilitate living accommodation within Flat 10 in the south east corner of the building at second floor level. The rooflights will however be located above first floor windows so will result in no more overlooking than would potentially be possible with the existing situation.

It is concluded therefore that the minor physical alterations themselves will not significantly affect neighbouring residential amenity. It is considered that the use of the site itself will not cause excessive noise or disturbance to nearby residents whether in terms of traffic noise or general noise.

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

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

The proposal will not cause significant harm to neighbouring residential amenity and will provide an acceptable standard of accommodation for future residents. The application is therefore considered to be in accordance with Policies DP26, DP27 and DP29 of the District Plan and Paragraph 127 of the NPPF.

Trees

Policy DP37 of the District Plan states:

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

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

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

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

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

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

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

As noted earlier in the report criteria (d) of Policy HurstH6 requires the retention and protection of significant landscape features within the site and along the site's boundaries.

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

- 14 individual category C trees, a category C Holm Oak group and 1 category U tree

The Council's Tree Officer has been consulted on the merits of the application and raises no objection to the vegetation loss with these categorisations not being a barrier to development. On the Root Protection Area (RPA) incursions, the officer has commented that:

"4 individual trees and 4 groups of trees will have incursion into their RPAs as a result of the proposed hard surfacing. The % incursion is quite significant particularly for T1 - Western red cedar. However, when this is translated to % incursion of unsurfaced ground as outlined in the BS5837, this takes it below the recommended maximum given within the Standard which although not ideal, is considered acceptable."

The applicant's submissions include a landscaping scheme that proposes the following:

- *"The hedge on the southern boundary on the site will be retained;*
- *New hedge planting will be incorporated on the western boundary and on the rear boundaries of the southern private gardens;*
- *A mix of new native trees will be planted throughout the scheme;*
- *Communal garden areas will be naturalised grass mixes;*
- *Permeable materials will be used for paths and terraced areas."*

Whilst a landscaping plan has been submitted, a condition will nevertheless be needed to secure the landscaping because the submitted details do not include the whole of the site (the access road area is not included) and for the reasons set out in the *heritage* sub-section. A management plan for the communal areas will also be required through the condition.

With such a condition in place, that will secure policy compliant replanting, the application accords with Policy DP37 of the District Plan and HurstH6 of the Neighbourhood Plan.

Ecology & Biodiversity

Policy DP38 of the District Plan states:

"Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity,*

including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Criteria (e) of HurstH6 requires an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken.

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

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special*

scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

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

In support of the application, the applicant has submitted a 'Bat Scoping and Emergence Interim Report' that is available to view in full on the planning file. Evidence of long eared bats has been found and further emergence surveys are planned for spring 2021. The report also states that because the development will largely just involve the conversion of the internal layout only, it will not disturb, modify or destroy any roosts. As such a European Protected Species (EPS) licence, setting out full mitigation measures, would not be required.

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

"According to the Bat Scoping and Emergence Interim report by the Ecology Co-op, the proposals are not understood to involve the damage or destruction of potential bat roost features. However, to ensure that this is the case, it is critical that any works are managed to ensure that potential roost features are not damaged (without a licence and appropriate mitigation and compensation) and that works are timed / undertaken in a manner to avoid disturbing any bats through noise and vibration, particularly during hibernation or the nursery period, if maternity roosts are present. Note, it is very difficult to rule out hibernation use, but there is always a risk of hibernating pipistrelles being present under tiles where there are gaps for entry, especially on northern aspects of a building."

Conditions have subsequently been recommended by the ecological consultant to secure wildlife enhancements and a method statement supported by further surveys for the building works. Such a condition is set out in Appendix A and with this in place, there are no objections to the proposal from an ecological perspective.

The application is therefore considered to be in accordance with Policy DP38 of the District Plan, criteria (e) of HurstH6 and the NPPF.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC. A full HRA (that is, the appropriate assessment stage that ascertains

the effect on integrity of the European site) of the proposed development is not required.

Infrastructure

Policy DP20 of the District Plan states:

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

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

Criteria (g) of HurstH6 requires the provision of, or financial contributions towards, community facilities and the provision of public open space.

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

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

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

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

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

The infrastructure requirements generated by this proposal are as follows:

Mid Sussex payable contributions

- Play equipment - £7,363 (South Avenue Recreation Ground)
- Kickabout provision - £6,185 (South Avenue Recreation Ground)
- Formal sport - £8,432 (sport facilities at Court Bushes and / or Fairfield Recreation Ground)
- Community buildings - £6,053 (Court Bushes Community Hub and / or Hurstpierpoint Village Centre)

- Local community - £6,869 (off-street parking provision near the High Street, Hurstpierpoint and/or a new cemetery at St. Georges Lane, Hurstpierpoint)

It is relevant to highlight that the development falls under the threshold of 1000m² (as well as being under 11 units) that would trigger the need for affordable housing provision as set out in Policy DP31 of the District Plan. Although Policy HurstH7 (affordable homes) has a lower threshold, DP31 is a more recent policy so takes precedence for the reasons set out in the 'Legal Framework' section earlier in this report.

West Sussex payable contributions

- Primary Education - £16,831 (additional facilities at St. Lawrence CE Primary School)
- Secondary Education £18,115 (additional facilities at Downlands Community School)
- 6th Form Education - £4,244 (additional facilities at St Paul's Catholic Sixth Form College)
- Libraries - £3,768 (additional stock at Hurstpierpoint Library)
- TAD - £25,662 (traffic management scheme in Hurstpierpoint to improve safety for pedestrians and cyclists)

A legal agreement is being progressed to secure the above contributions. Subject to the completion of this agreement the application will comply 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. Members should note however this application is subject to a dual recommendation.

Other Issues

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

For example, the applicant has submitted an Air Quality Assessment owing to the proximity of the site to the Stonepound Crossroads Air Quality Management Area (AQMA). The report concludes that there are no air quality grounds for refusal although mitigation of any emissions should be considered. No concerns have been raised by Environmental Protection officers about this conclusion and no additional or specific mitigation is required.

No objections are raised by the Council's drainage officers and given the proposal is largely a change of use, no condition is required although the developer will need to agree their proposals with Southern Water.

In respect of water and access, the applicant has confirmed all but one of the flats is wholly within 45 metres of access to a fire appliance and that the flat outside of this range (flat 6) will therefore be fitted with a sprinkler system. This meets the WSCC

water and access officer's requirements. The sprinklers to flat 6 will be secured by condition.

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

A condition will also be used to ensure that the applicant submits the detailed sustainable measures that will be incorporated into the scheme as set out in the submitted 'Energy Strategy'. The high level details proposed by the applicant are summarised as follows:

- Implementing a fabric first strategy;
- Utilising an existing building thus reducing the need for new materials;
- Upgrading the windows, light, appliances and fixings to energy efficient versions;
- Creation of better natural ventilation;
- Incorporating Solar thermal panels;
- Harvesting rainwater and fitting water meters to reduce water consumption;
- Achieves a consumption 110 litres of water per person per day or better

The condition will secure the precise details and ensure the application complies with Policy DP39 of the District Plan and national requirements. Electric vehicle charging points will also be secured through the sustainability condition.

The applicant will be advised to give consideration to the creation of a level access to the footpath to the south as per the SDNPA comments but this will be through an informative rather than a condition as there is no planning justification to insist upon one.

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

3 x 1 bed units
4 x 2 bed units
2 x 3 bed units
1 x 4/5 bed units

The concern raised by a resident about maintaining private access from the site is a private matter between the affected parties.

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

CONCLUSION

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

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built up area of Hurstpierpoint. There is no overriding planning reason to object to the loss of the C2 use in this location.

There are other material considerations that also need to be taken into account when assessing the principle such as the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited. The development will be sympathetic to its surroundings and will only have a minor impact on the setting of the adjoining South Downs National Park.

As identified within the heritage assessment of this report, the proposal will cause less than substantial harm to heritage assets and great weight needs to be given to this. A condition to secure additional mitigation to minimise the impact on the heritage assets will however be used. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, demonstrable and compelling public benefits associated with the delivery of 10 residential units in a sustainable location, as set out within this report, which are considered to outweigh the less than substantial harm to the conservation area and the setting of the listed buildings as identified.

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 planning application, through the completion of a satisfactory legal agreement, will provide the necessary infrastructure required to mitigate the impact of the development.

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 and in respect of the ecological and biodiversity effects of the development.

The Council would also receive a new homes bonus.

The application is deemed to comply with Policies DP4, DP6, DP18, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies HurstC2, HurstH1, HurstH5 and HurstH6 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, the MSDC Development Infrastructure and Contributions SPD, the MSDC Design Guide, The South Downs Local Plan and Policies Map 2014-2033, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

APPENDIX A – RECOMMENDED CONDITIONS

Time Limit

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

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

Pre-commencement

2. No development shall 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 achieve a development of visual quality in the conservation area and to accord with Policies DP26 and DP35 of the District Plan and the NPPF.

3. Notwithstanding any information submitted to the contrary, prior to the commencement of construction, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and a long term management plan to ensure the successful establishment and care of the communal garden areas. The details shall also include residential curtilage boundary treatments, site boundary treatments and details of any other means of enclosure. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a development of visual quality in the conservation area and in the setting of adjoining listed buildings and to accord with Policies DP26, DP34 and DP35 of the District Plan and the NPPF.

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

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

Details of how wildlife enhancements (as recommended in the Bat Scoping and Emergence Interim Report by the Ecology Co-op) will be incorporated, including confirmation of any products and where they will be located.

A method statement covering any refurbishment and alterations to the building to ensure that no potential bat roost features (including but not necessarily limited to loft spaces, roof coverings, hanging tiles, other crevices in external features or potential access points to internal voids) are damaged, destroyed or obstructed and to ensure that no significant disturbance of bats is caused by noise, light or vibration, particularly during sensitive hibernation or maternity periods.

Note: The method statement shall be supported by sufficient further surveys to provide adequate information on bat use of the building;

- it shall include a full list of all alterations to be undertaken to the building and a risk assessment for each item for potential to impact bats and any necessary controls to ensure compliance with legislation;
- the approved details shall be implemented in full unless otherwise approved in writing by the local planning authority;
- if at any point it becomes apparent that the works cannot be completed without damaging, destroying or obstructing a bat roost or that disturbance cannot be avoided, appropriate mitigation and compensation must be designed into the work plans and a licence must be obtained from Natural England to allow the works to proceed lawfully.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policy DP38 of the Mid Sussex District Plan and 175 of the NPPF.

6. No development shall take place unless and until details, to include plans and elevations where necessary, of what sustainable measures are to be incorporated into the development have been submitted to and approved in writing by the local

planning authority. Such measures shall include details on the provision of electric vehicle charging points. The development shall be carried out in accordance with these approved details.

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

Construction

7. Construction work on the site, including the use of plant and machinery, necessary for implementation of this consent shall, unless otherwise agreed in writing, be limited to the following times:

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

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

8. No trees or shrubs shall be removed or pruned between 1st March and 31st August, without first being checked by a suitably qualified ecologist and no active nests found.

Reason: To prevent loss of biodiversity, in accordance with policy DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Pre-occupation

9. No part of the development shall first be occupied until such time as suitable measures have been put in place, in accordance with details to be submitted to and approved in writing by the local planning authority, to prevent headlights shining into the garden of Hampton Lodge.

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

10. 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 District Plan.

11. Prior to occupation of this individual residential unit, Flat 6 (as shown on the approved floor plans) shall be fitted with domestic sprinklers to BS9251 standard.

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.

12. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to

and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

13. 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 including DP21 of the District Plan and the NPPF.

14. 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 DP24 of the District Plan.

15. Before the development hereby permitted is occupied, any external lighting shall be installed in accordance with the written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and the Dark Skies of the South Downs National Park and to accord with Policies DP18 and DP26 of the Mid Sussex District Plan 2014 - 2031 and the NPPF.

Post-occupation / management

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

Reason: In order to safeguard the special character and visual amenity of the locality and the heritage assets and to accord with Policies DP18, DP34 and DP35 of the Mid Sussex District Plan 2014 - 2031 and the NPPF.

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £34 will be payable

per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

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

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

4. In respect of the landscaping condition, a high close boarded fence and areas of decking are unlikely to be supported as part of any submitted landscaping plan. Consideration should also be given by the applicant to creating a level access to the public footpath as per the SDNPA comments
5. 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.
6. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	A.006		24.11.2020
Proposed Elevations	A.007		24.11.2020
Existing Sections	A.008		24.11.2020
Topographical Survey	A.002		24.11.2020
Existing Floor Plans	A.003		24.11.2020
Existing Floor Plans	A.004		24.11.2020
Existing Roof Plan	A.005		24.11.2020
Existing Elevations	A.006		24.11.2020
Existing Elevations	A.007		24.11.2020
Existing Sections	A.008		24.11.2020
Proposed Floor Plans	D.002		24.11.2020
Proposed Floor and Elevations Plan	D.003		24.11.2020
Proposed Roof Plan	D.003		24.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Permission - The committee reiterate our previous comments in relation to traffic/highways issues. The committee were disappointed to note that WSCC Highways declined to visit the site.

The points made by the Conservation Officer should be taken into consideration and incorporated into the design.

Parish Consultation

Permission is granted subject to parking/highways issues being resolved:

- Double yellow lines opposite the junction to allow for a wide turning space
- Visibility and sight lines

MSDC Conservation

Final comments

I have read and considered the contents of the submitted Heritage Statement.

- I am concerned to note that the effects of the proposal on the settings of Tott Farm and Tott Farm Barn are not properly considered by the Statement as these assets are 'scoped out' at an early stage, indicating that the applicant considers that the proposal has no effect on the setting of these assets. Any analysis of views of the site from the PROWs to the south should have made it clear that the proposals to the rear (south) of the building will also have some impact on the setting of the adjacent listed buildings, which form part of the same vista. This however is not addressed by the Statement.
- I disagree with the analysis of the contribution made by the site to the character of the Conservation Area.
- Consequently it is unsurprising that in my opinion the conclusions drawn regarding the impact of the current proposals are incorrect in not identifying a degree of harm to these assets.

It is regrettable that the applicant has therefore chosen not to address the concerns previously raised in relation to the scheme, and that no revised plans have been received. In light of this my previous comments stand in relation to the nature and level of harm caused to both the Conservation Area and the settings of Tott Farm and Tott Farm Barn. Please note however with my apologies that there is a typing error in the previous comments- the relevant policy in relation to the listed buildings is DP34 and not DP35.

In relation to Hampton Lodge, a further listed building located to the west of the site, this has a very different relationship with the site than Tott's Farm and Barn. Although Hampton Lodge is set close to the northern part of the driveway to the Torch, the building itself is much nearer to Totts Farm, and is appreciated in the same views from the PROWs to the south. Hampton Lodge being located further north and well screened does not appear in these views. I also consider that the impact of the works on the driveway leading to the

Torch on the setting of Hampton Lodge is likely to be negligible given the screening between the two and along the road frontage of Hampton Lodge.

Original comments

The application site is an unlisted detached building located within the Hurstpierpoint Conservation Area. The building, now disused, was most recently a Christian retreat centre, but was constructed in the early 20th century as a house. The building, which has been significantly altered and extended, is set in grounds, backing directly onto the open fields surrounding the village and Conservation Area. Notwithstanding the extent of the alterations to the building it retains character and makes a modest positive contribution to the Conservation Area. The site, with the exception of the entrance driveway, is well screened from Hassocks Road, but the rear of the building and the surrounding gardens are relatively open to view from the public rights of way which run east-west along the southern end of the site, and south-north to join adjacent to the south west corner of the site. Just to the east of the site are a group of listed buildings at Tott Farm and Tott Farm Barn (both Grade II).

Firstly, I would note that no Heritage Statement has been submitted with the application. As the site is within the setting of Tott Farm and Barn this would be a validation requirement.

The current proposal is for change of use of the building to residential flats and two houses, with associated external alterations including a replacement rear single storey extension, and hard and soft landscaping.

The proposed change of use is not in itself considered contentious, as it returns the building to its original purpose. The associated external alterations and replacement rear extension are also not considered contentious in principle, although the flat roof form and high balustrading of the replacement rear extension result in an unwelcome increase in the apparent height and bulk of this element of the building, rendering it inappropriately dominant in the elevation and in views from the PROWs to the south. This element of the proposal requires reconsideration.

I also have concerns regarding the associated landscaping scheme which includes extension of hard land surfacing to the front of the building to provide an extended parking area, extensive decking to the rear garden adjacent to the building, and subdivision of the part of the garden nearest to the house to create a series of private garden spaces. The loss of grass verging and other planting from the area adjacent to the driveway, with the provision of numerous parking spaces, will detract from the character of the site and the positive contribution that the gardens around it make to the Conservation Area, including views along the drive from Hassocks Road. To the rear (south) of the property, the extensive areas of decking, the subdivided gardens and associated fencing including tall close boarded fencing, will all detract from the open and verdant character of the gardens and the positive contribution that these make to the character of the Area and to views into it from the adjacent PROWs. These aspects of the proposal also require reconsideration.

As it stands although the principle of the development is not considered contentious aspects of the scheme, as set out above, are considered to detract from the character and appearance of the Conservation Area and views into it from the south. This would be contrary to Development Plan Policy DP35. In respect of the NPPF I consider the proposal to result in less than substantial harm at the low-moderate end of the scale.

The above mentioned works to the rear of the property will have a potential impact on the setting of the adjacent Tott Farm as there are longer views from the PROW to the south in which the buildings appear as neighbours. The increased apparent bulk resulting from the height of the replacement extension to the rear of the building may result in the building

gaining a degree of undue visual prominence in these views which may detract to an extent from the manner in which the special significance of the listed farmhouse is appreciated. The screening along the boundary between the two properties is such that the works to the back garden would not however be considered to impact directly on the setting of Tott Farm. The detrimental impact on views of Tott Farm from the south would be contrary to the requirements of District Plan Policy DP35, and in terms of the NPPF would be considered to cause less than substantial harm at the lower end of the scale.

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

South Avenue Recreation Ground, owned and managed by the Parish Council, is the nearest locally equipped play area approximately 220m from the development site. This facility will face increased demand from the new development and a contribution of £13,547 is required to make improvements to play equipment (£7,363) and kickabout provision (£6,185). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £8,432 is required toward formal sport facilities at Court Bushes and / or Fairfield Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £6,053 is required to make improvements to the Court Bushes Community Hub and / or Hurstpierpoint Village 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 Waste

[In response to tracking plans] That's perfect - our mainline freighters are slightly wider by 0.75 metres but that shouldn't affect the manoeuvring space as the lengths between the sample vehicle and our freighters are similar.

From a waste management perspective I don't see any further issue with this application.

MSDC Environmental Protection

I have no objections to this application. However, the implementation phase it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan is required by a suitable condition. It would be expected that within such a plan there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:

0800-1800 Monday to Friday
0900-1300 Saturdays
No work on Sundays and Bank Holidays

It would also be expected that there is a prohibition on burning of demolition and other waste on site.

Recommended condition:

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

MSDC Trees

I have reviewed the above documents and have the following comments and observations:

- No trees are old enough to be covered by the planning condition set in 1979 covering the site.
- The site is within the boundaries of the Hurstpierpoint Conservation Area.

Trees for removal:

- 14 category C trees and 1 category U tree are to be removed which should not act as a constraint on the development.

Pruning:

- 3 trees are being pruned to facilitate the development which is considered acceptable.

RPA incursions:

- 4 individual trees and 4 groups of trees will have incursion into their RPAs as a result of the proposed hard surfacing.
- The % incursion is quite significant particularly for T1 - Western red cedar. However, when this is translated to % incursion of unsurfaced ground as outlined in the BS5837, this takes it below the recommended maximum given within the Standard which although not ideal, is considered acceptable.

Proposed Landscaping:

- The landscaping plan as proposed generally appears to be suitable. The hedging is native and complies with DP37 - Proposals for new trees.
- The tree species listed (T1-T7) on the whole are native but it is not clear where the different species are to be planted on the plan. Please can the plan be annotated to show this.
- There are written details of drainage pipework/ inspection chambers and manholes on the landscaping plan. I cannot see where these sit on the plan and whether they have any further impact on the RPA of trees being retained. Please provide details if they are within the RPAs of any trees.

The arboricultural report is sound and precise and should be strictly adhered to throughout the project should permission be granted.

As far as the landscaping is concerned, I would request the above points are addressed prior to commencement of the project.

Providing the above comments are taken into account I would not object to the development on arboricultural grounds.

MSDC Ecology

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

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

Details of how wildlife enhancements (as recommended in the Bat Scoping and Emergence Interim Report by the Ecology Co-op) will be incorporated, including confirmation of any products and where they will be located.

A method statement covering any refurbishment and alterations to the building to ensure that no potential bat roost features (including but not necessarily limited to loft spaces, roof coverings, hanging tiles, other crevices in external features or potential access points to internal voids) are damaged, destroyed or obstructed and to ensure that no significant disturbance of bats is caused by noise, light or vibration, particularly during sensitive hibernation or maternity periods.

Note: the method statement shall be supported by sufficient further surveys to provide adequate information on bat use of the building;

it shall include a full list of all alterations to be undertaken to the building and a risk assessment for each item for potential to impact bats and any necessary controls to ensure compliance with legislation;

the approved details shall be implemented in full unless otherwise approved in writing by the local planning authority;

if at any point it becomes apparent that the works cannot be completed without damaging, destroying or obstructing a bat roost or that disturbance cannot be avoided, appropriate mitigation and compensation must be designed into the work plans and a licence must be obtained from Natural England to allow the works to proceed lawfully.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policy DP38 of the Mid Sussex District Plan and 175 of the NPPF.

No trees or shrubs shall be removed or pruned between 1st March and 31st August, first checked by a suitably qualified ecologist and no active nests found.

Reason: to prevent loss of biodiversity, in accordance with policy DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Comments

According to the Bat Scoping and Emergence Interim report by the Ecology Co-op, the proposals are not understood to involve the damage or destruction of potential bat roost features. However, to ensure that this is the case, it is critical that any works are managed to ensure that potential roost features are not damaged (without a licence and appropriate

mitigation and compensation) and that works are timed / undertaken in a manner to avoid disturbing any bats through noise and vibration, particularly during hibernation or the nursery period, if maternity roosts are present. Note, it is very difficult to rule out hibernation use, but there is always a risk of hibernating pipistrelles being present under tiles where there are gaps for entry, especially on northern aspects of a building.

MSDC Drainage

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is largely in an area identified as having very low surface water (pluvial) flood risk. A small area of the site is shown to have a low surface water flood risk (1 in 1,000-year event).

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

SURFACE WATER DRAINAGE

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

The application form states surface water drainage shall be managed via soakaways and the main sewer. It is proposed to remove all existing tarmac from the parking areas and replace it with permeable paving. It is also proposed to utilise permeable surfaces throughout the new amenity spaces.

Southern Water have stated that there are no public surface water sewers in the area to serve the development and that alternative means of disposal will be required.

We would advise the applicant that infiltration devices should be utilised to manage surface water drainage on site.

We would advise the applicant to consider designing surface water drainage to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. However, as the proposed development is a change of use of an existing building surface water drainage design should meet Building Regulations and be managed by Building Control.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water to the main foul sewer on Hassocks Road. This connection should be managed and agreed with Southern Water.

MSDC Street Naming

Add informative

WSCC Highways

Final Comments

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for change of use of C2 building to C3 (10 x residential units). As per comments dated 22 December 2020 the site has been raised on the MSDC 'RAGs' report as Amber with comments made regards access width and visibility. The LHA have

assessed the access arrangements including width and visibility in the following report.

In previous comments the LHA asked for clarification on the proposed access arrangements and advised that the parking arrangements be reviewed.

Access

The applicant has confirmed that no changes are proposed to the existing access where it meets Hassocks Road. A passing place will be provided within the site but these alterations are not within highway land. As per WSCC Road Safety Audit (RSA) policy, an RSA is required for a development of 10+ units where a new access/ modifications are proposed. If an existing access is being used then an RSA is required where intensification of 50 or more vehicle movements per day are expected. As per previous comments, the proposed use could see a decrease (from 46 x trips to 30 x trips over the day). Therefore an RSA is not required and a capacity issue at the existing access is not expected.

WSCC, local mapping and plans indicate that the existing access is at least 4.5m wide which is sufficient for 2 x cars to pass. Furthermore, there is no nearby collision data related to use of the access that would suggest a visibility or safety issue. Additionally, as no increase in vehicle movements over existing permitted use is expected, the LHA could not raise transport grounds to resist the application.

Car Parking

The 24 x spaces will be unallocated. As per previous comments, on the basis of parking being unallocated the development could see a demand for 20 x spaces and thus the LHA is satisfied with parking provision. It is understood that amendments to the disabled spaces are to be provided in due course to ensure sufficient access width in line with DfT guidance. On the basis that this is provided the LHA does not wish to raise transport grounds to resist the application.

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

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

Car parking space (details approved) - if an updated plan has been provided and approved by LHA [MSDC case officer note: a plan has been submitted and deemed acceptable by WSCC]

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

Reason: To provide car-parking space for the use

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

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.

Original Comments

Access Arrangements

The DaS states that the existing vehicle crossover to Hassocks Road is to be widened to allow two cars to pass within the access. An additional passing place is also proposed along the existing driveway toward the site. However, the TS states that the existing access as 6.5m wide (narrowing to 3.2m after 10m) is suitable. The applicant should clarify whether any alterations to the existing access are proposed and mark the changes clearly on the site plans. As per WSCC Road Safety Audit (RSA) policy, developments where the highway is to be altered for 10 x dwellings or more require an RSA and thus this point should be clarified.

Hassocks Road is 'B' classified district distributor road subject to 30mph speed restriction in this location. Due to the presence of on-street parking in the vicinity the road width narrows and vehicle speeds are anticipated to be lower and not exceeding the posted limit. No visibility splays at the existing access point have been provided, nonetheless the LHA appreciate that the number of peak hour trips is not anticipated to increase over the existing use. Furthermore, there is no road traffic incident data at the access within the past 5 years to suggest that the existing access has been operating unsafely and thus no evidence to suggest that the change of use would exacerbate any existing safety concern.

Servicing Arrangements

Refuse collection is to be from main road. MSDC, as the local waste authority, should confirm the acceptability of these arrangements. As per Manual for Streets (MfS) paragraph 6.8.9, residents should not have to carry waste more than 30m to the storage point where at all practical, although this is an amenity issue. Waste collection vehicles should be able to get within 25m of the storage point, which should be reasonably accessible.

A Fire Tender turning track has been indicated on site which demonstrates that such a vehicle can turn on site to exit in a forward gear.

Trip Generation/ Road Network Capacity

A TRICs (Trip Rate Information Computer Systems) analysis has been carried out to predict the change in vehicle trips from the existing C2 'sheltered accommodation' use to the proposed C3 residential use. Using suitable parameters it has been predicted that the existing permitted use (17 units) could create 46 x trips over the day with 3 two-way movements in the AM and 3 two-way movements in the PM peak hours respectively. For the proposed residential use privately owned houses and flats have been interrogated and found that 30 trips over the day could result with 3 two-way movements in the AM and 3 two-way movements in the PM peak hours respectively. Therefore no increase in peak hour trips is anticipated and a decrease in trips over the 12-hour day period could result.

On this basis the LHA does not consider that the existing access use would intensify over what could already be supported by the existing permitted use on site and therefore no capacity issue to the nearby road network is anticipated.

Car & Bicycle Parking

24 x car parking spaces are proposed and it is stated that 2 x spaces will be allocated per dwelling. On this basis the WSCC Car Parking Demand Calculator (PDC) envisions a demand for 27 x spaces and thus the provision is short by 3 x spaces. If all the parking spaces remain unallocated then the demand is 20 x spaces and therefore the demand is met. The applicant should either provide 3 x additional spaces or consider making the parking first come first served unallocated arrangement.

2 x spaces are marked for disabled bay use which meets with MfS and WSCC guidance whereby 5% of spaces should be marked up as suitable for disabled use. The bays themselves should be marked with additional side and rear access aisle hatching as per DfT Inclusive Mobility guidance. It is also advised that 20% of spaces are suitable for electric vehicle charging although details of this could be secured via condition. Cycle parking is also to be provided in line with WSCC guidance, details of which could be secured via condition.

Sustainability/ Accessibility

There is footway on the opposite side of Hassocks Road which would require pedestrians to cross from the site access to reach the wider pedestrian network. To the west of the site there are a range of local retail and amenities within Hurstpierpoint with the Co-op being 5 minute walk distant.

Bus services from Hassocks Road reach locations such as Haywards Heath, Burgess Hill and Crawley and the nearest Train Station is at Hassocks, an 8 minute cycle from the site.

It is therefore considered that some options for use of sustainable transport could be utilised from the site, although lack of pedestrian crossing at the site access may discourage this for some residents.

Conclusion

Considering the scale and unique use of the existing sheltered accommodation type use compared to the residential use proposed the LHA does not consider that a significant intensification of the existing access point would occur. Nevertheless, clarification is sought on the proposed access widening works as if alterations are proposed with the highway, this may require an RSA to be carried out on the proposed access arrangement to the change of use development. Clarification/ additional parking should also be reviewed.

Please ask the applicant for this additional information and re-consult.

WSCC Infrastructure

Summary of Contributions	
S106 type	Monies Due
Education - Primary	£16,831
Education - Secondary	£18,115
Education - 6 th Form	£4,244
Libraries	£3,768
Waste	No contribution required

Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£25,662
Total Contribution	£68,620

The contributions generated by this proposal shall be spent on additional facilities at St. Lawrence CE Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Downlands Community School.

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

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

The contributions generated by this proposal shall be spent on a traffic management scheme in Hurstpierpoint to improve safety for pedestrians and cyclists.

WSCC Minerals and Waste

The MWPA would offer no objection to the proposed development as it relates to the change of use of an existing development, and would therefore meet exception criteria as detailed within 2.4 of the Minerals and Waste Safeguarding Guidance.

WSCC Water and Access

Final Comments

Providing the measures identified in Guy Dixon's [the agent] e-mail reply are implemented this would be considered to be acceptable for the supply of water for firefighting and Fire Service access for the 6 flats. Installing sprinklers to flat 6 will mitigate the flat being outside the 45 metre rule.

Original Comments

Having viewed the plans for the planning application No. DM/20/4426, evidence will be required that all areas of each flat and each dwelling house is within 45 metres of a fire appliance in accordance with requirements of Approved Document B Volume 1 2019 Edition para 13.1; all points inside each dwelling is to be within 45 metres of a fire appliance. This is due to the minimum length of firefighting hose connected to the appliance used to fight fires. Any areas not within the 45 metre distance will need to be mitigated by the fitting of domestic sprinklers to BS9251 standard.

Also evidence is required that suitable access can be gained by a fire appliance, the access route will need to comply with AD-B: Volume 1 - B5 section 13 including diagram 13.1 and Table 13.1.

South Downs National Park

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination.

The statutory purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

The development site is located immediately to the north of the National Park boundary on the southern edge of Hurstpierpoint. A public right of way (footpath 68Hu) runs along the site's southern boundary, which connects with the wider right of way network.

The SDNPA makes no comment on the principle of development. Although the landform of the application site is visible from public vantage points, including rights of way within the National Park the building already exists, and providing a sensitive landscaping scheme is provided to ensure shared public space has regard to the National Park's setting it is considered that there would be minor impacts on the setting of the National Park.

It is unclear whether the site's ecological sensitivities have been assessed, or opportunities to provide biodiversity net gain fully explored. It is recommended that the shared public space to the south of the building seeks to provide biodiversity enhancements by way of native planting and habitat provision, which will have a positive impact on the National Park's setting. The Council's biodiversity officer should be able to advise further on this.

Consideration should also be given to dark night skies, which are a special quality of the National Park. The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected.

Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. Whilst there is likely to be pre-existing lighting associated with the residential and employment uses in the locality, the SDNPA would encourage any new development to have a sensitive approach to lighting which conforms the Institute of Lighting Professionals. Further information/advice on sensitive lighting can be found in the SDNPA's Dark Skies Technical Advice Note which is available via the following link

<https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-10-SDNPA-Dark-Skies-Technical-Advice-Note-2018.pdf>

Consideration should also be given to the creation of links between the development and the National Park to encourage public enjoyment and enhance the amenity of public rights of way where possible. The stepped access to footpath 68Hu is positive, however accessibility for wheelchair users and pushchairs should also be considered.

Southern Water

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

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

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

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.

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

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.

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

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

MID SUSSEX DISTRICT COUNCIL

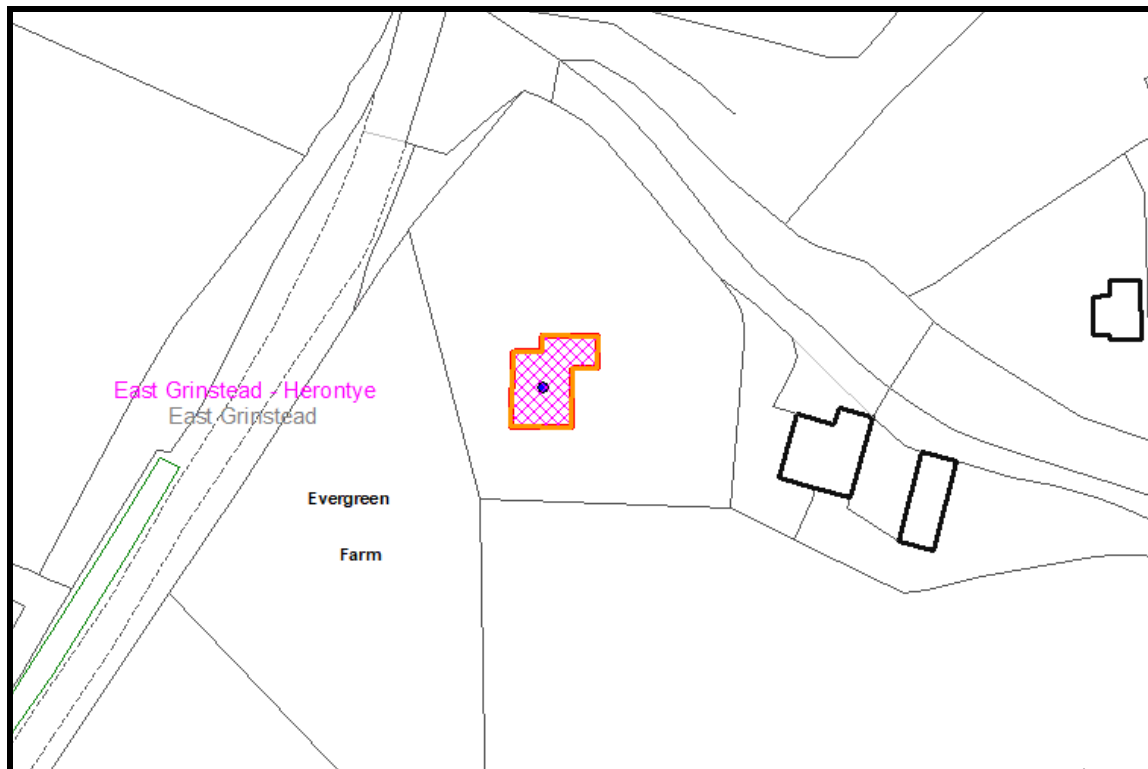
Planning Committee

11 MAR 2021

OTHER MATTERS

East Grinstead

DM/20/3832



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EVERGREEN FARM WEST HOATHLY ROAD EAST GRINSTEAD WEST SUSSEX

A PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION REFERENCE 11/01105/EOT CONTROLS OCCUPANCY OF THE PROPERTY TO AGRICULTURAL AND EQUESTRIAN WORKERS ONLY. REQUEST DISCHARGE OF THIS OCCUPANCY REQUIREMENT AS NO LONGER RELEVANT.

MR CHRIS PEARCE

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) /

ODPM CODE: Mod/Discharge of Planning Obligation

WARD MEMBERS: Cllr Dick Sweatman / Cllr Adam Peacock /

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy 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.

EXECUTIVE SUMMARY

Planning permission was granted for the erection of a replacement farmhouse at the site in 2006. This was renewed in 2011.

The permission was granted subject to a S106 planning obligation which required:

'1. The dwelling shall be used solely as a private residence for a person and that person's dependents living with him/her who solely or mainly has the use and occupation of the remainder of the land for the purposes of an agricultural and/or equestrian use.

2. The land shall other than the dwelling be used solely or mainly for agricultural and/or equestrian uses and solely or mainly used and occupied only by a person who is in occupation of the dwelling in accordance with the provisions of paragraph 1 of this schedule'.

The application seeks the consent of the Council to discharge the requirements of this S106 legal obligation.

Having taken advice from the Council's agricultural consultant, it is considered that there is no likely prospect of an agricultural or equestrian use resuming on the land at Evergreen Farm, and as such the legal agreement no longer serves a useful purpose and can be removed (discharged).

RECOMMENDATION

It is recommended that the S106 planning obligation is discharged.

SUMMARY OF REPRESENTATIONS

East Grinstead Society:

Recommend refusal. This should be put on hold until the planning application WSCC/004/20 is resolved.

SUMMARY OF CONSULTEES

MSDC Agricultural Consultant:

Evergreen Farm is not used for any agricultural or equestrian activity and is unlikely to be used for such use until the land is restored to better grazing use.

The property is not being used to operate an existing agricultural or equestrian enterprise and is unlikely to be used for such activity in the near future.

The planning agreement to be discharged tied the occupation of the dwelling house to the property only. For that reason, I consider that the planning agreement has outlived its usefulness.

TOWN/PARISH COUNCIL OBSERVATIONS

East Grinstead Town Council:

Would Support Approval.

RELEVANT PLANNING HISTORY

WSCC Planning application: WSCC/004/20. Restoration of the former Standen Landfill Site with a woodland and pasture landfill cap system. Pending a decision.

Planning reference: DM/16/3363. Discharge of planning conditions 3, 5 and 7 relating to planning application 11/01105/EOT. Approved October 2016.

Planning reference: 11/01105/EOT. Extension of time for application 05/01438/FUL for the erection of replacement farmhouse. Revised design and siting for dwelling, consent for which was granted under reference GR/01/1378/FUL. Approved October 2011.

Planning reference: 05/01438/FUL. Erection of replacement farmhouse. Revised design and siting for dwelling, consent for which was granted under reference GR/01/1378/FUL. Approved June 2006.

Planning reference: GR/01/1378/FUL. Erection of replacement farmhouse, retention of existing timber dwelling and its change of use. Approved May 2002.

Planning reference: GR/300/96. Retention of dwellinghouse for use in connection with agricultural/equestrian use of holding without compliance with Conditions 1 and 2 of GR/268/93. Approved February 2001.

Planning reference: GR/268/93. Retention of dwellinghouse for use in connection with agricultural/equestrian use of holding. Approved February 1994.

Planning reference: GR/067/92. Renewal of temporary consent for timber dwelling house. Approved May 1992.

Planning reference: GR/160/90. Renewal of temporary consent for timber dwelling house. Approved June 1990.

Planning reference: GR/306/87. Erection of temporary timber dwelling house. Approved December 1987.

SITE AND SURROUNDINGS

Evergreen Farm (formerly known as Standen Tip) is sited in open countryside, in the High Weald AONB, and beyond the built up area boundary of East Grinstead.

Vehicular access into the site is from a private gated drive off the access into Standen House, served by West Hoathly Road. There is a disused second access to the north of the existing house off West Hoathly Road. The land extends to the east of the existing house and outbuildings and barns and drops steeply to the south of the neighbouring property at Beechcroft House.

The total land area extends to approximately 11.3 hectares (28 acres), of which some is woodland (marked as Rockingshill Wood), and much is rough grassland.

The land is not currently in any form of agricultural or equestrian use and shows evidence of the past use as a tip, with the underlying debris emerging in areas of the land surface evident in places.

APPLICATION DETAILS

The application seeks the Councils consent to discharge the requirements of a Planning Obligation dating from 5th September 2011. The planning obligation attached to planning permission 11/01105/EOT which granted permission for a replacement farmhouse. The planning obligation requires:

1. The dwelling shall be used solely as a private residence for a person and that person's dependants living with him/her who solely or mainly has the use and occupation of the Land for the purposes of an agricultural and/or equestrian use.
2. The land shall other than the dwelling be used solely or mainly for agricultural and/or equestrian uses and solely or mainly used and occupied only be a person who is in occupation of the dwelling in accordance with the provisions of paragraph 1 of this Schedule.

During the course of determining this application the applicant's agent has clarified that the application seeks to discharge both elements of the legal agreement.

The effect of the removal of this planning obligation is the approval of a new permanent dwelling on the land which would be subject to no occupancy restriction, the permission for which was originally to replace a temporary timber dwelling. The site lies in a countryside location where restrictive planning policies apply. As such both the applicable Legal Framework and the relevant Planning Policies are outlined below.

LEGAL FRAMEWORK

The application has been submitted under S106A of the Town and Country Planning Act 1990 ("TCPA1990"), which provides that an application may be made to the Local Planning Authority (LPA) to discharge the S106 obligation where it is over 5 years old.

In the case of this application to discharge the requirements of the obligation, the LPA may determine that:

- (a) that the planning obligation shall continue to have effect without modification; or
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged.

There is a right of appeal under S106B should the LPA decide that the planning obligation shall continue to have effect without modification (or being discharged).

National Planning Policy Framework (NPPF) (Feb 2019)

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.'

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 East Grinstead 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
DP15 New homes in the Countryside

East Grinstead Neighbourhood Plan

Relevant policies:

EG1 Protection of the High Weald AONB
EG2 Areas of Development Constraint

ASSESSMENT

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

- The planning history
- The principles to be applied
- Planning Policy considerations

The planning history

There is a long planning history to this site, some of which is detailed briefly above. The land was formerly used as a privately run tip, and planning permission was first granted for a residential unit on the site in the late 1980s (GR/306/87) for a temporary timber dwelling house on the site. This unit was the subject of renewal applications in 1992, 1993 and 1996. This single storey dwelling is still present on the site. Planning permission was granted for a replacement house under planning references 01/1378/FUL, 05/01438/FUL and 11/01105/EOT, see details above.

The application granted under 11/01105/EOT was for a replacement dwelling on the site, located on land to the south west of the original timber dwelling on the site. That approval was subject to a series of planning conditions, of which three were pre-commencement conditions, referring to landscaping, construction materials and surface and foul drainage details. These conditions were addressed and discharged under application DM/16/3363. Thereby an intention to carry out the work to construct the replacement dwelling on the site has been displayed.

In support of the current application the applicant's agent has also confirmed that the works have commenced on the construction of the house permitted under 11/01105/EOT, and he has provided evidence that the foundations were subject to MSDC Building Control inspection in October 2016. As such the permission granted under 11/01105/EOT is considered to be extant.

The legal agreement defines 'the land' as only the land edged red on the plan attached with the legal agreement, i.e., the farm unit only. The requirement is for the dwelling to be occupied by someone who has the use and occupation of 'the land' for the purposes of an agricultural/equestrian use.

The principles to be applied

Where the applicant seeks the discharge of a planning obligation, the test under s.106A(6)(b) is whether the obligation "no longer serves a useful purpose".

The applicant's agent has explained in the accompanying Planning Statement the justification for the removal of the s106. He considers that the obligation was applied historically, since the permission under GR/300/96. Permission was granted subject to a Section 106 agreement requiring that it be occupied solely by persons/dependents using the land for agricultural/equestrian use. The dwelling was also tied to the land. The agreement was repeated for the subsequent approvals under 01/01378/FUL, 05/01438/FUL and 11/01105/EOT.

Therefore the requirement in the legal agreement is for the dwelling to be tied to this land at Evergreen Farm only. The Council's agricultural consultant has been consulted on the application and his views are set out in full at appendix A. He advises that there is no likely prospect of an agricultural or equestrian use resuming on the land edged in red at Evergreen Farm, and as such the legal agreement no longer serves a useful purpose. He concludes that the s106 obligation can be removed by the approval of this application.

The land has been proven to have significant issues for human and livestock health as a result of the historic use as a tip. This has resulted in the land becoming unusable for equestrian and agricultural grazing purposes, as supported in evidence provided by the Agent and supporting environmental assessments. These conclude that the 6.4 hectares of pasture land, whether remediated or not, could not be fully safe for the purposes of agriculture, and that it would not be considered appropriate for livestock or horses to graze or consume feed from the land.

The land is now not used to graze any livestock. A planning application has been submitted to West Sussex County Council for resurfacing the land with soil to cap off the former tip area.

This application, WSCC/004/20, has been valid since January 2020. In a supporting statement for the application, which is to be determined by WSCC, the restoration of the site with a capping system is detailed, and the required works justified. It is confirmed that identified hazards from the site include impacts on controlled waters, contaminant levels and leachate generation and ground gases, which represent risks to human health. The topography of the land, and the proposal to include new areas of tree planting will limit the usable area of land on completion of the capping works, if permitted. The applicant's agent has confirmed that no commercial uses are proposed and the resultant area would not support commercial agriculture or equestrian uses due to the gradient and size.

The WSCC application is yet to be determined, but this does not have a significant bearing on the consideration of this application.

The views of the Agricultural Consultant have been sought on the proposed removal of the planning obligations and in so doing consideration has been given to the commercial viability of the unit. The grazing land at the site is limited and the degree of contamination such that a future commercial venture appears unlikely. As such his view that the planning agreement is no longer relevant is supported by your officers.

Planning Policy considerations

The site lies in open countryside and within the High Weald AONB where planning policies restrict the construction of new dwellings. In this case there is an extant permission for a new dwelling, but with a planning obligation to control the occupancy. Removal of this obligation will result in a new dwelling with an unrestricted use, and as such no tie to the planning unit in which it is sited.

In the case of an application for a new dwelling on this site consideration would be made of District and Neighbourhood planning policies.

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

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

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

Linked to Policy DP15 is Policy DP12 of the District Plan which states:

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

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

Policy EG2 of the East Grinstead Neighbourhood Plan is also relevant in the consideration of this application, which states:

'Planning permission will normally be granted for the sympathetic conversion of redundant rural buildings, limited small-scale new development and extensions to existing buildings within the Countryside Areas of Development Constraint provided they comply with the following criteria:

1. In the case of replacement dwellings, the proposal is no more obtrusive than the dwelling it replaces and is of an appropriate design for its location and setting;
2. In the case of extensions, the proposal is subservient in scale and form to the original dwelling along with the coherent use of materials;
3. In the case of converted buildings, the new use has minimal impact on the openness of the countryside, in terms of the new curtilage, and parking; in the case of outdoor sport, recreation and community uses of land, the proposals support the objective of keeping land open;
4. The proposal comprises essential small-scale proposals for agricultural or sport and recreation such as pavilions and changing rooms; or
5. It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available'.

The planning history of this site is a material consideration in the determination of this application. The historic use of the land has had a significant impact upon any future use of the land and has caused detrimental harm to the land quality for the foreseeable future. Even if the remedial works are permitted, and then undertaken, there is no immediate prospect of the land becoming usable for an economically sound agricultural or equestrian use. As such the house cannot be feasibly restricted to occupiers employed on this unit and therefore planning obligation has become irrelevant in this case. The proposal is therefore supported in planning policy terms.

CONCLUSION

It is recommended that the occupancy requirement of the Legal Agreement attached to planning approval 11/01105/EOT no longer serves a useful purpose on this site and it should therefore be removed.

APPENDIX A

Parish Consultation

16/11/2020 - Would Support Approval

MSDC Agricultural Consultant:

I refer to your instructions to provide comments on the proposal to remove the occupancy requirement attached to the above-named property. I have visited the application site and read the supporting statements.

1. The Property.

1.1. Evergreen Farm comprises various rural and equestrian buildings, one residential dwelling and land extending in all to approximately 11.3 hectares (28 acres).

1.2. The land was previously used as a private tip for the disposal of waste / inert material. At some point in time the land was briefly used for keeping horses. At the time of my inspection the land did not appear to be used for any agricultural or equestrian purposes.

2. Planning History.

2.1. Planning permission was granted for the demolition of the existing timber dwelling and erection of a replacement farmhouse, ref. no. 01/01378.

This planning permission was subject to a Section 106 Agreement signed on 14 May 2002.

Subsequent planning approvals were granted for the revised design and siting of the proposed replacement dwelling house and extension of time. I am advised the most recent planning approval was under planning application ref. no. 11/01105/EOT.

2.3. Planning permission ref. no. 11/01105/EOT was subject to a Section 106 Agreement dated 5th September 2011. The agreement detailed two planning obligations, as follows:

1. The dwelling shall be used solely as a private residence for a person and that person's dependents living with him/her who solely or mainly has the use and occupation of the remainder of the land for the purposes of an agricultural and/or equestrian use.
2. The land shall other than the dwelling be used solely or mainly for agricultural and/or equestrian uses and solely or mainly used and occupied only by a person who is in occupation of the dwelling in accordance with the provisions of paragraph 1 of this schedule.

Proposed Development.

3.1. The planning application proposes to discharge the Section 106 Agreement dated 5th September 2011.

Planning Policy.

4.1. Policy DP15 of Mid Sussex Local Plan refers to "New Homes In The Countryside". Part of DP15 states:

"Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up-to-date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding."
Assessment of Need for The Agricultural Occupancy Condition.

5.1. Historical background and was the occupancy condition correctly imposed.

5.1.1. It is understood that following the closure of the private tip at Evergreen Farm, there was subsequent planning permission granted to the owners to use the property to undertake an agricultural / equestrian business. Consequently, it was accepted that the existing timber dwelling house could be retained and occupied by someone employed in either agriculture, forestry or equestrian activity.

5.1.2. The replacement of the existing timber dwelling with a new farmhouse is a planning matter and I shall make no comment on this. I assume that only one dwelling house is permitted on the property.

5.1.3. The granting of the replacement dwelling house, most recently under planning permission 11/01105/EOT, did not, as I understand, include an occupancy condition on the planning permission Decision Notice. It was granted subject to a Section 106 planning agreement.

What has the holding been used for since the condition was imposed.

I am advised by the applicants that following the grant of planning permission for the dwelling house, an equestrian enterprise was established on the property. The business included breeding horses and providing full livery services.

The applicants have stated that the equestrian use of the property had to cease due to the poor condition of the land. Evidence has been provided by specialist advisers to the applicants that the poor condition of the land is detrimental to the keeping of horses. Veterinary surgeons have advised that the land should not be used for the keeping of horses. From my inspection of the site there is evidence that some waste material is visible.

The land is now not used to graze any livestock. A planning application has been submitted to West Sussex County Council for resurfacing the land with soil to cap off the former tip area.

What is the likely future use of the holding and the need for the occupancy condition?

5.3.1. The land at Evergreen Farm has been ruined by using the site as a tip. This has resulted in the need for further work to improve the land.

5.3.2. I would agree that all the time the land is in the condition that it is, then a viable agricultural or equestrian enterprise is unlikely to be undertaken. However, the applicants are proposing to improve the land and this matter is the subject of a planning application. Until a decision is made as to whether further work is permitted to improve the land the future use of the property is still unclear.

Is there a future need for the dwelling.

I understand that planning permission ref. no. 11/01105/EOT was granted without an occupancy condition on the Decision Notice. This is a legal matter, and I shall make no comment on this.

The planning agreement imposed upon the planning permission, ref. no. 11/01105/EOT was specific to the land forming Evergreen Farm. It was not the standard agricultural occupancy condition at that time, which normally stated that occupancy was for those employed in agriculture or equestrian activity in the locality. The subject occupancy condition in the planning agreement was site specific to Evergreen Farm only.

Evergreen is not used for any agricultural or equestrian activity and is unlikely to be used for such use until the land is restored to better grazing use.

Summary.

6.1. The property is not being used to operate an existing agricultural or equestrian enterprise and is unlikely to be used for such activity in the near future.

6.2. The planning agreement to be discharged tied the occupation of the dwelling house to the property only. For that reason, I consider that the planning agreement has outlived its usefulness.