

5 August 2020

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

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held **VIA REMOTE VIDEO LINK** on **THURSDAY, 13TH AUGUST, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | Roll call and Virtual Meetings explanation. | |
| 2. | To receive apologies for absence. | |
| 3. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 4. | To confirm the Minutes of the meeting of the Committee held on 11 June 2020 | 3 - 8 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|-----------------|
| 6. | DM/19/0260 - Tavistock and Summerhill School, Summerhill Lane, Lindfield, RH16 1RP. | 9 - 80 |
| 7. | DM/20/1760 - Oak Tree Farm, Burgess Hill Road, Ansty, RH17 5AH. | 81 - 124 |

Items Recommended for Refusal.

None.

Other Matters.

None.

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

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

**Minutes of a meeting of Planning Committee
held on Thursday, 11th June, 2020
from 4.00 - 5.17 pm**

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

G Allen
R Cartwright
J Dabell

R Eggleston
A MacNaughton
C Phillips

M Pulfer
D Sweatman
N Walker

Absent: Councillor E Coe-Gunnell White

Also Present: Councillor J Llewellyn-Burke

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

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

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Coe-Gunnell White.

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

No declarations were received.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 19 MARCH 2020.

The Minutes of the meeting of the Planning Committee held on 19 March 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.

None.

6 DM/19/3769 - WOODFIELD HOUSE, ISSACS LANE, BURGESS HILL, RH15 8RA.

Steve King, Planning Applications Team Leader introduced the application which sought outline planning permission for 30 new dwellings including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated infrastructure and landscaping (resubmission of application DM/18/3052). All Matters reserved except for access.

He drew members attention to the Agenda Update Sheet which was circulated by email and available online. This included revised comments from the Council's Community Leisure Officer regarding infrastructure contributions and 2 additional conditions which are similar to those imposed on the Northern Arc development which is adjacent to this site.

He highlighted the relevant planning history of the site as it is bounded by the Northern Arc development, a strategic development in the District with planning permission granted for over 3000 homes, schools, business floor space and infrastructure. Phase 1 of this development is adjacent to the site, and completion of the first houses is due in 2021. He also highlighted the main issues as set out in the report and noted that although the site sits within a countryside area as defined in the District Plan, there are significant considerations that justify planning permission approval in this case as the site is surrounded on 3 sides by the Northern Arc development.

Tim Rodway spoke in favour of the application on behalf of the applicant.

A Member noted the need for traffic monitoring especially at the construction stage, suggesting a banksman to allow trucks in and out. The Planning Applications Team Leader confirmed that a detailed construction management plan would be in place prior to any work commencing.

A Member raised concern about the policy implications and timing of the outline application as he noted a number of reasons weighing against the proposal. He felt that undue weight was being placed on the site's location in relation to the Northern Arc Development, which is not yet built, and its inclusion in the Site Allocations Development Plan Document (Sites Allocation DPD) which is not yet approved. Concern was raised by two Members that the timing was premature as it opens up the chance of other developers submitting applications on a similar basis.

The Chairman noted that there is no precedence with planning applications so future applications are not considered in relation to this one. The Planning Applications Team Leader confirmed that under planning law, applications have to be determined in accordance with the Development Plan unless there are material considerations otherwise. In this case it does comply with a number of policies in the development plan and although it is in countryside, it will be surrounded on three sides by houses and a secondary school shortly. He advised Members that as set out in the committee report the Sites Allocation DPD has little weight at the moment, but as the site will be bounded on 3 sides by the Northern Arc , it is very likely that officers would have recommended this application for approval based on this fact alone.

A Member expressed concern regarding the trees along the road and hoped that only those necessary will be felled. He also sought assurance that the developer will maintain any replanting for a 3 year period after vacating the site, to ensure plants are not left to die. He also expressed a wish for any construction to be sited at least 15m from any ancient woodland, although it was clarified that there is no ancient woodland near this particular site. He also raised a question regarding the sustainability of the site in the time leading up to the full development of the Northern Arc Site, as children will need access to a school, and residents will require at least one car so there will need to be adequate provision for this, and provision to pay for any cabling for electric car chargers.

The Planning Applications Team Leader confirmed that the internal layout of the site provided at this stage is indicative only to demonstrate that this number of dwellings

could be accommodated within the site. Electric Car charging points are to be reserved by condition and will be included. Regarding trees, all of the frontage trees will be removed to provide the required visibility splays however replanting will be required within the site and there is a landscaping condition (no.7) which requires 5 years care. In response to concerns regarding the timing of the site, he noted that the Northern Arc is a flagship Homes England project, scheduled to be delivered at pace with the homes and school nearest the site being completed in the first phase of development.

In response to a concern from a Member that this application will open up possibilities for 'Northern Arc creep', the Chairman noted that there are no other sites in a similar position to this site, and the Northern Arc phasing plan indicated that there is no further possibility of creepage closer to Haywards Heath.

Three Members noted that the site is in a unique position that lends itself to being developed and that there has been limited objections to the application.

A Member requested that Section 106 contributions be considered for the town centre of Burgess Hill considering its proximity. It was noted that he can make that representation as the Section 106 agreement has not yet been completed.

The Chairman moved to the recommendation to approve the application, which was proposed by Councillor Coote and seconded by Councillor Walker. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
Allen, G	✓		
Cartwright, C	✓		
Coote, P	✓		
Dabell, J	✓		
Eggleston, R	✓		
MacNaughton, A	✓		
Marsh, G	✓		
Phillips, C	✓		
Pulfer, M	✓		
Sweatman, D	✓		
Walker, N	✓		

RESOLVED

That Planning permission is approved subject to the recommendations below and the conditions contained in the Agenda Update Sheet:

Recommendation A

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure

payments and affordable housing provision by the 11 September 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

7 DM/20/0525 - TWINEHAM RECREATION GROUND, CHURCH LANE, TWINEHAM, RH17 5NR.

Katherine Williams, Planning Officer, introduced the application which sought planning permission to demolish the present brick built cricket pavilion and replace with a larger wooden pavilion with a toilet and drain to cesspit.

She drew Member's attention to the Agenda Update Sheet and noted that the replacement pavilion will be larger and more centrally placed than the existing one. The Council's Engineer is satisfied with the drainage and cesspit provisions and in terms of the mature trees on the western boundaries, there are tree protection measures put forward by the applicant which are conditioned and deemed acceptable.

Cllr Annie Hurst, Chairman of Twineham Parish Council spoke in support of the application.

The Chairman noted that it was before the Committee as the pavilion is on Council owned land and the cricket members have raised the money for the new building, replacing the old one which was significantly damaged during recent storms.

The Chairman moved to the recommendation to approve the application, which was proposed by Councillor Coote and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
Allen, G	✓		
Cartwright, C	✓		
Coote, P	✓		
Dabell, J	✓		
Eggleston, R	✓		
MacNaughton, A	✓		
Marsh, G	✓		
Phillips, C	✓		
Pulfer, M	✓		
Sweatman, D	✓		
Walker, N	✓		

RESOLVED

That planning permission be approved subject to the conditions outlined at Appendix A of the report.

8 DM/20/0937 - THE PAVILION, ST JOHNS PARK, PARK ROAD, BURGESS HILL, RH15 8HG.

Joseph Swift, Senior Planning Officer introduced the application which sought planning permission for the corner infill extension to the north side, the insertion of bi-fold doors to the social area and the erection of a hyper shade canopy.

He noted that the park is located in the built-up area of Burgess Hill and within a conservation area. He confirmed the Council's Tree Officer has no objections subject to it being carried out as detailed in the arboriculture report. He noted that it was a modest extension of an appropriate design size and scale, with no detriment to neighbouring amenities. The Chairman noted that the site was on Council land.

Councillor Eggleston, as Ward Councillor supported the application, noting that it is a welcome improvement for one of the best cricket clubs in West Sussex, and will potentially encourage further use of the pavilion by the existing play group and others.

A Member noted that the improvement was beneficial for Burgess Hill and a good addition to existing cricket facilities within a nice park.

The Chairman moved to the recommendation to approve the application, which was proposed by Councillor Eggleston and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
Allen, G	✓		
Cartwright, C	✓		
Coote, P	✓		
Dabell, J	✓		
Eggleston, R	✓		
MacNaughton, A	✓		
Marsh, G	✓		
Phillips, C	✓		
Pulfer, M	✓		
Sweatman, D	✓		
Walker, N	✓		

RESOLVED

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

9 DM/20/1108 - UNIT B, THE ORCHARDS SHOPPING CENTRE, HAYWARDS HEATH, RH16 3QH.

Caroline Grist, Planning Officer introduced the application which sought permission to remove existing signs and replace with 3 new updated brand logo fascia signs, one illuminated. She noted that due to the corner position of the retail unit it faced both on to the street and within the Orchards Shopping Centre. The new signs are a new style but a similar size and location and permission for similar illuminated signs has been granted for shops across the street. The proposal is considered appropriate

in terms of design and would not affect the amenity of the area. There are no objections in terms of public safety and the level of illumination is considered to be appropriate. The Chairman noted that the Orchards Shipping Centre site was owned by the Council.

A Member welcomed the application especially as it positively reflects the store's preparations to reopen after the recent Government Covid 19 restrictions are lifted.

A Member queried if there were restrictions on how late the lights can stay on. The Planning Officer confirmed that there are no conditions on this, and no conditions on the other similar applications across the street. It is not likely to hinder residential properties as it is in a predominantly retail environment.

The Chairman moved to the recommendation to approve the application, which was proposed by Councillor Pulfer and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

Councillor	For	Against	Abstain
Allen, G	✓		
Cartwright, C	✓		
Coote, P	✓		
Dabell, J	✓		
Eggleston, R	✓		
MacNaughton, A	✓		
Marsh, G	✓		
Phillips, C	✓		
Pulfer, M	✓		
Sweatman, D	✓		
Walker, N	✓		

RESOLVED

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

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

None.

The meeting finished at 5.17 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

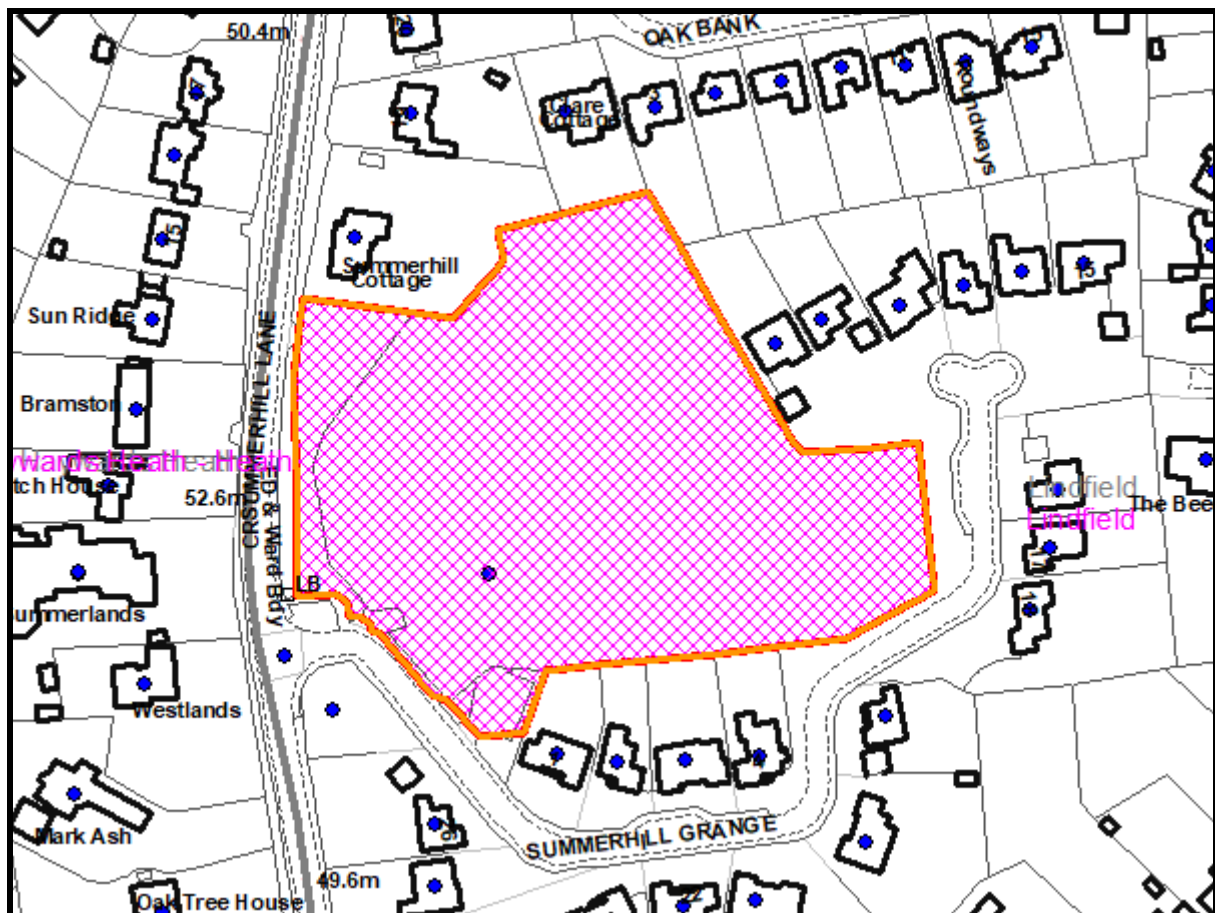
Planning Committee

13 AUG 2020

RECOMMENDED FOR PERMISSION

Lindfield

DM/19/0260



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**TAVISTOCK AND SUMMERHILL SCHOOL SUMMERHILL LANE
LINDFIELD HAYWARDS HEATH**

**PROPOSED ERECTION OF 38 RESIDENTIAL DWELLINGS COMPRISING
4 HOUSES AND 34 FLATS WITH ASSOCIATED INTERNAL ACCESS,
SURFACE-LEVEL CAR PARKING, LANDSCAPING WITH OTHER
INFRASTRUCTURE. CORRECTED APPLICATION FORM, SITE LAYOUT
PLAN, DESIGN AND ACCESS STATEMENT AND LANDSCAPING PLANS
RECEIVED 21/03/2019. PROPOSED CAR PARKING SPACES REVISED TO**

**77. AMENDED PLANS RECEIVED 30 OCTOBER SHOWING REVISIONS TO BLOCK A AND B AND ADDITIONAL SUPPORTING INFORMATION.
CCH BUILD SOLUTION (SUMMERHILL LANE) LTD**

POLICY: Areas of Townscape Character / Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order / Tree Preservation Order Points / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th September 2020

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for the erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access on land formally occupied by Tavistock and Summerhill School, Summer Hill Lane, Lindfield.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP). The National Planning Policy Framework (NPPF) is an important material planning consideration.

The site is within the built-up area of Lindfield and was formally occupied by a school. On this basis it is considered that the principle of a residential redevelopment of the site accords with policy DP6 of the DP which relates to the settlement hierarchy within the District and states that development within towns and villages within defined built up areas will be supported.

With regards to affordable housing, policy DP31 of the DP seeks 30% affordable housing on sites such as this. The proposal would provide 10 units of affordable housing on site. In addition to this there would be a payment of £110,000 to go towards the provision of off site affordable housing. This sum equates to the costs of 2 x 1 bed flats. The on site provision of affordable housing and the payment towards off site provision would need to be secured by a section 106 legal agreement. With

such an agreement in place, the scheme would provide a policy compliant level of affordable housing and therefore policy DP31 of the DP would be met.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. These infrastructure payments would need to be secured in a section 106 legal agreement. With such an agreement in place the development would mitigate its impact on infrastructure and would comply with policy DP20 of the DP.

The Highway Authority do not object to the access arrangements for the site. It is considered that the access into the site is satisfactory and the proposal would not result in a severe impact on the highway network. There is no objection from the Councils Drainage Engineer and it is considered that as a matter of principle the site can be satisfactorily drained. As such policies DP21 and DP41 of the DP would be met.

The scheme would result in a change in outlook for those neighbouring properties that face the site. The test within policy DP26 is whether there would be significant harm to neighbouring amenities. For the reasons outlined in the report it is not felt that the scheme would cause significant harm to neighbouring amenities.

The design of the scheme has attracted a significant level of opposition. It is considered that there are some elements of design that are clearly good (for example, well overlooked attractive public spaces) and there are some elements that are clearly poor design (for example poorly overlooked areas that provide easy opportunities for crime/anti-social behaviour). It is acknowledged that to some extent, the attractiveness of the external appearance of the proposed buildings is a subjective matter. The scheme would result in a development that was markedly different from the surrounding properties. It is your officers view that the proposed buildings are of an acceptable design, notwithstanding the fact that they will be clearly very different to the surrounding buildings. As such, whilst finely balanced, it is your officers view that there is no conflict with policy DP26 of the DP or policy 7 of the LLRNP.

In conclusion, the principle of a residential redevelopment of the site is acceptable. Weighing in favour of the scheme is the fact that the scheme would provide 38 dwellings on a previously developed site, which would contribute to meeting the housing needs of the District. There would also be economic benefits from the proposal arising from both the construction phase and from the additional spend in the local economy from future residents of the development. These are all matters that weigh in favour of the scheme in the planning balance.

It is your officers view that whilst finely balanced, the design of the scheme is acceptable and the impact on the amenities of the neighbouring properties is also acceptable.

The access into the site and car parking arrangements are considered to be acceptable. It is also considered that the site can be satisfactorily drained. There are no objections to the scheme from the Councils Ecological Consultant. Whilst there would be a loss of some preserved trees within the site, there would be extensive

replanting within the site. As such all these matters are neutral in the planning balance

In light of the above it is considered that whilst finely balanced, the scheme is acceptable. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

Recommendation A

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 5 November 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

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

SUMMARY OF REPRESENTATIONS

Original plans: 141 letters of objection:

- applicant's submissions are inaccurate in relation to trees on the site
- flats would be out of keeping with the area
- design and materials are not sympathetic to the Area of Townscape Character
- landscaping is insufficient to obscure the mass of buildings and car parks
- will result in light pollution
- even if this design had any merit it is not suited to this area
- there is nothing similar to this in the village of Lindfield
- would result in car parking problems on Summerhill Grange as there are insufficient car parking spaces on site for visitors and deliveries
- layout is dominated by car parking
- proposal would be unneighbourly and over power existing houses
- loss of trees would adversely affect character of the area and wildlife
- is an over development of the site
- will result in air pollution
- will devalue properties
- car parking adjacent to boundaries will cause a loss of amenity
- will cause loss of light and over shadowing
- contrary to Neighbourhood Plan and Village Design Statement
- design is contrary to the development plan and National Planning Policy

- no need for these ugly apartment blocks
- visibility splays on Summerhill Lane are not within the ownership of the applicants
- the developers have not secured the rights for the drainage required
- infrastructure is already over stretched
- proposal should provide affordable housing
- will increase noise levels
- I have calculated the affordable housing contribution to be around £992,000. The lodge has been omitted from the developers plans. The developer should not be allowed to avoid providing affordable housing
- developers have not overpaid for the site, they have calculated that affordable housing can be ignored
- if the developer avoids affordable housing then it will set a precedent for other developers to do the same
- will cause a flood risk to our property at 9 Summerhill Grange which is at a lower level than the site. The development as proposed will increase the risk of flooding for those properties at a lower level than the site
- Lindfield Parish Council, Lindfield Preservation Society and Haywards Heath Town Council have both objected to the application
- Members of the committee should visit the site to see the negative impact this development would have on existing residents
- I hope the Planning Committee refuse the application but if not I would expect that the affordable housing contribution be made before any work commences on site
- developer does not have rights to access site from Summerhill Grange because of restrictive covenants
- developer does not have rights to carry out drainage works off site because of restrictive covenants
- it is over 3.5 years since the first application was made. Is there no time limit for how long an application can be drawn out for?
- no one is in support of the design of this scheme apart from the planning officer

Amended plans received after 30 October 2019: 215 letters of objection

- same points as above
- proposal fails to accord with the Building Better, Building Beautiful Commission report by Roger Scruton and Nicholas Boys Smith as the design is not appropriate for the site
- since the school has been demolished it has left just the Montessori private creche/pre-school facility on Lindfield Common. (Also since Summerhill and Tavistock Schools closure the use of King Edward Hall and United Reform Church for the demand of pre-school/creche facility). There is this high demand in the Lindfield Community for a purpose built Preparatory/creche school to cope with the new build in this area and for the all young couples and families moving to Lindfield and Haywards Heath.
- The Government has said that Schools and Hospitals must be given priority within all the planning of new builds.
- The Croudace development being built just off Portsmouth Lane which will also increase traffic flow along Summerhill Lane at all times of the day especially during the rush hour dash to the Station for commuters

- The public vote for Councillors and MPs to support them but in recent years we have no voice or support coming from anywhere.
- Local residents support the redevelopment of the site for sympathetic houses but not for these unsympathetic flats
- Residents should not have the expense of protecting their legal rights in relation to covenants. The developers do not have the right to unilaterally waive covenants that prevent access to the site from Summerhill Grange
- conditions should be imposed to ban the display of estate agents' boards along Summerhill Lane which is an area of Townscape Character
- boundary planting should be evergreen to screen the car parking rather than deciduous as shown on the planting schedule
- there should be no metal railings or close board fencing along Summerhill Lane
- the existing sandstone wall along Summerhill Lane should be retained
- if bins are collected by a commercial waste operator no collections should be permitted before 7am
- this is a grotesque and unsympathetic development and the driving force is the Councils desire for Section 106 funds

SUMMARY OF CONSULTEES

County Planning Officer

Requires infrastructure contributions towards education (primary and secondary), libraries and total access demand.

Highway Authority

No objection subject to conditions.

Lead Local Flood Authority

Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding. The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Southern Water

Southern Water would have no objections to the above proposal.

Sussex Police

I see no evidence of any defensible planting to ground floor vulnerable windows or any demarcation of public/private space for blocks. There are few dwellings that have direct observation of vehicle spaces. In summary the design and layout has created a very permeable development and I have concerns that the vulnerable ground floor windows of the blocks and the unobserved vehicles throughout the development are exposed, easily accessible and open to attack. I feel it too open to promote a sense of ownership, respect, territorial responsibility and community, i.e. there is far too much permeability throughout the site which has created vulnerable

areas. I feel there is a lack of active frontage and natural surveillance over the street and public areas.

Urban Designer

This is an attractive site characterised by its mature deciduous trees. The recently demolished two storey Victorian school and the single storey outbuildings sat comfortably on the site providing a generous amount of space around the trees with the building envelopes modest enough to permit views of the trees across the site.

In my previous observations dated 21/3/19 I commented that the originally submitted application drawings were an improvement upon the earlier withdrawn planning application proposal both because of the quality of the building design and because more space had been provided between the buildings allowing a better setting / outlook. The revised drawings incorporate a number of further improvements. In particular, the most visible blocks A and B (when viewed from Sunninghill Lane) have been reduced in size and re-modelled to break-up the facades by staggering the footprint and incorporating more defined top floor set-backs. This has reduced their actual and apparent scale, and consequently they sit better in their parkland setting allowing more open space around them and the attractive retained trees.

While the proposed buildings will be distinctly different from the surrounding suburban houses, their design benefits from architectural integrity (missing in the withdrawn application) and a bespoke approach that responds to the specific site conditions, safeguarding the retained trees and the parkland setting, and giving the scheme a strong sense of place. The absence of private gardens (with the exception of the 4 dwellings in block D) and the flexibility in the positioning of the access road and parking, which is possible with an apartment-based scheme, has also contributed to maintaining the site's open parkland character, while enabling its development potential to also be optimised.

For these reasons I withdraw my objection to the application. To secure the quality of the design, I nevertheless recommend the following conditions requiring the approval of further drawings and information in respect of:

- 1:20 scale section and elevation drawings of block B's south-west frontage, showing the full height of the building including the stairwell bay, balconies and typical windows.
- The configuration, depth and design of block D's gardens.
- The soft and hard landscaping including boundary treatment.
- The facing materials

An informative should also be included that states that roof structure will require further consent.

Housing Officer

The scheme proposed by the applicant comprises 18 x 1 bed flats, 16 x 2 bed flats and 4 x 5 bed houses, making 38 units in total. A policy compliant scheme requires 30% (12) units for affordable housing. A viability appraisal based on the revised

scheme mix and costings has now been assessed and the applicant has agreed to provide Block C for affordable Housing. This block comprises 10 units of which 8 units would be for affordable rent (First Floor - 2 x 2B/4P flats & 2 x 1B/2P flats and Second floor - 2 x 2B/4P flats and 2 x 1B/2P flats) and 2 units would be for shared ownership (Ground floor - 2 x 2B/4P flats). The applicant has also agreed to provide an affordable housing contribution in the sum of £110,000. As a result the proposed scheme is now policy compliant with regards to affordable housing provision'.

Environmental Health Officer

No objection subject to conditions

Drainage Engineer

No objection subject to conditions

Tree Officer

No objections

Ecological Consultant

No objection subject to conditions

Community Leisure Officer

Requires infrastructure contributions towards children's play space, formal sport and community buildings.

Environmental Protection Officer

Requires conditions regarding construction of the development

Contaminated Land Officer

No comment

HAYWARDS HEATH TOWN COUNCIL

Objects to the application.

LINDFIELD PARISH COUNCIL

Lindfield Parish Council strongly objects to this application which, despite a reduction in the number of dwellings proposed compared to the previous application, remains totally unsuited to its location and contrary to the approved District and Neighbourhood Plans.

Mid Sussex District Plan

DP 6 Settlement Hierarchy - "to promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character ... To provide the amount and type of housing that meets the needs of all sectors of the community ... 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 ... of the settlement."

DP 26 - Character and Design "All development ... will be well designed and reflect the distinctive character of the towns and villages ... creates a sense of place while addressing the character and scale of the surrounding buildings ... 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 ...including taking account of the impact on privacy, outlook, daylight and sunlight ... incorporates well integrated parking that does not dominate the street environment..."

DP31 - Affordable Housing "The requirement for the provision of affordable housing applies to all types of residential developments falling within Use Class C3 ... The Council will seek ... a minimum of 30% on-site affordable housing... Proposals that do not meet these requirements will be refused..."

Lindfield and Lindfield Rural Neighbourhood Plan

P1 - A spatial Plan for the Parishes - to encourage modest proposals ... that can be satisfactorily accommodated without undermining the quality of life for local people."

P2 - Housing Windfall Sites - "It is important that as many affordable homes are delivered as possible..."

P7 - Areas of Townscape Character - "Development proposals will be supported...provided applicants can demonstrate they have had regard to their impact on the appearance and character of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement."

Lindfield Village Design Statement

5.1 New Housing - "...must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas..."

This latest proposal provides for flats, seemingly designed in a 60/70's style campus format, which is completely out of place in a location immediately adjacent to an Area of Townscape Character and shows no consideration of the identity and character of the village. The design of the flats is inappropriate in terms of both visual impression and the impact of the detail of the design on nearby properties. The proposed balconies will negatively impact the privacy of existing residents and the bulk of the buildings is detrimental to the outlook, daylight and sunlight currently enjoyed by such properties.

The apparent avoidance of any element of affordable housing, in addition to being contrary to policy, robs the proposal of any potential merit in contributing to support new younger buyers to the village. Notwithstanding S106 contributions, the

infrastructure of the village is unable to cope with existing traffic volumes and the proposed density will exacerbate those problems, noting that there is insufficient space to sufficiently modify village roads to accommodate this. Accordingly, a wider, holistic approach needs to be considered by both WSCC Highways and the Planning Authority as to managing such traffic increase, perhaps encompassing sustainable transport methodology.

The Council supports and indeed encourages the appropriate redevelopment of this site and considers that this is likely to be through the development of maximum two storey units, potentially comprising a mix of maisonettes, terraced and semi-detached housing with suitable parking provision and greenspace.

In terms of the detail of this application several aspects stand out as being improperly addressed or plain wrong:

- Parking spaces - the plan does not seem to tie up with the descriptions.
- Location - reference to Haywards Heath when the site is located within Lindfield Village
- Trees - the proposal seems to make no attempt to preserve the significant trees on this site, nine of which are subject to TPOs, merely seeking to destroy those that are in the way of the unsuitable plans. Any plans for this site should protect and improve the natural street scene.
- Local consultation - the views of two councils, other consultees and residents would seem to suggest that this exercise was at best, perfunctory, and at worst, ignored.
- S106 contributions - in the unfortunate event that this application obtains approval despite failing to meet most, if not all, applicable policies under the respective District and Local Plans, the contributions or ideally physical improvements should be structured to achieve a meaningful improvement in local infrastructure rather than allocated 'in case' an improvement is identified in the future.

It is felt that the applicant employed architects with no feel for the location (hence the references to Haywards Heath and the overbearing nature of the proposals seen to date) and who have produced entirely inappropriate off the shelf plans to address the applicants brief, leading to the proposed overdevelopment of the site.

The Council notes the objections raised by Hayward Heath Town Council which substantially align with its own views and fully recognises HHTC's interest in the site given its proximity to Haywards Heath and the shared impact on local infrastructure of this poorly thought out proposal.

Corrected plans

The minor changes in the latest application do nothing to assuage the Council's detailed concerns spelt out in its response dated 22/2/19 and Lindfield Parish Council re-confirms its strong objections contained therein.

INTRODUCTION

This application seeks planning permission for the erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access on land formally occupied by Tavistock and Summerhill School, Summer Hill Lane, Lindfield.

RELEVANT PLANNING HISTORY

An application that sought prior approval for the demolition of all the existing buildings at the former Tavistock and Summerhill School, Summerhill Lane, Lindfield (reference DM/17/3068) was approved by the Local Planning Authority (LPA) on 22 August 2017. The former school has been demolished and the site is now cleared.

A planning application that sought consent for the erection of 48 residential dwellings comprising of 6 houses and 42 flats with associated internal access (reference DM/18/0733) was withdrawn by the applicants on 31 August 2018.

SITE AND SURROUNDINGS

The site is located on the eastern side of Summerhill Lane. The site used to contain a number of buildings that were formally in use as a school. These have now all been demolished and the site has been cleared. There are three vehicular entrances/exits from the site, two from Summerhill Grange and one from Summerhill Lane. There are also many trees on the site that are the subject of Tree Preservation Orders, including a significant Category A tree towards the southern part of the site.

The site is bounded by residential development on all sides. Residential properties known as Summerhill Cottage, Clare Cottage, 3 Oak Bank and 1-4, 9 and 10 Summerhill Grange, directly abut the site to the north, north west, east and south. All other residential properties on Summerhill Grange are separated from the site by the road, Summerhill Grange. The site is within the built up area of Lindfield and is not within a conservation area. The northern part of the site does fall within an Area of Townscape Character as defined in the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).

There are some significant changes in levels through the site. For example, there is a fall of some 3m from the north western boundary of the site to the north-eastern corner of the site. There is a similar fall from the southwestern side of the site to the south eastern corner of the site.

APPLICATION DETAILS

The proposal comprises a total of 38 residential units with multiple building types. The proposed unit mix is as follows:

- 18 x one bed flats
- 16 x two bed flats
- 4 x five bed houses

The plans show that there would be three blocks of flats on the northern and western sides of the site. The four houses would be located on the eastern side of the site. The plans show one vehicular point of access onto Summerhill Lane and one on Summerhill Grange. There would be a total of 71 car parking spaces provided within the site, of which 8 would be for the four houses.

Block A would be a 3 storey building with a flat roof. It would have 23 car parking spaces located to the south and west of the building of which 16 would be allocated and 7 unallocated. External elevations would feature silver grey-brown facing brickwork, timber boarding with Powder coated composite aluminium/ timber frames. There would be an access road located to the south of the building that would provide access to block C and the houses on the eastern side of the site.

Block B would be similarly designed 3 storey building with a flat roof. It would have 20 car parking spaces located to the west of the building of which 18 would be allocated and 2 unallocated. External elevations would feature silver grey-brown facing brickwork, timber boarding with Powder coated composite aluminium/ timber frames.

Block C would also be a 3 storey building with a flat roof. The elevations would be similar to the other two blocks of flats. There would be 16 allocated car parking spaces located to the east of this building and within the ground floor level within the building. There would be 4 unallocated spaces to the southeast of this building.

Finally the plans show 4 houses arranged as a terrace in the eastern corner of the site. These would also be arranged over 3 floors. The ground floor would feature an integral single garage with a single car parking space in front. The external elevations would utilise the same pallet of materials as the block of flats.

The centre of the site would be a landscaped open space that would retain the existing mature tree within the centre of the site. The plans show a series of interconnecting pedestrian pathways within the site between the various blocks. There would also be landscaped open space between blocks A and B and B and C.

When the application was originally submitted, the applicants stated that the scheme would not be viable if it provided any affordable housing. They provided financial information to support this assertion and this has been independently assessed by consultants appointed by the LPA. The view of the consultants appointed by the LPA was that the scheme was capable of providing affordable housing. Following discussion with the applicants, the scheme has been amended so that all of block C would be provided as affordable housing (10 units) and there would also be a requirement for a payment of £110,000 for off site affordable housing. This payment equates to the costs of 2 x 1 bed flats. This is required on the basis that a policy compliant level of 30% affordable housing would be 12 units.

The mix of housing on site is therefore as follows:

Block A (market housing)

8 x 1 bed flats

4 x 2 bed flats

Block B (market housing)

6 x 1 bed flats

6 x 2 bed flats

Block C (affordable housing)

4 x 1 bed flats

6 x 2 bed flats

Block D (market housing)

4 x 5 bed houses

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP6 Settlement Hierarchy

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP) (2016) is a made plan with full weight.

Policy 2: Housing Windfall Sites

Policy 7: Areas of Townscape Character

Documents that are Material Planning Considerations

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out several design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

SPD Affordable Housing (2018)

SDP Development Viability (2018)

SDP Development Infrastructure and Contributions (2018)) Updated October 2019

National Policy and Legislation

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 (PPG)

Ministerial Statement and Design Guide

On 1st October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design

and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

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

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

Lindfield Village Design Statement

ASSESSMENT

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

- Principle of the development
- Design matters
- Impact on trees
- Ecology
- Impact of the proposal on the amenities of surrounding occupiers
- Highways issues
- Affordable housing
- Infrastructure provision
- Drainage
- Ashdown Forest
- Planning balance and conclusion

Principle of the development

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the Lindfield and Lindfield Rural Neighbourhood Plan Neighbourhood Plan (LLRNP) (2016). The District Plan is up to date and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and can demonstrate that it has a 5 year housing land supply. This has been confirmed at a recent Public Inquiry in respect of two planning appeals (references APP/D3830/W/19/3231997 and APP/D3830/W/19/3231996). In the consideration of these appeals, the Inspector considered the Councils land supply position as this was a matter in dispute between the Council and appellants. In his decision letter of 16th December 2019 he stated that:

'I therefore conclude that the Council can demonstrate a 5YHLS.' (para 115).

The balance to be applied in this case is therefore a non-tilted one.

The site is within the built up area of Lindfield and is a previously developed site. The principle of a redevelopment of this site for residential purposes is acceptable. The key issue is whether this particular development is acceptable having regard to the relevant policies in the development plan and other material planning considerations.

Design issues

Impact of the proposal on the character of the area

Policy DP26 in the District Plan seeks a high standard of design in new development. 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 7 of the LLRNP states:

'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.

In particular, proposals should:

- retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The NPPF makes it clear that good design is a key aspect of sustainable development. Paragraph 172 of the NPPF states:

'Planning policies and decisions should ensure that developments:

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

The NPPF is also supportive of achieving appropriate densities on sites. Paragraph 122 states:

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

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

The surrounding properties are mainly two storey housing of a traditional design. Summerlands Nursing home to the west of the site is a larger scale building that has been extended in the past.

It is considered that in principle, a flatted development would be suitable for the site. This is because the constraints of the site (preserved trees and changes in levels) lends itself to a flatted layout that should be able to incorporate the development into a parkland setting. It is important to note that there are no policies within either the DP or LLRNP that preclude flatted developments within this area.

It is therefore considered that a key issue to assess in this case is the quality of the design and whether this is appropriate to this area. The scheme has been the subject of negotiation with the applicants and the blocks have been redesigned during the course of the application. The most visible blocks, A and B have been reduced in scale and have been re modelled to break up the facades by staggering the footprint and incorporating a more defined top floor setback. It is considered that this has reduced their actual and apparent scale and allows the buildings to sit more comfortably in their parkland setting.

The concluding comments of the Urban Designer are set out at the start of the committee report. In relation to the layout of the site the Urban Designer states:

'Unlike the withdrawn application, the current scheme proposes surface parking instead of underground parking. The majority of the parking is adjacent to the western boundary. While this is the most visible part of the site along the Summerhill Lane frontage, much of it is the existing parking area that served the former school. Furthermore, it will be softened by the retained mature trees on this frontage as well as the proposed additional tree planting. The rest of the parking is discreetly accommodated at the rear of the site adjacent to the block D houses or behind / underneath block C; both these areas are accessed via a road that loops around the southern edge of the site that enables the central part of the site to be laid out as open space providing an attractive context for the apartment blocks in particular. The star-shaped configuration of the 4 blocks also provides a central focus to the layout

which is anchored by the large retained tree in the middle. The hard surface treatment will nevertheless need to be sensitive to the parkland character.

The greater separation distances between the blocks of flats along with the internal layout ensures they have an outlook that does not undermine privacy or conflict with the existing trees. The reduction in the footprint that has enabled this has been achieved by: an increase in one bedroom flats (in place of two bed flats); smaller communal corridors; and by removing the bin and cycle stores from blocks A and B and incorporating them as stand-alone structures.

The incorporation of apartments rather than houses generates an open parkland arrangement with the retained boundary trees providing a highly attractive backdrop; and conversely avoids the trees being marooned in overshadowed back gardens. Block D nevertheless incorporates four houses and I note the revised drawings now show longer gardens than in the original submission, which constrain the space and sight lines around the trees on the southern boundary. For this reason I am recommending a condition is included that allows the gardens to be marginally reduced to open up this boundary.'

Overall, whilst it is clear that the layout of the site will be markedly different to the houses that surround the site, it is not felt that this in itself is objectionable. The former use of the site was different in character compared to the surrounding houses. The layout of the site allows for the retention of the main trees.

In relation to the elevational treatment of the buildings, the Urban Designer states:

'The building design benefits from architectural integrity with care taken over the composition and quality of the detailing with the additional vertical articulation of blocks A-C sitting more comfortably with the four-house division of block D. The four blocks now work harmoniously together as a variation on a design theme. The 2+1 storey flat roof configuration gives them a modest height that in addition to the reduced building footprints and the softening effect of the retained boundary trees ensures the buildings should not overwhelm their surrounds.

I was previously critical of block C's rear/east elevation. Although it will still be very visible from Summerhill Grange, the revised scheme shows a reduction in the building's length and a better articulated facade. It is nevertheless important that this eastern boundary features a comprehensively landscaped border that provides a high level of screening/softening.'

It is recognised that the proposed buildings will be very different to the houses that surround the site. It is also recognised that the proposed design has resulted in a significant number of objections, with the main theme running through these objections being that the design is not appropriate and that a redevelopment of the site should feature houses that are similar in style to those that surround the site.

In respect of policy 7 of the Neighbourhood Plan, the scheme would retain the boundary treatment that contributes to the character of the area, thus meeting the first criteria of policy 7. The scheme would retain open space between the buildings which would be open to public view. As such there would not be a conflict with these

two criteria of policy 7. With regards to the third criteria, the site is cleared of all buildings. Therefore whilst in your officers view it was regrettable that the main building at the frontage of the site was demolished, in determining this planning application there is no conflict with this criteria of policy 7 as the buildings that used to be on the site have already been demolished.

The Lindfield Village Design Statement (VDS) (2011) is a material planning consideration in the assessment of planning applications in Lindfield. In the introduction to the VDS it states '*A Village Design Statement (VDS) is a community-based document that describes the qualities and characteristics of a settlement. It sets out design guidance for future development and can influence planning applications and decisions. It will help guide change in a way that will enhance rather than detract from the quality of life in a village and its environment. The objective is to manage change not to prevent it.*' The introduction to the VDS goes on to state '*The VDS is not a Masterplan of ready-made design solutions, and its recommendations should not be viewed as a barrier to modern design. Rather, this document highlights the unique qualities of architectural, historical, and natural importance that contribute to Lindfield's character. It is concerned with how planned development should be carried out, so that it is in harmony with its setting and contributes to the conservation and, where possible, enhancement of local environment.*'

In relation to housing the VDS states '*All new development in and around Lindfield must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas in order to sustain the attractive qualities of the village, to protect its landscape and historic buildings and to safeguard the legitimate needs and amenities enjoyed by its population.*'

It is your officers view that the proposed buildings are of an acceptable design in their own right. The VDS notes that it is not a barrier to modern design. It is acknowledged that the proposed flats would be of a different design and scale to the surrounding houses. The Parish Council is strongly of the view that the proposal is in conflict with the VDS. This is ultimately a matter of judgement that the Planning Committee will have to come to its own view on.

All of the dwellings would meet the national dwelling space standards, in compliance with policy DP27 of the DP.

Policy DP28 of the DP relates to accessibility. For developments of this size it expects proposals to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2). For wheelchair user dwellings, Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time. The applicants have stated '*that 2 of the units are M4(3) compliant and 8 of the units M4(2) compliant (20% and 5% respectively).*' As such policy DP28 of the DP would be met.

Conclusions on design matters

To conclude, it is clear that the design of the proposed scheme has generated a significant level of opposition; the view of the vast majority of those who have commented on the application is that this design would be out of place in this location. These comments have all been carefully considered. As Members will be aware local opposition alone is not a reason in itself to refuse a planning application. Any refusal of a planning application must be on planning grounds that can be properly substantiated.

It is also accepted that to some extent, design matters are subjective. For example the detailed elevational treatment of a development may elicit different opinions from different people. However, there are some aspects of design that are clearer cut, for example some layouts are generally regarded as a good design approach (perimeter block layouts for example, as set out in the draft Mid Sussex Design Guide SPD), whereas other are not (a series of cul-de-sacs with poor legibility and poor connectivity for example).

In this particular case, your officers are of the view that the proposed flatted layout of the scheme is a sound design. It makes best use of the land and works around the preserved trees on the site. The site lends itself to a flatted layout rather than a traditional layout with buildings fronting onto a street. In its former use the site had a different layout to the traditional houses that surround it. Paragraph 117 of the NPPF states in part 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.'* This is reflected in the final criteria of policy DP26 of the DP, which requires applicants to demonstrate that development *'optimises the potential of the site to accommodate development.'*

The scale of the proposed buildings, combined with the elevational treatment will result in a development that is markedly different from the surrounding development. In its own right, it is considered that the elevations of the proposed buildings are of the high quality design that is sought by policy DP26 of the DP. It is also considered that as a result of their distinctive design, the proposed development would create a sense of place. The layout would be pedestrian friendly, safe, well connected, legible and accessible.

It is considered that the proposed car parking is reasonably well integrated with the scheme. As it is broken up into separate parcels that serve each of the four blocks, it does not overly dominate the site, despite it being in the main, surface car parking.

The design of the development does optimise the potential of the site to accommodate development. The site is some 1.15 hectares and the density of the development is 33 dwellings per hectare.

In conclusion on this issue, if permitted, the development would be markedly different to the surrounding properties. For the reason set out above, officers consider that in their own right the proposed buildings are well designed. The central issue is whether the proposed development is right for this location.

Overall, whilst finely balanced, your officers are of the view that the design of the scheme is acceptable in this location and accords with policy DP26 of the DP and policy 7 of the NP. It is recognised however that this is a subject on which a different view could legitimately be formed and that ultimately this is a matter that the Planning Committee will need to come to its own view on.

Crime prevention

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Sussex Police have commented on the application and have raised concerns about the vulnerability of ground floor windows in the proposed flats because of a lack of defensible planting. They are also concerned about the lack of demarcation between public and private areas and finally they are also concerned about the lack of natural surveillance for the majority of the proposed car parking.

With regards to the surveillance of the car parking areas, there would be lounge windows on block A that face towards the car parking. On block B, the orientation of the blocks is such that the lounge windows do not face directly towards the car parking area but are at a more oblique angle. The car parking areas to the west of the site are all open so there would not be an opportunity for people to be completely unobserved in this area. With regards to the car parking to the east of block C, it is acknowledged that this would not be as well overlooked as there would only be bedroom windows facing eastwards towards this car parking area. However, this is a relatively modest area of car parking of 12 spaces. It is also the case that Lindfield is not an area that suffers with a high crime rate.

With regards to defensible space around the front of the ground floor flats, it would be possible to install low level fencing to secure an area of defensible space around the front elevations of the flats. This could be secured with a planning condition.

Sustainable Construction

Policy DP39 in the DP relates to sustainable design and construction. The applicants have provided a sustainability and energy statement that is available on file for inspection. In respect of energy use the statement advises that the strategy for carbon dioxide reduction is based on energy efficiency measures, including high levels of insulation, high levels of passive energy efficiency and low energy lighting. The aim is to achieve carbon dioxide reduction beyond the Part L: 2013 target rate in the building regulations. The scheme also proposes to reduce water demand to a maximum consumption of 105 l/person/day by the implementation of water efficient fittings and water meters.

It is considered that the applicants have satisfactorily addressed policy DP39 of the DP.

Impact on trees

Policy DP37 in the DP states:

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

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

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

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

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

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

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

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

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

The site is covered by a Tree Preservation Order (TPO) reference CU/13/TPO/84. The order covers a total of 39 individual trees and a number of group orders.

The application is accompanied by an Arboricultural Report that is available on file for inspection. The report surveyed a total of 83 individual trees within the site. The report and accompanying plans show that 13 trees would be removed to allow the development to take place, of which 10 are preserved trees. Of these trees 5 are categorised as U quality, 2 are categorised as C quality and 3 are categorised as B quality. The categories are defined as follows:

Category A: Trees of high quality with an estimated remaining life expectancy of at least 40 years

Category B: Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

Category C: Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

Category U: Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years

Of the better-quality B category trees that would be removed, two of the trees (both Limes) are in the centre of the site, to the southeast of block C with the remaining B category tree (Scots Pine) being located on the north-western boundary of the site.

The removal of any preserved trees is regrettable. However, their loss does need to be weighed up in the planning balance. The majority of the trees within the site would be retained. Of the preserved trees that would be removed, the majority are lower quality C and U class trees. The Scots Pine to be removed is part of a grouping of trees so the loss of this is not likely to have a significant impact on the character of the area. The two Limes trees are at the end of a line of trees that run to the east. As a result of their positioning at the end of this line of trees, it is considered that their removal would also not have a significant impact on the wider character of the area.

It should also be noted that the submitted landscaping plan shows that there would be some 74 new trees being planted on the boundaries and within the site. This additional tree planting will help to soften the development.

Overall it is considered that there would be a degree of conflict with policy DP37 arising from the felling of trees on the site that are covered by a TPO. However, the visual impact arising from the loss of these trees would be limited and the plans do show a significant level of new tree planting within the site. The TPO trees to be removed are not A category trees. Taking all the above into account, it is not felt that the loss of the TPO trees required by this scheme should be a reason to resist this planning application.

Ecology

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

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

A habitat survey of the site was carried out in May 2017 and an update was carried out in December 2018. The site is not subject to any non-statutory nature conservation designations. The applicants report notes that the majority of the site (some 41%) is made up of poor semi improved grassland, some 25% is bare ground and short perennial/ephemeral vegetation, with the next largest land use being a mixture of hardstanding and semi improved grassland (some 17%).

The main findings of the applicant's report are summarised below:

Breeding birds

The site does include habitat that is suitable for breeding birds. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is an offence to kill or injure a bird, and damage or destroy a bird's nest. Where the proposed works require the removal of trees, hedgerow, scrub and introduced shrubs with potential to support breeding birds, this must be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season.

The applicants report recommends that tree felling is carried out September to February.

Bats

All British species of bat are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Under this legislation it is an offence to deliberately capture, kill or disturb a bat and damage or destroy a bat roost.

The applicants have provided a Preliminary Roost Assessment with their application. The survey addresses both the buildings that used to be on the site and the trees within the site. The report states that no bats emerged from any of the buildings during the bat emergence surveys, therefore absence of roosting bats is considered likely. All the buildings that used to be on the site have now been removed.

Of the trees proposed for removal the applicants report states that one tree (Lime) was assessed as having moderate potential to support a bat roost, four had low potential and four were of negligible suitability. The report advises that an aerial tree inspection of the tree with moderate potential to support bat roosts is recommended.

The applicants report also makes recommendations in relation to future lighting of the site and the future provision of artificial roost features.

Reptiles

All species of reptile are protected from killing or injuring under the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is an offence to kill or injure reptiles. The applicants preliminary ecological survey states that reptile surveys carried out in 2017 confirmed the likely absence of reptiles from site.

Proposed works

The applicants propose to install 7 bat boxes, 7 bird boxes, 3 bumble bee boxes and 4 bug nests within the site. The applicants tree planting plan shows some 74 new trees being planted within the site. The applicants plans also show the proposed ornamental planting within the site around the buildings and parking areas.

Conclusions on ecology matters

The Councils Ecology Consultant has assessed the application. He notes that the site appears to be very poor for biodiversity. He recommends a planning condition is imposed to require a method statement for implementation of wildlife mitigation to be approved by the LPA prior to development commencing. He states:

'in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals.'

A planning condition can be imposed as recommended by the Councils Ecological Consultant. Whilst there would be a significant number of new trees planted, the tree planting plan indicates that these would be mostly be modest in size to begin with (2.4m to 2.7m). As such it is not considered that it can be definitively said that the proposals would result in an immediate net gain in biodiversity. However, given the findings of the ecological surveys and the views of the Councils Ecological Consultant it is considered that the evidence indicates that there would not be a net loss of biodiversity as set out in policy DP38. At two previous appeals in the District on the same site (references DM/18/0953 and DM/18/0954), determined in December 2019, the Inspector stated *'While I do not consider that the proposals would lead to a net gain in biodiversity, I am of the view that the schemes would not lead to a net loss of biodiversity. The landscape proposals for the scheme would incorporate biodiversity features and green infrastructure within the developments such that I consider the schemes overall would comply in a biodiversity respect with policies DP37 and DP38 of the District Plan.'*

Given the way policy DP38 has been interpreted by a Planning Inspector, it is considered that as the evidence on this site is that there would not be a net loss of biodiversity and there are no objections from the Councils Ecological Consultant, overall it would not be reasonable to seek to resist the application based on policy DP38 of the DP.

Impact of the proposal on the amenities of surrounding occupiers

One of the criteria of policy DP26 seeks to resist developments that would 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, day light and sunlight and noise, air and light pollution. The policy threshold in terms of impacts on neighbour amenity, ('significant harm'), is a high one.

Block A would be some 24m to the north of 1 Summerhill Grange at its closest point. 1 Summerhill Grange is also angled so that its rear elevation does not face directly to the north. Whilst there would be a major change to the view for the properties to the south on Summerhill Grange, given the distance between these properties and the new development it is not considered that they would be over bearing or overly dominant. There would be new overlooking from the first floor of Block A towards Summerhill Grange from bedroom windows, but this is a built-up area where a degree of mutual overlooking is to be expected. The balconies for the first floor of Block A have been arranged so that they face towards the west, east and north. The second floor of Block A has been arranged so that the main habitable windows for

the flats do not face southwards towards Summerhill Grange, but face towards the east and west.

There would be a block of 3 car parking spaces to the northwest of 1 Summerhill Grange. With suitable boundary treatments in place it is not felt that the activity associated with these car parking spaces would cause a significant loss of amenity in respect of noise and disturbance.

Block B would be some 28m to the southwest of Summerhill Cottage. Whilst Block B would be visible from Summerhill Cottage it is felt that given this distance there would not be significant harm to their residential amenities. The internal layout of Block B has been arranged so that there are not main habitable windows in the northwest facing elevation.

The balconies on Block B have been arranged so that they are on the northeast, southeast and southwest elevations. At its closest point, the northeast facing balcony is some 10m from the mutual boundary with Summerhill Cottage. However it is orientated to face away from the property, which is to the northwest. Given the orientation of the balconies, it is not felt that they would cause significant harm to the amenities of Summerhill Cottage.

Block C would be some 39m to the south of Clare Cottage at its closest point and would be at a higher level (some 1.4m). Block C would be clearly visible from Clare Cottage but at this distance it is not felt that the new block would be overly dominant or overbearing or create unacceptable levels of overlooking.

Block C would be some 15m away from the side elevation of 9 Summerhill Grange at its closest point. There is a first floor window in the side elevation of 9 Summerhill Grange which serves a bathroom. There is a 2m hedge on the boundary. The northern part of Block C would be some 16m from the rear garden boundary with 9 Summerhill Grange. There would be bedroom windows in the first and second floor side elevation of Block C facing towards 9 Summerhill Grange and due to the inset of these windows within Block C, they would be some 17m from the side elevation of 9 Summerhill Grange. Given this distance and the fact that these windows would be facing the side elevation of 9 Summerhill Grange, it is not felt there would be a significant adverse impact on their amenities.

The corner of the new houses in Block D would be some 26m away from the front elevation of 17 Summerhill Grange at its closest point. It is not considered that there would be a significant loss of residential amenity to the occupiers of 16-18 Summerhill Grange from the positioning of Block D. The north eastern elevations of the houses in Block D would be angled so they face the front gardens of the houses at the end of the Summerhill Grange cul-de-sac. It is considered that this relationship would not cause a significant impact on the residential amenities of those properties on Summerhill Grange.

The houses in Block D would be some 34m away from the rear elevation of 4 Summerhill Grange at their closest point. The houses on Block D would be angled so they would not directly face the rear elevations of the properties to the south. It is not

felt that there would be significant harm to the residential amenities of the 1 to 4 Summerhill Grange from this relationship.

Highways Issues

Policy DP21 in the District Plan states:

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

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

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

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

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

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

The proposal would have two vehicular points of access. The first would be onto Summerhill Lane and this would serve the 23 car parking spaces for block B. The second would be off Summerhill Grange and would serve the remainder of the development. The applicants have carried out a speed survey in relation to the access onto Summerhill Lane to inform the required visibility splays. This details 85th% speeds are 37.6mph northbound and 35.7mph southbound at site 1 (north of the access) and 35.9 mph northbound and 37.6mph southbound at site 2 (south of the access).

The Highway Authority has raised no objection to the application. They consider that the speed survey that has been undertaken has properly justified the proposed visibility splays for this junction. On this basis it is considered that the proposed access onto Summerhill Lane would be safe and is acceptable in relation to highway safety. The Highway Authority have provided a plan that show the required visibility splays for the Summerhill Lane access would be within the public highway and are therefore achievable.

Vehicle speeds on Summerhill Grange will be much lower as this is a cul-de-sac. It is considered that the proposed vehicular access onto Summerhill Grange is acceptable in relation to highway safety. The Highway Authority have provided a plan that shows the highway boundary responsibility of Summerhill Grange. The required visibility splay for this access are either within the highway boundary or are within the site boundary. As such these splays are achievable.

Some objectors have stated that the applicants do not have the right to use a vehicular access onto Summerhill Grange to serve the development. The question of whether there are private covenants/restrictions that prevent a vehicular access being formed onto Summerhill Grange is not a planning matter but would be a private legal matter between the interested parties. The LPA can impose a planning condition requiring the works to create the access to be completed prior to other development on the site commencing. It would then be a matter for the applicants to comply with the planning condition. If they could not comply because of private legal restrictions then they would not be able to implement the planning permission.

With regards to the visibility splays, these are shown within the red line that denotes the site of the planning application and they are also shown as being within the highway boundary. Some objectors have questioned whether the visibility splays can be provided if the land is not in the applicant's ownership. The Highway Authority have advised your officers that *'A highway is a legal right over land. It does not*

connote freehold ownership of the land. The majority of the freehold on which there is highway maintainable at public expense are not owned by the highway authorities and a freehold owner of land on which there are highway rights cannot obstruct or interfere with such public rights.' The Highway Authority are therefore clear in their view that as the visibility splays are within the highway boundary, they can be secured.

The applicants have served notice on Crest, who they believe are the landowners of the visibility splays. The Council does not hold records of land ownership and if there is a dispute about land ownership then this would be a private legal matter between the interested parties.

Policy DP21 seeks to avoid severe traffic congestion, which reflects the advice in the NPPF. The applicants have provided figures that show that the proposed development would generate fewer peak hour movements than the previous use of the site. Whilst all the buildings on the site have now been demolished and the site has in effect a nil use, this is a useful comparison. Given the scale of the development it is not considered that it could be reasonably argued that the proposal would result in a severe impact on the local highway network in relation to traffic congestion.

With regards to car parking, the LPAs car parking standards were set out in the Development Infrastructure and Contributions supplementary planning document (SPD). These were expressed as minimum indicative standards. The car parking standards in the SPD were 1 space per 1 bed unit, 2 spaces per 2/3 bed unit and 3 spaces per 4 bed dwellings. Using these standards the scheme should provide a minimum of 74 spaces. The scheme provides a total of 71 car parking spaces.

This SPD was updated in October 2019 to reflect new car parking guidance provided by WSCC. The County Council have an updated car parking demand calculator that predicts the car parking requirements for each of the parishes within the County.

Applying this calculator, using the figures for allocated and unallocated spaces (58 and 13 respectively) provided by the applicants, the predicted parking demand is for a total of 69 spaces (58 allocated and 11 unallocated).

It is therefore considered that there are no grounds to resist the application based on the numbers of car parking spaces that are intended to be provided.

The scheme proposes 17 active electric charging points for vehicles in line with the request of the Highway Authority. The plans also state that ducts will be laid to all other spaces to facilitate future electric charging points.

Affordable housing

Policy DP31 of the DP requires a minimum of 30% on site affordable housing on developments providing more than 11 dwellings. The policy states that proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be

set out in an independent viability assessment on terms agreed by the relevant parties.

National guidance recognises that viability is a material planning consideration. The PPG states:

'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'

The PPG makes it clear that:

'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.'

When the application was first submitted, the applicants have stated that the site would not be viable to provide any affordable housing. They provided financial appraisals, and these were independently assessed by consultants appointed by the LPA. Based on the scheme as it was at that time, the Councils appointed consultants concluded as follows:

'As requested following receipt of Martin Warren Associates cost consultant's review of Taylor Associates' cost plan and Iceni's most recent rebuttal to our viability review I have now had the opportunity to consider the response and the cost plan.'

'Without going through each point of the Iceni response, the effect of the submitted cost plan is to remove any surplus that we identified previously through our review; leaving a significant deficit against the benchmark land value. Martin Warren Associates consider the cost plan to be reasonable (and in fact suggest slightly higher overall costs). I have attached for reference.'

'There are also a number of other assumptions where a difference of opinion remains between Iceni and DSP (which I suggest that there is no point addressing at this stage given the impact of just the cost assumptions here).'

'I don't have a working copy of Iceni's development appraisal but making (only) the cost plan adjustments to our original appraisal (i.e. ignoring any other areas of disagreement) the residual land value drops from £3,365,669 to £587,561 (with 100% market housing) and therefore significantly below the BLV (now agreed at £1.275m. This compares to Iceni's assertion that the development produces a negative residual land cost of -£1,041,256 (i.e. £2.3m below the BLV).'

'I have noticed that the gross area of the development is now significantly larger than previously assumed (increased from 3,921m² to 4,888m² which indicates a relatively inefficient use of space within the flats). However, we can only review the scheme / design as presented.'

Unfortunately I am not sure that there is anywhere else we can go with this other than to suggest potentially that a review mechanism is inserted into the s106 agreement that potentially captures any positive (in viability terms) changes in costs and values.'

The above viability assessment carried out by the Council's consultants DSP in March 2019 and the subsequent review of the applicant's cost plan in July 2019 were based on a scheme comprising 6 x 1 bed units, 28 x 2 bed units and 4 x 5 bed units. The scheme has now been amended to comprise 18 x 1 bed units, 16 x 2 bed units and 4 x 5 bed units.

In light of this change, the Council's appointed consultants have carried out a further review of the applicant's submitted viability position. Their report dated April 2020 is available for inspection on the planning file. In summary they now conclude:

The development appraisals submitted for review produced a residual land value of £262,577; £1,012,423 below the stated benchmark land value of £1,275,000. This leads to a profit on GDV of approximately 13% as submitted by the applicant (and we have to assume, given this is the position submitted, that this is the level of profit acceptable to bring the development forward?)

As part of our audit style approach, we have again reviewed and made adjustments to the applicant's 100% market appraisal to explore the extent to which a more positive viability outcome should be possible. These include:

- *Adjusting the benchmark land value;*
- *Adjusting the ground rent revenue assumptions;*
- *Reducing the overall finance rate to bring it in line with other similar schemes;*
- *Reducing the professional fees and sales and marketing fees to bring those in line with typical parameters;*
- *Alterations to site works costs;*
- *Reducing the profit assumption.*

In order to calculate the level of financial surplus potentially available to contribute towards affordable housing in the first instance (we don't have a policy compliant development appraisal with which to adjust / look at the impact of the above changes) we have run a residual land value calculation based on a fixed developer's profit of 17.5% on GDV. This produces a residual land value of £1,576,144 (DSPv1) or a surplus over the DSP BLV of £976,144.

A second appraisal has been carried out that reduces the profit to 15% on GDV. This leads to a RLV of £1,890,832 (DSPv2) or a surplus of £1,290,832.

Both results exceed the viability letter benchmark land value of £1,275,000 and significantly exceed the DSP estimated BLV of £600,000.

Overall therefore, at this stage, based on the evidence submitted it is not possible for us to agree with the approach put forward. The results of our appraisals indicate that there may be scope for a proportion of affordable housing to be secured from this site; potentially up to a policy compliant level.'

In light of the findings of the latest review by the Councils appointed consultants, the LPA put the following two options to the applicants in relation to the provision of affordable housing on the site:

Option 1: The application will have all of block C as affordable housing. This will be 10 units. There would also be a requirement for a review clause in the S106 agreement because 10 affordable units would not be fully policy compliant. A policy compliant level of affordable housing would be 12 units.

Option 2: The application will have all of block C as affordable housing. This will be 10 units. There would also be a requirement for a payment towards off site affordable housing for the other 2 units of affordable housing that would not be being provided on site. This would be £110,000 which equates to the costs of 2 x 1 bed flats. There would be no viability review clause as the scheme would be policy compliant in relation to affordable housing provision.

In response to this the applicants have stated 'Following extensive discussions with yourself and your colleagues over a series of meetings and correspondence, the applicant has carefully listened to your advice and has continued to respond to the Council's requests over a long period of time, making extensive reductions to the amount of development, considerable design changes and over recent months, significant increases to the affordable housing contribution. The applicants are prepared to accept what the Council considers to be reasonably necessary in order for it to support a residential planning permission on what is an obvious and very suitable site for residential development.'

The applicants have stated that their preference would be for option 2. Therefore, the scheme as submitted would provide block C, comprising 10 units, as affordable housing and there would be a payment of £110,000 to go towards off site affordable housing. It would not be practical for management purposes to provide the additional 2 affordable units on site in one of the other blocks of flats. As such an offsite contribution would be acceptable in this case to make up the balance of affordable housing requirements generated by the development.

The above on site affordable housing and financial contribution towards off site affordable housing would need to be secured by way a section 106 legal agreement. With these two matters secured, it is considered that the proposal would be acceptable in relation to affordable housing provision because it would be providing an overall policy compliant level of affordable housing (the majority secured on site with a contribution towards off site provision for the remaining 2 units).

Infrastructure provision

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

West Sussex County Council Contributions:

Library provision: £10,932
 Education Primary: £39,918
 Education Secondary: £42,963
 TAD: £103,541

District Council Contributions

Children's play space £16,854 - Hickmans Lane Rec
 Kick about £14,157 - Hickmans Lane Rec
 Formal sport £31,098 - for pitch drainage and / or pavilion improvements at Hickmans Lane
 Community buildings £17,836 - King Edward Hall and / or Hickmans Lane pavilion
 Local community infrastructure £22,032 - for electronic bus stop signage within the village

The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above contributions are justified having regard to this Council's development and infrastructure SPD and would meet the test of the CIL

Regulations. Subject to the completion of a legal agreement to secure these contributions there would be no conflict with policy DP20 of the DP.

Drainage

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

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

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

It is proposed for surface water to discharge to the existing surface water system of Summerhill Grange at two points. The Council's Drainage Engineer has advised that there is an opportunity to reduce the volume of surface water discharging from the site compared to the current rate so there should be less peak flow into the Summerhill Grange surface water system post development, compared to the existing. The Council's Drainage Engineer raises no objection to the proposed surface water drainage of the site.

In respect of foul drainage it is proposed to run new foul and surface water drains from the eastern boundary of the site, through a parcel of green land, and then under the highway where they will connect to the existing public foul and surface water sewers. This approach appears to be crossing third party land. Concerns have been raised by third parties about how this will be achieved, and the Council's Drainage Engineer has also asked this question.

The key issue in assessing the planning application is whether as a matter of principle there is a technical solution that would mean that the site could be drained satisfactorily. The details of the drainage design can be secured by a planning condition that could prevent works from taking place until the details of the proposed drainage solution have been approved by the LPA. It would therefore be lawful for the Council to approve drainage details that involved works taking place across third party land. It would be a matter for the applicants to ensure that they could then deliver any such off site works. If they could not, then they would not be able to fulfil the requirements of the planning condition and therefore would not be able to implement the planning permission.

In this case the Councils Drainage Engineer has raised no objection to the application and has advised that the details of the foul and surface water drains should be controlled by a planning condition. In light of all the above it is considered that as a matter of principle the site is capable of being properly drained and therefore there would be no conflict with policy DP41 of the DP.

Ashdown Forest

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

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

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

Recreational Disturbance

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

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

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

Atmospheric Pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the DP and the LLRNP. The NPPF is an important material planning consideration.

The site is within the built-up area of Lindfield and was formally occupied by a school. On this basis it is considered that the principle of a residential redevelopment of the site accords with policy DP6 of the DP and is acceptable.

With regards to affordable housing the proposal would provide 10 units of affordable housing on site. In addition to this there would be a payment of £110,000 to go towards the provision of offsite affordable housing. This sum equates to the costs of 2 x 1 bed flats. The onsite provision of affordable housing and the payment towards off site provision would need to be secured by a section 106 legal agreement. With such an agreement in place, the scheme would provide a policy compliant level of affordable housing and therefore policy DP31 of the DP would be met.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. These contributions would need to be secured via a section 106 legal agreement. With such an agreement in place the scheme would comply with policy DP20 of the DP.

It is considered that the access into the site is satisfactory and the proposal would not result in a severe impact on the highway network. There is no objection from the Highway Authority to the development. There is no objection from the Councils Drainage Engineer and it is considered that as a matter of principle the site can be satisfactorily drained. As such policies DP21 and DP41 of the DP would be met.

The scheme would result in a change in outlook for those neighbouring properties that face the site. The test within policy DP26 is whether there would be significant harm to neighbouring amenities. For the reasons outlined in the report it is not felt that the scheme would cause significant harm to neighbouring amenities.

The design of the scheme has attracted a significant level of opposition. It is considered that there are some elements of design that are clearly good (for example, well overlooked attractive public spaces) and there are some elements that are clearly poor design (for example poorly overlooked areas that provide easy opportunities for crime/anti-social behaviour). It is acknowledged that to some extent, the attractiveness of the external appearance of the proposed buildings is a subjective matter. It is your officers view that the proposed buildings are of an acceptable design, notwithstanding the fact that they will be clearly very different to the surrounding buildings. As such it is your officers view that there is no conflict with policy DP26 of the DP or policy 7 of the LLRNP.

In conclusion, the principle of a residential redevelopment of the site is acceptable. Weighing in favour of the scheme is the fact that the scheme would provide 38 dwellings on a previously developed site, which would contribute to meeting the housing needs of the District. There would also be economic benefits from the proposal arising from both the construction phase and from the additional spend in the local economy from future residents of the development. The Council would also receive a New Homes bonus for the dwellings created. These are all matters that weigh in favour of the scheme in the planning balance.

It is your officers view that although design of the scheme would be markedly different from the surrounding houses, whilst finely balanced, it would nonetheless be acceptable. With regards to the impact on the amenities of the neighbouring properties, it is acknowledged that there will be some new over looking as a result of the proposal and the development would be clearly visible from around the site. The test in policy DP26 is whether there would be a significant loss of amenity. It is your officers view that the scheme would not cause a significant loss of residential amenity to the occupiers of the surrounding properties.

The access into the site and car parking arrangements are acceptable. It is also considered that the site can be satisfactorily drained. There are no objections to the scheme from the Councils Ecological Consultant. Whilst there would be a loss of some preserved trees within the site, there would be extensive replanting within the site. As such all these matters are neutral in the planning balance

In light of the above it is considered that whilst finely balanced, the scheme is acceptable. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement

2. 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.
 - a scheme for the protection of neighbouring properties from noise generated during construction work has first been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with BS5228-1:2009 'Noise and Vibration control on construction and open sites'.
 - a scheme for the protection of the existing neighbouring properties from dust

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

3. No development shall commence until a method statement for implementation of wildlife mitigation measures has been submitted to, and approved in writing by, the local planning authority. This shall be a practical document that can be used for reference on site and show how the measures related to each stage of the development. The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority.

The wildlife habitat enhancements shown on the 'ecology' drawing ref 0212/801 by ND studio landscape design, dated 29.11.2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

4. Details of the existing trees/bushes/hedges that are to be retained shall be submitted to the Local Planning Authority for their written approval prior to any development commencing on site, together with the methods for their protection. Those trees/bushes/hedges shall be retained and protected as approved for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the

Local Planning Authority. Any trees/bushes/hedges removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees/bushes/hedges of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

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

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

6. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

7. No development above slab level shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - 1:20 scale section and elevation drawings of block B's south-west frontage, showing the full height of the building including the stairwell bay, balconies and typical windows.
 - The configuration, depth and design of block D's gardens.
 - The soft and hard landscaping including boundary treatment.
 - The facing materials

Reason: In order to secure a high quality development and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

8. The vehicular accesses serving the development shall be constructed in accordance with the approved plans prior to any other development taking place on the site.

Reason: To ensure that the access points are provided and in the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. No development above slab level shall take place until a detailed scheme for the future maintenance of all the open space and landscaped areas within the site has

been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure a high quality development and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall commence until visibility splays of 2.4 metres by 39.1m to the northwest and 2.4 metres by 39.9m to the southeast have been provided at the proposed site vehicular access onto Summerhill Grange in accordance with the approved planning drawings.

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

11. No development shall commence until visibility splays of 2.4 metres by 68.2m to the south and 2.4 metres by 59.1m to the north have been provided at the proposed site vehicular access onto Summerhill Lane in accordance with the approved planning drawings.

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

Pre occupation

12. Prior to the occupation of any dwelling subject of this permission details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

13. The dwellings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

14. Prior to the occupation of any dwelling the subject of this permission, details shall be submitted to the Local Planning Authority for the provision of dropped kerbs and tactile paving at the junction of Summerhill Lane and Summerhill Grange. The scheme shall be implemented in accordance with the approved details.

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

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

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

16. The scheme shall be implemented in accordance with the Landscape Masterplan, Tree Planting Plan and Planting Plan submitted with the application unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaping scheme and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

17. No dwelling in the development hereby permitted shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the local planning authority. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E3. Thereafter the approved installation shall be maintained and operated in accordance with zone E3 requirements unless the Local Planning Authority gives its written consent to a variation. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the occupation of any of the dwellings hereby permitted, details shall be provided of the facilities for charging plug-in and other ultra-low emission vehicles for the written approval of the Local Planning Authority. The scheme shall be constructed in accordance with the approved details.

Reason: To provide facilities for plug in and ultra-low emission vehicles in the interests of sustainability and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031

19. No dwelling hereby permitted shall be occupied until details, including a timetable for implementation, of ducting to premises infrastructure, to facilitate connection to high speed broadband and 4G, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

Construction phase

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

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

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

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

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

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

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

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

Approved Plans

23. 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.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	0527.EXG.001	B	15.05.2019
Existing Site Plan	0527.EXG.002	B	21.01.2019
Existing Sections	0527.EXG.003	B	21.01.2019
Existing Sections	0527.EXG.004	B	21.01.2019
Proposed Block Plan	0527.PL.001	G	26.06.2020
Proposed Site Plan	0527.PL.002	D	02.12.2019
Proposed Site Plan	0527.PL.003	C	02.12.2019
Proposed Site Plan	0527.PL.004	C	02.12.2019
Proposed Site Plan	0527.PL.005	D	10.01.2020
Proposed Floor Plans	0527.PL.101	A	30.10.2019
Proposed Floor Plans	0527.PL.102	A	30.10.2019
Proposed Floor Plans	0527.PL.103	B	02.12.2019
Proposed Floor Plans	0527.PL.104	A	30.10.2019
Proposed Sections	0527.PL.201	C	09.01.2020
Proposed Sections	0527.PL.202	C	09.01.2020
Proposed Elevations	0527.PL.301	B	09.01.2020
Proposed Elevations	0527.PL.302	B	09.01.2020
Proposed Elevations	0527.PL.303	B	09.01.2020
Proposed Elevations	0527.PL.304	B	02.12.2019
Landscaping Details	0212/901	G	02.12.2019
Sections	0212/503		02.12.2019
Access Plan	0212/002	G	02.12.2019
Landscaping	0212/301	G	02.12.2019
Landscaping	0212/302	G	02.12.2019
Drainage Details	0212/304	G	02.12.2019
Sections	0212/501	G	02.12.2019
Sections	0212/502	G	02.12.2019
Landscaping Details	0212/801	G	02.12.2019
Survey	0212/001	F	30.10.2019
Access Plan	762/210B		02.12.2019
Access Plan	762/211B		02.12.2019
Access Plan	762/212B		02.12.2019
Access Plan	762/213B		02.12.2019
Access Plan	762/214B		02.12.2019
Access Plan	762/216C		02.12.2019
Access Plan	762/217B		02.12.2019
Access Plan	762/218B		02.12.2019
Other	762/219B		02.12.2019
Landscaping Details	0212/100	H	02.12.2019

APPENDIX B – CONSULTATIONS

Parish Consultation (received 22 February 2019)

DM/18/0733 - TAVISTOCK AND SUMMERHILL SCHOOL, SUMMERHILL LANE
LINDFIELD Proposed erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access, surface-level car parking, landscaping with other infrastructure.

Lindfield Parish Council strongly objects to this application which, despite a reduction in the number of dwellings proposed compared to the previous application, remains totally unsuited to its location and contrary to the approved District and Neighbourhood Plans.

Mid Sussex District Plan

DP 6 Settlement Hierarchy - 'to promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character' To provide the amount and type of housing that meets the needs of all sectors of the community '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' of the settlement.'

DP 26 - Character and Design 'All development' will be well designed and reflect the distinctive character of the towns and villages' creates a sense of place while addressing the character and scale of the surrounding buildings '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' including taking account of the impact on privacy, outlook, daylight and sunlight 'incorporates well integrated parking that does not dominate the street environment''

DP31 - Affordable Housing 'The requirement for the provision of affordable housing applies to all types of residential developments falling within Use Class C3' The Council will seek 'a minimum of 30% on-site affordable housing' Proposals that do not meet these requirements will be refused''

Lindfield and Lindfield Rural Neighbourhood Plan

P1 - A spatial Plan for the Parishes 'to encourage modest proposals 'that can be satisfactorily accommodated without undermining the quality of life for local people.'

P2 - Housing Windfall Sites ' 'It is important that as many affordable homes are delivered as possible''

P7 - Areas of Townscape Character ' 'Development proposals will be supported' provided applicants can demonstrate they have had regard to their impact on the appearance and character of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.'

Lindfield Village Design Statement

5.1 New Housing- ' "must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas''

This latest proposal provides for flats, seemingly designed in a 60/70's style campus format, which is completely out of place in a location immediately adjacent to an Area of Townscape Character and shows no consideration of the identity and character of the village. The design of the flats is inappropriate in terms of both visual impression and the impact of the detail of the design on nearby properties. The proposed balconies will negatively impact the

privacy of existing residents and the bulk of the buildings is detrimental to the outlook, daylight and sunlight currently enjoyed by such properties.

The apparent avoidance of any element of affordable housing, in addition to being contrary to policy, robs the proposal of any potential merit in contributing to support new younger buyers to the village. Notwithstanding S106 contributions, the infrastructure of the village is unable to cope with existing traffic volumes and the proposed density will exacerbate those problems, noting that there is insufficient space to sufficiently modify village roads to accommodate this. Accordingly, a wider, holistic approach needs to be considered by both WSCC Highways and the Planning Authority as to managing such traffic increase, perhaps encompassing sustainable transport methodology.

The Council supports and indeed encourages the appropriate redevelopment of this site and considers that this is likely to be through the development of maximum two storey units, potentially comprising a mix of maisonettes, terraced and semi-detached housing with suitable parking provision and greenspace.

In terms of the detail of this application several aspects stand out as being improperly addressed or plain wrong:

- Parking spaces - the plan does not seem to tie up with the descriptions.
- Location - reference to Haywards Heath when the site is located within Lindfield Village
- Trees - the proposal seems to make no attempt to preserve the significant trees on this site, nine of which are subject to TPOs, merely seeking to destroy those that are in the way of the unsuitable plans. Any plans for this site should protect and improve the natural street scene.
- Local consultation - the views of two councils, other consultees and residents would seem to suggest that this exercise was at best, perfunctory, and at worst, ignored.
- S106 contributions - in the unfortunate event that this application obtains approval despite failing to meet most, if not all, applicable policies under the respective District and Local Plans, the contributions or ideally physical improvements should be structured to achieve a meaningful improvement in local infrastructure rather than allocated 'in case' an improvement is identified in the future.

It is felt that the applicant employed architects with no feel for the location (hence the references to Haywards Heath and the overbearing nature of the proposals seen to date) and who have produced entirely inappropriate off the shelf plans to address the applicants brief, leading to the proposed overdevelopment of the site.

The Council notes the objections raised by Hayward Heath Town Council which substantially align with its own views and fully recognises HHTC's interest in the site given its proximity to Haywards Heath and the shared impact on local infrastructure of this poorly thought out proposal.

Parish Consultation (received 25 April 2019)

The minor changes in the latest application do nothing to assuage the Council's detailed concerns spelt out in its response dated 22/2/19 and Lindfield Parish Council re-confirms its strong objections contained therein.

Parish Consultation (received 22 November 2019)

Lindfield Parish Council continues to strongly object to the proposal for the development of three storey flats on this site and accordingly reiterates its detailed objections submitted in February 2019, reconfirmed in April 2019.

These latest tweaks to the proposal do nothing to assuage either the Council's or resident's concerns and contravene both District and Neighbourhood Plan policies. Specifically:-

1. MSDC Policy DP 26, given its overbearing impact and unsympathetic design, it does nothing to "...protect valued townscapes and the separate identity and character of towns and villages..." The flats as proposed are the antithesis of the local street scene and visual approach to the village of Lindfield.
2. Lindfield and Lindfield Rural Neighbourhood Plan Policy 7 and Design Statement Section 4: the size and design of the proposed estate represent an alien, urban concept that is inimical to the semi-rural character of Lindfield.
3. MSDC Policy DP 31 - the absence of affordable housing violates the 30% requirement. Indeed, that this can apparently be overcome by an assessment predicated on the price (over?) paid for the site suggests that the policy itself needs enhancing.
4. MSDC Policy DP 37 - the proposal continues to promote the destruction of a number of protected trees.

At a practical level, there are already several flatted developments with the adjoining town of Haywards Heath which appear to be struggling to sell, and more are currently being built.

In conclusion, against the background of the combination of policy contraventions, the unsuitable nature of the proposals and evident oversupply of flats in the local area, further consideration of three storey, modernist, flatted developments on this site appear to be a significant waste of resources for both the proposer and planning authority.

HAYWARDS HEATH TOWN COUNCIL

Although this application relates to a site that falls just outside of Haywards Heath in the neighbouring parish of Lindfield, it is right on the town's boundary and undoubtedly has an impact on those residents of the town who live in this locality. Haywards Heath Town Council therefore welcomes the opportunity to make representation in respect of this proposal.

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 30/10/2019) and is disappointed to see proposals being presented that are very similar to the original application under this reference number. These do nothing to address the issues raised previously. The Town Council has ongoing concerns about the suitability of a development along these lines in this location and, therefore, objects to the application and reiterates the following objections, comments and observations, to which Mid Sussex District Council (MSDC) is asked to give due consideration:

1. the current proposal would be out of keeping with the local environment, surrounded as it is by Areas of Townscape Character;
2. concern about the impact that the proposed blocks of apartments would have on the residential amenities of neighbouring properties - overbearing, loss of outlook, loss of sunlight;
3. inadequate screening to protect the privacy of existing residents from users of the proposed apartment balconies;
- 4 the adequacy of the proposed number of parking spaces is questionable;
5. the provision for recreational facilities is questionable;

6. the current proposal conflicts with the Lindfield Village Design Statement, the Lindfield and Lindfield Rural Neighbourhood Plan, and Policies DP6, DP26 and DP31 of the Mid Sussex District Plan 2014-2031;

7. the proposal represents an opportunistic attempt to overdevelop the site;

8. it is disingenuous and unacceptable that the proposal does not deliver a 30% affordable housing element. This deficit is contrary to both the Lindfield and Lindfield Rural, and Haywards Heath Neighbourhood Plans, and the Mid Sussex District Plan 2014-2031. The Committee notes the very strong resistance by MSDC applied to more sustainable sites elsewhere in Haywards Heath that do not deliver the 30% affordable housing requirement. It is even more important that it is applied on the Tavistock site without deviation from this policy;

9. the siting of the two blocks of three-storey apartments, to the front (western side) of the site and at its highest point, would give rise to an obtrusive and overbearing form of development, which would be out of keeping with the present character of the area and contrary to elements of Policy E9 of the Haywards Heath Neighbourhood Plan;

10. the construction of 34 apartments within three, three-storey blocks would constitute an undesirable intensification of residential development at a density which would be out of keeping with and would detract from the bordering Townscape Area, contrary to both the Lindfield and Lindfield Rural, and Haywards Heath Neighbourhood Plans;

11. there are three (BS5837) Category B trees - two limes and a Scots pine - that have been recommended for removal 'due to their proximity to the proposed landscaping requirements'. The trees are an integral part of the natural heritage of the site and, by extension, of Lindfield itself and must be preserved. Haywards Heath Neighbourhood Plan Policy E9 6.30 requires 'in the townscape character areas, Haywards Heath Town Council expects developers to demonstrate how their proposals for development or redevelopment will reinforce the local character and thus meet Objective 6F of this Plan.

In particular, proposals should:

- retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;
- retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and
- avoid the demolition of existing buildings which contribute to the character and appearance of the area.'

12. the Town Council challenges the credibility of the Viability Report and does not accept the Report's conclusion that the Residual Site Value 'cannot support contributions to planning obligations beyond the £329,210 contributions already included'. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer;

13. Members feel that the developer/applicant has not provided anything which delivers Haywards Heath Neighbourhood Plan Policies E8, E9 or E10 - listed below:

Policy E8 Critically the application does not demonstrate how it will contribute to the improvement of the health and well-being of the community.

Policy E9 Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- height, scale, spacing, layout, orientation, design and materials of buildings or makes best use of the site to accommodate development;
- car parking is designed and located so that it fits in with the character of the proposed development.

Policy E10 Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question.

This site in Lindfield abuts areas of significant and important Townscape Character; however, notwithstanding that the site itself was not identified within the extant Neighbourhood Plan, the Town Council feels its proximity and prominent location requires that effectively it be treated as if it were.

14. In terms of the implications for the local highway network, West Sussex County Council - through its local Members - should consider any potential development of this site in conjunction with other developments in the wider area, i.e. a holistic approach is required in order to assess the effect of development on the flow of traffic in roads such as Summerhill Lane, Portsmouth Lane and Gander Hill. Specifically, Haywards Heath Neighbourhood Plan Rural Setting Objective 6C applies in this area, together with Objective 6F with the location identified in section 6.29.

In the unwelcome event that permission is granted despite the Town Council's objections, it is requested that developer Section 106 contributions for local community infrastructure - approximately £27,600 - are allocated towards developing and improving the streetscape on the route between the development and the Haywards Heath Station Quarter. Furthermore, it must be a condition that if the development is to be serviced by larger, Eurobin facilities - which will be collected by a commercial waste operator - no collections shall be permitted before 0700 hours in order to protect resident amenity.

In common with Lindfield Parish Council and the Friends of Summerhill Lane Area of Townscape Character, the Town Council is open to the principle of development on this newly created brownfield site. However, to have any prospect of gaining support, a scheme would have to consist of houses starting with two bedrooms upwards and not flats, and therefore be of a lower density than that currently proposed and would be expected to be in keeping with the surrounding Townscape Character environment of the area.

County Planning Officer

Summary of Contributions

Education			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	73.0		
	Primary	Secondary	6th Form
Child Product	0.4340	0.4340	0.2344
Total Places Required	3.0380	2.1700	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£11,502		
Population Adjustment	73.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	38		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	73.0		
Net Parking Spaces	82		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£54,441
Secondary	£58,590
Education - 6th Form	No contribution required
Libraries	£11,502
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£106,412

Total Contribution	£230,945
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

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

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

The calculations have been derived on the basis of an increase in 38 Net dwellings and an additional 82 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

The contributions generated by this proposal shall be spent on small scale improvements at Oathall Community College.

The contributions generated by this proposal shall be spent on upgrading of digital services at Haywards Heath Library.

The contributions generated by this proposal shall be spent on:

- Bus infrastructure improvements between Lindfield and Haywards Heath
- A safer routes to school scheme at Lindfield Primary, to include footpath improvements.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school - 7 year groups (aged 4 to 11)
- Secondary School - 5 year groups (aged 11 to 16)
- Sixth Form School Places - 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - £17,920 per child
- Secondary Schools - £27,000 per child
- Sixth Form Schools - £29,283 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

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

Highway Authority

The application is for the erection of 38 residential dwellings at Tavistock and Summerhill School, Summerhill Lane, Haywards Heath.

A previous proposal ref DM/18/0733 for 48 residential dwellings was withdrawn however no highway objection was raised.

This is the second WSCC Highways response and responds to information contained within Technical Note - Speed Survey provided to address my previous comments on the suitability of visibility splays from the Summerhill Lane access.

The applicant has undertaken speed surveys which details 85th% speeds are 37.6mph northbound and 35.7mph southbound at site 1 (north of the access) and 35.9 mph northbound and 37.6mph southbound at site 2 (south of the access).

Visibility splays of 2.4m x 59.1 to a 1.1m offset (or 2.4m x 68.2m to the centreline) is achievable to the south and to the north 2.4m x 59.1m is achievable. The provision of the splays are considered acceptable.

Conclusion

No objection to the proposal is raised subject to the following s106 and conditions:
S106 - Total Access Demand contribution

Conditions

Provision of Dropped Kerbs and Tactile Paving at junction of Summerhill Lane and Summerhill Grange.

Reason: To encourage and promote sustainable transport.

Vehicle parking and turning

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

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

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

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

Construction Management Plan

No development shall take place, 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.

Additional comments 5 November 2019

Further Information has been received on the application that details the reduction in size of a number of dwellings. Information has also been provided to show how the development conforms with the WSCC parking standard guidance which was adopted in August 2019.

Having review the documents the following comments are offered.

Swept Paths plans have been provided and are acceptable.

Parking and EV plan, A total of 71 parking spaces of which 14 EV parking spaces are to be provided. In line with the WSCC guidance that applies a growth index this should be increased to 17 spaces (24% of the total provision)

Conclusion

Subject to the increase of EV parking provision to 24% then no objection is raised and I am content to rely on the S106 and conditions as recommended in my reply dated 2nd April 2019.

Lead Local Flood Authority

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 and advice.

Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>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.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’.</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	
Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones.</p> <p>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.</p>	
Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site although other locations nearby in Summerhill Grange have suffered from historic flooding. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the boundary of the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>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.</p>	

Future development - Sustainable Drainage Systems (SuDs)

The Surface Water Management Strategy for this application proposes that permeable paving, below ground attenuation, with restricted discharge to main sewer would be used to control the surface water from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDs system is 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.

Southern Water

Southern Water would have no objections to the above proposal.

Southern Water can facilitate foul sewage and surface water runoff disposal at proposed restricted flow rate to service the proposed development. Southern Water requires a formal application for a connection to the public sewers 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 contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

As no detailed drainage was provided for assessment, 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. The applicant shall take into account that no tanks or other water conveying features shall be located within 5 meters of adoptable sewers.

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.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Sussex Police

Thank you for your correspondence of 28th January 2019, advising me of an outline planning application for the proposed erection of 38 residential dwellings comprising 4 houses and 34 flats with associated internal access, surface-level car parking, landscaping with other infrastructure at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however,

additional measures to mitigate against any identified local crime trends should be considered.

The application describes the development as four clusters of built form, three apartment blocks and one row of four houses. Block A & B each accommodate 12 apartments with block C accommodating 10 apartments.

I can see no evidence of any defensible planting to ground floor vulnerable windows or any demarcation of public / private space for the blocks. It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres.

The proposed parking is spread out across the development with the main being unobserved from the dwellings. Even when it is close to the residential units such as the houses and block A, there are few dwellings that have direct observation over the vehicles. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

In summary the design and layout has created a very permeable development and I have concerns that the vulnerable ground floor windows of the blocks and the unobserved vehicles throughout the development are exposed, easily accessible and open to attack. I feel it too open to promote a sense of ownership, respect, territorial responsibility and community, i.e. there is far too much permeability throughout the site which has created vulnerable areas. I feel there is a lack of active frontage and natural surveillance over the street and public areas.

I thank you for allowing me the opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Urban Designer

Summary and Overall Assessment

This is an attractive site characterised by its mature deciduous trees. The recently demolished two storey Victorian school and the single storey outbuildings sat comfortably on

the site providing a generous amount of space around the trees with the building envelopes modest enough to permit views of the trees across the site.

In my previous observations dated 21/3/19 I commented that the originally submitted application drawings were an improvement upon the earlier withdrawn planning application proposal both because of the quality of the building design and because more space had been provided between the buildings allowing a better setting / outlook. The revised drawings incorporate a number of further improvements. In particular, the most visible blocks A and B (when viewed from Sunninghill Lane) have been reduced in size and re-modelled to break-up the facades by staggering the footprint and incorporating more defined top floor set-backs. This has reduced their actual and apparent scale, and consequently they sit better in their parkland setting allowing more open space around them and the attractive retained trees.

While the proposed buildings will be distinctly different from the surrounding suburban houses, their design benefits from architectural integrity (missing in the withdrawn application) and a bespoke approach that responds to the specific site conditions, safeguarding the retained trees and the parkland setting, and giving the scheme a strong sense of place. The absence of private gardens (with the exception of the 4 dwellings in block D) and the flexibility in the positioning of the access road and parking, which is possible with an apartment-based scheme, has also contributed to maintaining the site's open parkland character, while enabling its development potential to also be optimised.

For these reasons I withdraw my objection to the application. To secure the quality of the design, I nevertheless recommend the following conditions requiring the approval of further drawings and information in respect of:

- 1:20 scale section and elevation drawings of block B's south-west frontage, showing the full height of the building including the stairwell bay, balconies and typical windows.
- The configuration, depth and design of block D's gardens.
- The soft and hard landscaping including boundary treatment.
- The facing materials

An informative should also be included that states that roof structure will require further consent.

Layout

Unlike the withdrawn application, the current scheme proposes surface parking instead of underground parking. The majority of the parking is adjacent to the western boundary. While this is the most visible part of the site along the Summerhill Lane frontage, much of it is the existing parking area that served the former school. Furthermore, it will be softened by the retained mature trees on this frontage as well as the proposed additional tree planting. The rest of the parking is discreetly accommodated at the rear of the site adjacent to the block D houses or behind / underneath block C; both these areas are accessed via a road that loops around the southern edge of the site that enables the central part of the site to be laid out as open space providing an attractive context for the apartment blocks in particular. The star-shaped configuration of the 4 blocks also provides a central focus to the layout which is anchored by the large retained tree in the middle. The hard surface treatment will nevertheless need to be sensitive to the parkland character.

The greater separation distances between the blocks of flats along with the internal layout ensures they have an outlook that does not undermine privacy or conflict with the existing trees. The reduction in the footprint that has enabled this has been achieved by: an increase

in one bedroom flats (in place of two bed flats); smaller communal corridors; and by removing the bin and cycle stores from blocks A and B and incorporating them as stand-alone structures.

The incorporation of apartments rather than houses generates an open parkland arrangement with the retained boundary trees providing a highly attractive backdrop; and conversely avoids the trees being marooned in overshadowed back gardens. Block D nevertheless incorporates four houses and I note the revised drawings now show longer gardens than in the original submission, which constrain the space and sight lines around the trees on the southern boundary. For this reason I am recommending a condition is included that allows the gardens to be marginally reduced to open up this boundary.

Elevations

The building design benefits from architectural integrity with care taken over the composition and quality of the detailing with the additional vertical articulation of blocks A-C sitting more comfortably with the four-house division of block D. The four blocks now work harmoniously together as a variation on a design theme. The 2+1 storey flat roof configuration gives them a modest height that in addition to the reduced building footprints and the softening effect of the retained boundary trees ensures the buildings should not overwhelm their surrounds.

I was previously critical of block C's rear/east elevation. Although it will still be very visible from Summerhill Grange, the revised scheme shows a reduction in the building's length and a better articulated facade. It is nevertheless important that this eastern boundary features a comprehensively landscaped border that provides a high level of screening/softening.

Housing Officer

"The scheme proposed by the applicant comprises 18 x 1 bed flats, 16 x 2 bed flats and 4 x 5 bed houses, making 38 units in total. A policy compliant scheme requires 30% (12) units for affordable housing. A viability appraisal based on the revised scheme mix and costings has now been assessed and the applicant has agreed to provide Block C for affordable Housing. This block comprises 10 units of which 8 units would be for affordable rent (First Floor - 2 x 2B/4P flats & 2 x 1B/2P flats and Second floor - 2 x 2B/4P flats and 2 x 1B/2P flats) and 2 units would be for shared ownership (Ground floor - 2 x 2B/4P flats). The applicant has also agreed to provide an affordable housing contribution in the sum of £110,000. As a result the proposed scheme is now policy compliant with regards to affordable housing provision"

Environmental Health Officer

Given the proximity of residential properties, Environmental Protection has no objection to this application, subject to the following conditions:

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

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted.

Reason: To protect the amenity of local residents.

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

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

Saturday: 09:00 - 13:00 Hours

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Control of construction noise: Construction work shall not commence until a scheme for the protection of neighbouring properties from noise generated during construction work has first been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with BS5228-1:2009 'Noise and Vibration control on construction and open sites'. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect neighbouring residents and residences from noise and vibration.

Minimise dust emissions: Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

Informative:

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

Accordingly, you are requested that:

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

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

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

The total site area is 1.15Ha

The proposed impermeable area is 0.49Ha

The Greenfield Run-off Rates for 1.15Ha is:

$$1:2 = 49 \text{ ls}^{-1}$$

$$1:100 = 143 \text{ ls}^{-1}$$

It is proposed for surface water to discharge to the existing surface water system of Summerhill Grange at two points of 5 ls⁻¹, total 10 ls⁻¹.

The existing arrangement shows a surface water discharge mix to the existing local foul system and surface water system.

The surface water discharge to the existing surface water system of Summerhill Grange is known/found to be 1:2 = 20 ls⁻¹, and 1:100 = 60 ls⁻¹.

The greenfield run-off rate for the whole site (1.15Ha) is found to be 1:1 = 5.8 ls⁻¹, and 1:100 = 21.5 ls⁻¹.

As the site has an impermeable drained area of 0.49Ha, the greenfield run-off equivalents are:

$$1:1 = \frac{5.8 \text{ ls}^{-1} - 1}{1.15 \text{ Ha}} * 0.49 \text{ Ha} = 2.47 \text{ ls}^{-1} - 1$$

$$1:100 = \frac{21.5 \text{ ls}^{-1} - 1}{1.15 \text{ Ha}} * 0.49 \text{ Ha} = 9.16 \text{ ls}^{-1} - 1$$

So, in order to match the greenfield run-off rates for the site, in accordance with the Non-Statutory Technical Standards for SuDS, discharge from the proposed impermeable areas should be restricted to 1:1 = 2.5 ls⁻¹ up to 1:100 = 9.2 ls⁻¹.

However, what is proposed is a total surface water discharge of 10 ls⁻¹. And when compared to the existing found brownfield run-off rate, this is a betterment of 1:2 = -10 ls⁻¹ and 1:100 = -50 ls⁻¹. So there should be less peak flow into the Summerhill Grange surface water system post development, compared to the existing. This is a welcome approach, as there are historic flooding issues associated with properties at the lower end of Summerhill Grange, and the comparative reduction in surface water run-off should help to reduce this flood risk.

In addition, the removal of surface water from the existing foul system will also increase capacity within the local foul network.

It is proposed to run new foul and surface water drains from the eastern boundary of the site, though a parcel of green land, and then under the highway where they will connect to the existing public foul and surface water sewers. This approach appears to be crossing third party land. How will this be achieved? Will these sewers be requisitioned by Southern Water, or will there be a third party agreement? We expect this to be detailed as part of any forthcoming drainage condition.



This proposed development will need to continue fully considering how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system should to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

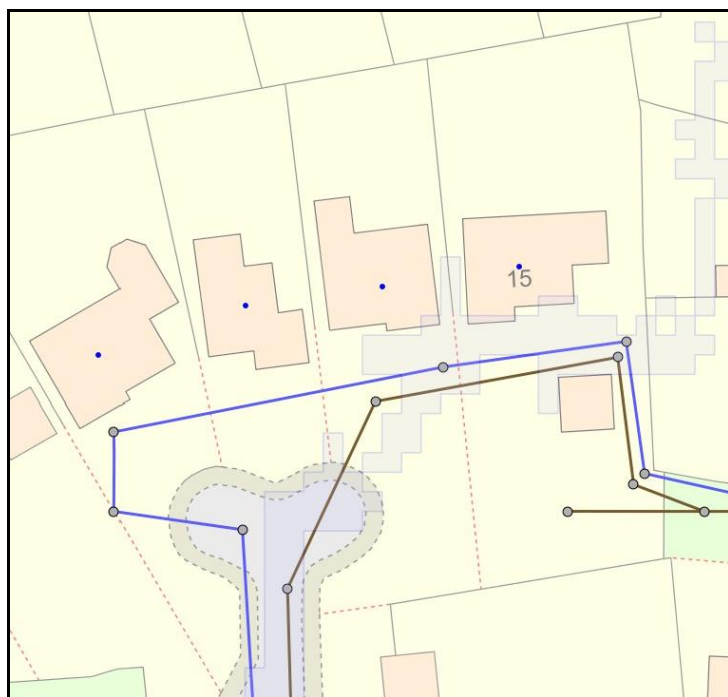
- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

There are historic records of flooding occurring downstream of this site and in this area. This is chiefly with regards to properties at the cul-de-sac end of Summerhill Grange where the 1.2m surface water storage pipe was installed.



Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water on site with two controlled discharges of 5 ls-1 each (10 ls-1). Whilst this is an increase compared to the impermeable area's greenfield run-off rate, it is in fact a reduction of 1:2 = -10 ls-1 and 1:100 = -50 ls-1 compared to the site's existing brownfield condition. This will drain to the existing public surface water sewer of Summerhill Grange. It has not been confirmed how this will be achieved across third party land, but we expect this could be undertaken via S98 Sewer Requisition with Southern Water.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water to the existing public foul sewer of Summerhill Grange. It has not been confirmed how this will be achieved across third party land, but we expect this could be undertaken via S98 Sewer Requisition with Southern Water.

Suggested Conditions

C18F - Multiple Dwellings

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

maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

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

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

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

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

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

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to

ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this. You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

Tree Officer

The tree planting appears less 'squashed ' and more account seems to have been taken of the trees growth.

If approval is recommended, please condition adherence to latest landscape masterplan.

We still don't seem to have a method statement regarding RPAs, type of fencing etc but this could be required by condition.

No objections

Ecological Consultant

Recommendation

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 a method statement for implementation of wildlife mitigation measures has been submitted to, and approved in writing by, the local planning authority. This shall be a practical document that can be used for reference on site and show how the measures related to each stage of the development. The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority.

The wildlife habitat enhancements shown on the 'ecology' drawing ref 0212/801 by nd studio landscape design, dated 29.11.2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Comments

The site appears to be very poor for biodiversity, which is not surprising given its location. Whilst the surveys were undertaken some time ago, it is unlikely that there would be changes that would significantly affect compliance with biodiversity policies and warrant refusal. However, a method statement should be prepared prior to commencement to ensure that mitigation measures recommended in the submitted reports are updated as necessary to reflect current site conditions and are embedded in the construction programme.

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 38 residential dwellings at Tavistock And Summerhill School, Summerhill Lane, Haywards Heath RH16 1RP on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Hickmans Lane Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £31,011 is required to make improvements to play equipment (£16,854) and kickabout provision (£14,157).

FORMAL SPORT

In the case of this development, a financial contribution of £31,098 is required toward sports pitch drainage at Hickmans Lane 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 £17,836 is required to make improvements to the King Edward Hall, Lindfield

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.

Contaminated Land Officer

Approve.

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MID SUSSEX DISTRICT COUNCIL

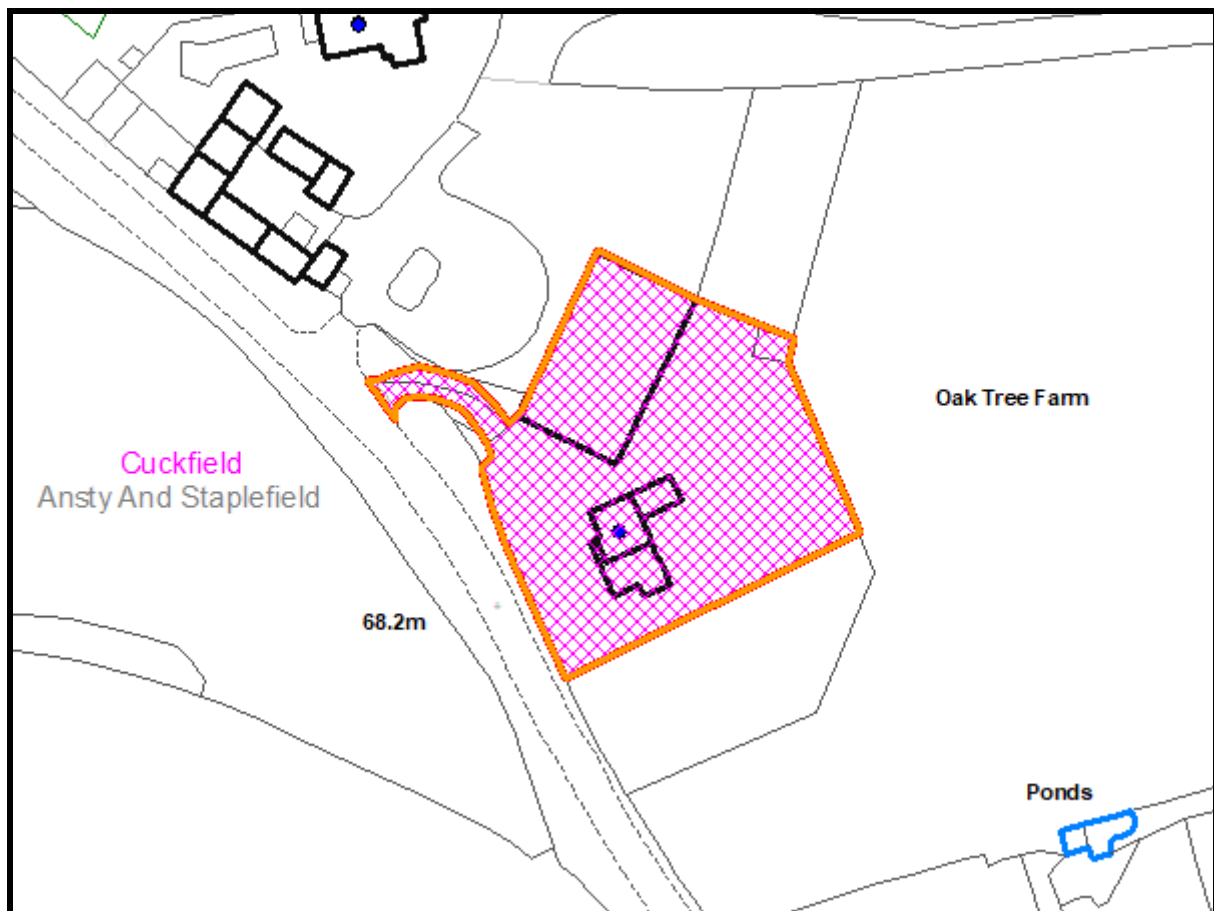
Planning Committee

13 AUG 2020

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/20/1760



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**OAKTREE FARM BURGESS HILL ROAD ANSTY HAYWARDS HEATH
DEMOLITION OF THE EXISTING DWELLING AND BARN AND
REPLACEMENT WITH THREE DWELLINGS.
BLACKWALL INVESTMENTS LTD**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Classified Roads - 20m buffer / Planning Agreement /
Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals
Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 24th August 2020

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Anna Tidey

Purpose of Report

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

Executive Summary

This application follows an application under DM/16/1515 for a prior approval for the change of use of the existing agricultural buildings on the site to form two new residential dwellings, then a subsequent application under DM/18/5130 for Outline approval for the demolition of the existing dwelling and barn and replacement with three new dwellings. Under that application details of the proposed Access, Appearance, Layout and Scale were submitted. Indicative landscaping for the plot boundaries was also submitted under that application.

The current application seeks full permission for the redevelopment of the site, with all the agricultural buildings and an existing bungalow being demolished to allow for the construction of three new barn style dwellings with a reconfigured site access road and parking/turning provision. The proposed dwellings would be sited in part over the footprint of the disused barns on the site, over the footprint of the existing bungalow and within the garden curtilage at Oaktree Farm, off Burgess Hill Road to the south of Ansty, in Ansty and Staplefield Parish. The scheme is similar in detail to the submission under the outline application, which was granted approval by the MSDC Planning Committee on 30th May 2020.

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 National Planning Policy Framework.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists. The proposed replacement dwellings meet the necessary tests in District Plan Policy DP15. Whilst the proposal fails to accord with all of the requirements of Paragraph 79 of the NPPF the new development layout and form would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring property. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

The public benefits of the proposal have been considered in accordance with the appropriate planning guidance for development in the vicinity of Listed buildings, in this case West Riddens farmhouse. It has been assessed that in accordance with guidance in NPPF paragraph 196 the application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and against the issues of the potential sustainability of the reuse of the existing buildings. For reasons including the location of the site and the proposed energy efficiency details of the scheme the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The relationship and detailed construction for the improved access into the site to the oak trees on the roadside was been carefully considered by the Highways Authority and the Council's Tree Officer in the determination of DM/18/5130. Subject to the works being carried out as approved under that application the proposal will accord with District Plan Policy DP21 and DP37.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

There were no ecological reasons to resist the development in principle as the Council's Ecological Consultant raised no objection to the proposal at outline stage. As such the proposal is considered to comply with Policy DP38 in the District Plan. Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposal was found to accord with Policy DP41 of the District Plan at outline stage, and is supported by the MSDC Drainage section, subject to the submission for approval of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development.

In light of the above it is recommended that the application is approved.

Recommendation

It is recommended that permission be granted subject to the conditions listed at Appendix A.

Summary of Consultations

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

MSDC Tree Officer

To be reported.

MSDC Contaminated Land Officer

My comments remain the same as they did under DM/18/5130, as below.

The application looks to demolish the existing dwelling and erect three new dwellings.

Part of the site has had historical use as agricultural land, and may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination.

Given the above it is appropriate to attach a discovery strategy, so that in the event any potential contamination is discovered during ground works, that all works stop until the matter has been dealt with in a manner approved by the local authority.

Recommendation: Approve with conditions.

WSCC Highways Authority

The proposal could potentially result in overspill parking of 2-3 spaces, therefore the applicant is requested to demonstrate that sufficient parking of 3 spaces per dwelling is provided for the development. Please raise the above and re-consult.

Further comments: No transport grounds to resist the proposal. Recommend conditions to require vehicle parking and turning spaces, cycle parking spaces and electric vehicle charging points to be provided.

MSDC Drainage

The Flood Risk and Drainage Officer has reviewed the submission without reference to the consultation response provided for the outline application DM/18/5130.

We will require the following further information:

- Submission of the Foul Sewage, Utilities and Surface Water Assessment report mentioned within the submission.
- Confirmation of whether surface water drainage shall utilise individual systems or a shared system.

- Confirmation of whether foul water drainage shall utilise individual systems or a shared system.
- Plan showing a suitable means of managing treated foul effluent is available for each package treatment plant. This does not need to be a detailed design but should show consideration to the likely required land take.

Further comments: No objection, subject to conditions.

Ecologist

In my opinion, there are no biodiversity policy grounds for refusal or amendment of the proposals. Requirements for avoidance, mitigation and enhancement measures, as well as updated survey to ensure these measures are based on up-to-date information are covered by condition 10 of the outline consent.

MSDC Conservation Officer

The application site is a farmstead with dwelling and barns located to the south east of West Riddens Farm. West Riddens Farm itself is Grade II listed and has a number of associated outbuildings which would be regarded as curtilage listed. The existing buildings on the site itself appear to date from the 20th century and may originally have formed part of the same farm as West Riddens, later separated as Oaktree Farm. The site and West Riddens Farm are located within a rural setting to the south of the hamlet of Ansty.

The current proposal is for full planning permission for the demolition of the existing buildings on the site and the construction of three dwellings. Outline planning permission was granted for development of a similar description on 30.05.2019.

I have concerns regarding specific aspects of the site layout as shown in the proposal which are:

- The subdivision of the area between the buildings which is not in keeping with the 'farmstead' character
- The apparent lack of allowance for additional natural screening to the boundary with Riddens Farm, which was referred to in the outline proposal but does not seem to form part of the current detailed proposal. I would expect this screening to be substantial allowing for sufficient depth and height of vegetation for the screening to be effective year round.

Summary of Representations

To be reported.

Parish Council Observations

No objection.

Introduction

This application seeks full planning permission for the development of three new dwellings on the site to replace an existing barn and bungalow on the site at Oaktree Farm, Burgess Hill Road at Ansty.

The application is before committee as it represents a departure from the Development Plan regarding provision of new dwellings in the countryside.

Relevant Planning History

Planning reference: DM/18/5130. Outline application for the demolition of the existing dwelling and barn and replacement with three new dwellings. All matters reserved except for access, appearance, layout and scale. Approved May 2019.

Planning reference: DM/16/1515. Prior notification application for the change of use of an existing agricultural building to form two dwellings. Approved June 2016.

Planning reference: 03/02553/FUL. Conservatory at the south east side of the property. Approved November 2003.

Planning reference: 03/01943/FUL. Extension to kitchen. Including removal of existing flat roof and replacing with hip roof. Approved September 2003.

Planning reference: CD/003/95. Proposed bedroom and ensuite bathroom extension to existing bungalow. Approved March 1995.

Planning reference: CD/038/79. Extension to bungalow namely hip roof extension to lounge/dining room and flat roof extension to kitchen, also new shower/WC complex. Approved August 1979.

Planning reference: CD/042/76. Single storey extension to existing bungalow. Approved 1976.

Planning reference: CD/016/75. Alteration of and extension to existing bungalow. Refused May 1975.

Planning reference: CD/051/74. Alteration of and extension to existing bungalow. Refused December 1974.

Site and Surroundings

The site of the application consists of the access from the B2036 (Burgess Hill Road), associated hardstanding and parking space, the area covered by a series of disused agricultural barns and the footprint and curtilage of the bungalow currently known as Oaktree Farm.

The farm buildings consist of three linked barns, consisting of a solid sided Dutch style barn and wide concrete framed portal style buildings, with access doors at the front and rear of the site. The buildings are constructed of a variety of materials including concrete blocks, black metal sheeting and grey fibre cement cladding and extend up to the north western site boundary line.

The barns have a variety of profiles with minimum eaves height of 3m and a maximum eaves level of 5.3m. The heights of the existing barns are a minimum of 5m and a maximum of 7.2m. The bungalow on the site is constructed in part brick with render walls and a plain tiled roofline. The existing bungalow has eaves set at 2.6m and a maximum ridge height of 5.5m. The planning history for the bungalow confirms that it has been added to over time with a series of extensions.

The vehicular access into the site passes between two oak trees at the entrance. These trees fall outside of the site boundary and are not subject to a Tree Preservation Order. The site is otherwise well screened from public vantage points by established boundary vegetation along the roadside, which falls within the site area. To the south of the bungalow, and outside the red site line, an area of woodland labelled as a spruce plantation provides evergreen screening and to the north east of the barns there is a further area of established conifer trees.

Application Details

In detail the current application seeks planning permission for the construction of three new dwellings on the site, spaced out over the site to create three new curtilages. The submitted details for the site layout, individual dwellings and design closely reflect those submitted and considered in the determination of DM/18/5130. The applicant for this application is not the same as for DM/18/51390.

The property at Plot 1 would be constructed within the area currently occupied by the agricultural barns. Plot 2 would take the rear garden area of the bungalow and Plot 3 is largely positioned over the footprint of the existing bungalow.

The proposed unit on Plot 1 has a T-shaped layout with four bedrooms in total and an attached single garage at the western side of the building. The unit would provide approx. 214 square metres of floor space on two levels. The building would be built in the style of a Sussex barn with horizontal sawn weather walls on a local stock brick base and plain clay tiled roof lines. The attached single garage would have a plain timber boarded garage door. The eaves would be set at 2.5m minimum and 5.2m maximum and the maximum ridge level at a height of 8m. The unit would accommodate four bedrooms in total at first floor level, which represents a slight change on the plans submitted for the outline application, which showed three bedrooms. The fourth bedroom has been accommodated within the space formerly occupied by a family bathroom, which has been repositioned. The overall scale of the floorspace has been slightly increased by 15.5 square metres from that shown on the plans for the outline proposal.

The second unit (Plot 2) would have an L-shaped footprint and would be built with an integral double garage. The internal layout plans show four upper floor rooms (three marked as bedrooms, and one as a sitting room). The ground floor would

accommodate a home office, sitting room, wc, utility and kitchen/breakfast room. The unit would provide approx. 208 square metres of floor space on two levels, excluding the garage space, and this is an increase of 5 square metres over that shown on the outline application plans. The building would be built in the style of a Sussex barn with single and two storey elements. The building would be constructed with horizontal sawn weather walls on a local stock brick base, with timber and aluminium windows and plain clay tiled roofs. The garage would have two external openings, but no garage doors. The eaves would be set at 2.5m minimum and 5m maximum and the maximum ridge level at a height of 8.3m.

The third unit (Plot 3) would replace the existing bungalow on the site. This has an L-shaped footprint and accommodates 4 bedrooms. The size of this unit has increased from a 2/3 bed property, and the floorspace increased by approx. 12 square metres from the plans submitted at the outline application stage. The proposed replacement dwelling will be on two floors and will be an L-shaped property including a single storey wing to accommodate a double garage, plant and cycle store, utility room and WC. The internal layout plans show four bedrooms on the upper floor and a ground floor study, sitting room, hall and kitchen/breakfast room. The unit would provide approx. 217 square metres of floor space on the two levels, excluding the garage space. The building would be built in the style of a Sussex barn with horizontal sawn weather walls on a local stock brick base, with timber and aluminium windows and plain clay tiled roofs. The garage would have two garage doors with vertical timber boarded doors. The eaves would be set at 2.5m minimum and 4.9m maximum and the maximum ridge level at a height of 8.5m.

Overall the external elevations of all three houses have remained similar to the submitted elevations for DM/18/5130, with the additional/alteration of some windows and the addition of a chimney to the house at Plot 3.

The new dwellings are shown to be served by a shared access driveway which serves the existing bungalow, with private parking and turning space off an access for each property. Access through the site to the field to the east is shown to be provided in the development.

Each of the new dwellings would have separate curtilages, with the boundaries delineated with planting/fencing as shown on the submitted Block Plan. The garden areas would be provided with depths of between 7m and 14.5m, enclosed by new 1.3m high post and rail fences with double planted indigenous hedgerow planting, and some new tree planting. The roadside boundary vegetation is shown to be retained to the west of Unit 3.

List of Policies

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

DP4 Housing

DP6 Settlement hierarchy

DP12 Protection and enhancement of the countryside

DP15 New Homes in the Countryside

DP21 Transport
DP26 Character and design
DP27 Dwelling Space Standards
DP30 Housing Mix
DP34 Listed buildings and other heritage assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable design and construction
DP41 Flood risk and drainage

Ansty, Staplefield and Brook Street Neighbourhood Plan

Policy AS1 New Housing Development
Policy AS2 Preventing Coalescence
Policy AS4 Housing mix

National Policy

National Planning Policy Framework (NPPF - 2019)

The National Planning Policy Framework 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 overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

Para 12 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."*

Para 47 states: "Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

ASSESSMENT

The main issues for consideration in determining the application are:

- Principle of development
- Design and impact upon the countryside
- Impact upon residential amenity
- Impact upon the Listed Building

- National Space Standards
- Sustainability
- Trees/Landscaping
- Habitats Regulations Assessment for Ashdown Forest
- Highway and Access issues
- Ecology
- Drainage
- Planning Balance and Conclusion

Principle of development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Ansty, Staplefield and Brook Street Neighbourhood Plan (2014).

The proposal under the current application is for the construction of three new houses on this site, one of which is a replacement for the existing bungalow. The planning history reveals a Part Q application DM/16/1515 (which expired on 8th June 2019, three years after approval), for the conversion and adaptation of the existing barns on the site to create two new dwellings, which would have resulted in three dwellings on the site, including the existing bungalow. The Prior Notification application submitted under DM/16/1515 was not considered under the same procedure as a planning application. As such that proposal was considered without reference to the District Plan and the Ansty, Staplefield & Brook Street Neighbourhood Plan.

The outline approval under DM/18/5130 remains extant. The approval granted under that application was for the construction of three new dwellings on the site, similar in design and layout to the scheme now proposed. That application was determined with reference to the Development Plan and other relevant policy documents and is a material consideration in the determination of this application.

The site is located outside of the built up area of Ansty, which extends to the junction of the B2036 (Burgess Hill Road) and Cuckfield Road, approximately 380 metres to the north of Oaktree Farm. In the Countryside area the following District Plan policy is relevant to new housing development proposals, such as this. The policy states:

DP12: Protection and Enhancement of Countryside

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

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.'

A determining factor in whether development may be permitted outside the defined built up areas is whether it maintains or enhances the rural and landscape character of the District. In the determination of DM/18/5130 it was accepted that there would be a visual benefit from the proposal and there would be an improvement to the character of the site as a whole. As such the assessment needs to take into account the content of District Plan Policy DP15 and other relevant development plan policies, which will be considered in further detail below.

District Plan Policy DP15 refers specifically to the development of new homes in the countryside. The policy also refers to replacement dwellings and is therefore relevant in the determination of this application. Policy DP15 is reproduced below:

DP15: New Homes in the Countryside

'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.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation. 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.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.

Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- *the re-use would secure the future of a heritage asset; or*

- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.*

Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*
- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.*

It is a requirement that for the approval of new homes in the countryside there must be a "special justification". The proposed scheme necessitates the demolition of the existing prominent and utilitarian barns and this is a factor in favour of this application. The end result of the proposal would be the creation of two further new homes in the countryside, and an enlarged replacement house. In accordance with the requirements of Policy DP12, the design of the new houses would enhance the immediate rural setting of the site, and this weighed in favour of the approval of the former outline application.

Policy DP12 identifies specific requirements regarding the replacement of houses in the countryside. In this case the proposal meets the requirements in that the existing bungalow is inhabited, parking and access requirements can be met and as a result of the rebuild the rural character of the site will be improved, albeit that the new house has a two storey element, and therefore differs in form to the existing bungalow.

The tests in Policy DP12 are reflected in Paragraph 79 of the NPPF. This also refers to the need to avoid the development of isolated homes in the countryside, unless various criteria can be met. The wording of paragraph 79 is reproduced below:

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'*

Consideration was given to these criteria in the determination of DM/18/5130. The proposed development of the three houses together, in the form and layout proposed, will alleviate the current cramped appearance of the site, as seen from public vantage points, enhance the immediate setting by spacing the development on the site and, as result of the demolition of the barns, add to the character and appearance of this rural site.

Relevant in the consideration of this application are policies contained in the Ansty, Staplefield and Brook Street Neighbourhood Plan. Policy AS1 for New Housing Development refers to the development of small scale housing development of up to 10 dwellings. The policy is reproduced in full below:

POLICY AS1: NEW HOUSING DEVELOPMENT

'The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or*
- They relate to necessary utilities infrastructure where no reasonable alternative location is available.'*

The Ansty, Staplefield and Brook Street Neighbourhood Plan was made in February 2017 and therefore forms part of the development plan. The District Plan was adopted in March 2018. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 it is confirmed that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

In the case of the Ansty, Staplefield and Brook Street Neighbourhood Plan there is a conflict between Policy AS1 in the Ansty, Staplefield and Brook Street Neighbourhood Plan and Policy DP6 in the District Plan. This is because Policy AS1 allows developments of up to 10 dwellings anywhere within the Neighbourhood Plan area whereas Policy DP6 only supports residential development of up to 10

dwelling which is contiguous with the built-up area boundaries. As such this conflict must be resolved in favour of Policy DP6 in the District Plan and little weight can be afforded to Policy AS1 in the Ansty, Staplefield and Brook Street Neighbourhood Plan.

The application site is located in designated countryside and within the gap between Ansty and Burgess Hill, as identified by Policy AS2 in the Ansty, Staplefield & Brook Street Neighbourhood Plan. Policy AS2 states:

POLICY AS2: PREVENTING COALESCENCE

'Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded between the following areas:

- *Ansty and Burgess Hill*
- *Brook Street and Cuckfield*
- *Ansty and Cuckfield*

Planning permission will not normally be granted for development which: Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.'

Whilst the development will result in three new dwellings in total on the site, one being a replacement, so a net gain of two, it is not considered that there would be a harmful erosion upon the perceived gap that exists between the built up areas of Ansty and the current northern boundary of Burgess Hill. Burgess Hill Road is characterised by well spaced dwellings, and on this site by a grouping of buildings including the bungalow on this site and the adjacent farmhouse at West Riddens Farm. As such the proposal would add to the existing grouping, but it is considered, would not impact negatively upon the openness of the rural setting.

Design and impact upon the countryside

The extant outline consent is a material consideration in the determination of this application. The complete removal of the out of use barns is a significant element of the proposed redevelopment scheme. It is considered that their removal will serve to enhance the appearance of the site. The location of the buildings off the north western boundary and the reorientation of the buildings on the site, and in particular the reduced bulk and footprint of the new dwelling on Plot 1 relative to this viewpoint, will result in a development which would be more attractive to complement the immediate rural setting. This will visually enhance the whole site. The overall rural character of this part of Burgess Hill Road will not be compromised by the proposed development, which will continue to utilise the existing shared vehicular access point. The submitted Site Layout and Landscaping Plans show a 2m wide strip of new tree and landscaping with 1.3m high post and rail and stock fencing on the north western site boundary to enhance the new development.

Consequently the proposed development is considered to be appropriate to the rural setting of the site and would accord with Policies DP26 (District Plan).

Impact upon residential amenity

Policy DP26 of the Mid Sussex District Plan states that development should "not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

The north western plot boundary is located a minimum of 43 metres from the farm house at West Riddens Farm, the nearest residential property to the site. This falls outside of the site boundary and is served by an existing separate vehicular access, and is located with a series of other related farm buildings which back up to Burgess Hill Road.

Given the distance from the site, the lower position of West Riddens farmhouse and the orientation of the new dwellings, it is considered that the occupation of the properties will not adversely impinge upon the occupiers of that property, particularly as the nearest plot (1) boundary is shown to be supplemented with new intervening hedge and tree screening. It is considered that the proposed development would not negatively impinge upon the quiet enjoyment of the rural area. The proposal is therefore considered to accord with District Plan Policy DP26.

Impact upon the Listed Building

West Riddens Farmhouse is Grade II listed and the associated outbuildings can be regarded as curtilage listed. The Council's Conservation Officer has been asked to comment on the application, and her comments are reported above.

The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. Listed Buildings and their settings are afforded special protection under the planning regime by virtue of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA); paragraphs 189-197 of the NPPF and Policy DP34 of the District Plan.

Section 66(1) of the PLBCAA 1990 states:

66.—(1) 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.

Policy DP34 of the District Plan states:

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;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

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

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

Paragraphs 193 to 196 of the NPPF state:

'193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

- 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.'

Paragraph 193 refers to the degree of harm that development may cause to a heritage asset and clarifies that there may be substantial harm, total loss or less than substantial harm. The Conservation Officer is of the opinion that the proposal would cause a less than substantial degree of harm to the setting of West Riddens Farm, and the curtilage listed farmstead. In terms of the NPPF where the harm caused would be "less than substantial" a balancing exercise, as set out in paragraph 196 of that document would apply. A careful judgement is required in assessing the degree of harm. It is contended that within the bracket of "less than substantial harm", there is range of impacts. It is felt that the "less than substantial harm" in this case is at the lower end of the scale of harm. The reasons for this assessment were considered in the determination of DM/18/5130 and are explained below.

The proposed development will take the built form of buildings on the site further from the existing barns position, the house on Plot 1 being angled away from the boundary, and of a significantly reduced bulk than the existing barns. The new property at Plot 1 will be located some 56m from West Riddens Farmhouse.

District Plan Policy DP34 states that special regard needs to be given to protecting the setting of a Listed building. In this case the setting of the Listed building is spacious with the immediate area to the north western side of the barns laid out as an extensive hard surfaced area used for parking cars. This provides open views of the site from the house from a considerable distance. It is considered that the proposed layout and form of the house at Plot 1 will serve to soften the outlook from the Listed Building and alleviate the built form adjacent to the boundary line. This view is also open to highway users and to those approaching the site from Burgess Hill Road.

The detailed design comments, and in particular reference to construction materials and detail of the landscaping to the north western site boundary, are matters that can be addressed by appropriately worded planning conditions.

It is your Officers view that the new boundary treatment, the greater spacing achieved by the position of Plot 1 and the overall building layout on the site will serve

to widen the area around the Listed Building will result in an improvement relative to the current planning permission on the site (DM/18/5130). This environmental benefit, together with the provision of two new dwellings are public benefits which weigh in favour of an approval and which are considered to outweigh any potential less than substantial harm to the setting of the heritage asset.

National Space Standards

In March 2015 the Government issued a document containing dwelling space standards, entitled "Technical housing standards- nationally described space standard". The standards are applicable to the proposed development and referred to in District Plan Policy DP27.

In the standards a space standard table indicates that a 2 storey 3 bed dwelling could accommodate between 4 and 6 people, requiring between 84 - 102 square metres of internal floor space. A 2 storey 4 bed dwelling could accommodate between 5 and 8 people, requiring between 97 - 124 square metres of internal floor space.

The proposed houses at Plots 1, 2 and 3 will all exceed the minimum sizing standards, and include associated gardens that are reasonable in scale to the dwelling sizes and for their rural context. The proposed properties would therefore accord with District Plan Policy DP27 and the National Space Standards.

The removal of permitted development rights for the future extension of the houses and within each new residential curtilage may be restricted by the imposition of a suitably worded planning condition.

Sustainability

District Plan Policy DP39 is relevant in the determination of this application. This states:

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

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

In terms of the requirements of DP39 the proposal has been demonstrated to include a series of energy efficiency and sustainability measures including the use of grey water, water saving fittings, low energy lighting, locally sourced materials, sustainable timber, home office provision for home working, high levels of insulation, etc.

In terms of the location, the site is within walking distance of bus stops in Ansty to nearby towns and railway stations and is therefore considered to be a relatively sustainable location for the three proposed dwellings, particularly having regard to the fall back position of the extant outline planning permission.

It is considered that the proposal has been demonstrated to represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39.

Trees/Landscaping

The application has been supported by an Arboricultural Impact Assessment. The Tree Officer has been asked to comment on these documents and her comments are awaited. The works were considered acceptable under DM/18/5130 and a suitably worded planning condition will ensure that the development is carried out to protect trees on the site and to provide new landscaping to enhance the new development to accord with District Plan Policy DP37.

Habitats Regulations Assessment for Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC. A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Highway and Access issues

The Highway Authority reviewed the site access arrangements under DM/18/5130 and required revisions to the access to allow two vehicles to pass in opposing directions. The highways comments support the current proposal, providing conditions are imposed to require parking, turning, cycle parking and electric vehicle charging point provisions and therefore it accords with Policy DP21 of the District Plan and the requirements of the NPPF.

Ecology

Whilst the proposal involves the demolition of existing buildings on the site the Ecologist raised no biodiversity issues with the outline scheme and maintains this

view. A recommended planning condition to require the wildlife habitat enhancements are implemented in the development. Subject to the imposition of this condition the proposed development is considered to accord with District Plan Policy DP38.

Drainage

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. This site is not located in a Flood Risk zone, falling within Flood Zone 1. The outline application was assessed by the Council's drainage engineers, and an appropriate condition imposed to require details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development to be submitted to and approved by the Local Planning Authority. Their recommendation is that such a condition is also imposed on this detailed scheme. With the submission and approval of these details the proposal will accord with Policy DP41 of the District Plan.

Planning Balance and Conclusions

To conclude this application follows an outline approval and the details of the proposed dwellings reflect that scheme, with some minor changes to the scale and design of the buildings.

The proposed dwellings would be sited in part over the footprint of the disused barns on the site, over the footprint of the existing bungalow and within the garden curtilage at Oaktree Farm, off Burgess Hill Road to the south of Ansty, in Ansty and Staplefield Parish. The layout of the new houses forms a spacious development with each house set in a private garden plot.

The application must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The development plan in this part of Mid Sussex comprises the Ansty, Staplefield and Brook Street Neighbourhood Plan and the District Plan.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists. A material consideration in the determination of this application is the extant outline approval for three new dwellings on the site, of which two are new on the site. The proposed replacement dwelling meets the necessary tests in District Plan Policy DP15. Whilst the proposal fails to accord with all of the requirements of Paragraph 79 of the NPPF the new development layout and form would enhance the immediate setting of the farm as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring property at West Riddens Farm. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

As the application site lies close to the Grade II Listed Building at West Riddens Farm the PLBCAA 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The requirements of this Act are reflected in Policy DP34 of the District Plan. The NPPF 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. Whilst it is the professional view of the Conservation Officer that there would be less than substantial harm to the Listed building, it is considered by your officer that the harm is at the lower end of less than substantial. It is considered to be relevant to assess the extent of the harm and then to weigh this in the planning balance. Case law has determined that if a proposal does result in less than substantial harm as defined by the NPPF, this must be given significant weight in the planning balance to reflect the statutory presumption that preservation is desirable. The proposal has been assessed in accordance with guidance in NPPF paragraph 196 and the application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). For reasons including the location of the site, and the proposed energy efficiency details of the scheme, the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The relationship and detailed construction for the improved access into the site to the oak trees on the roadside has been previously considered and the submitted details accord with the approved access arrangements. Subject to the works being carried out as detailed the proposal will accord with District Plan Policy DP21 and DP37.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

There are not considered to be any ecological reasons to resist the development. As such the proposal complies with Policy DP38 in the District Plan.

The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In summary, this is a case where it is considered that the proposal complies with some policies within the development plan but conflicts with others. The approval of outline application DM/18/5130 is a relevant material consideration. The proposal complies with Policies DP4, DP6, DP21, DP26, DP27, DP38 and DP41 of the District Plan, although there is some conflict with Policies DP12, DP15, DP34 and DP39 of the District Plan.

It is considered that the harm to the nearby Listed building at West Riddens Farm is at the lower end of the scale and the public benefits of providing a well designed rural development on this site outweighs the less than substantial harm to the Listed Building.

To conclude it is your Officer's view that whilst there is conflict with some policies in the development plan as set out above, overall the planning application complies with the development plan when read as a whole. The scheme is for three new dwellings in a relatively sustainable location that accords with Policy DP6 of the District Plan, and there are not considered to be any other material considerations that would indicate that the application should be refused.

In light of the above it is recommended that the application is approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

3. Notwithstanding the submitted details the development shall not be carried out unless and until samples of materials and finishes to be used for external walls / roofs / fenestration and rainwater goods of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

4. The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy AS1 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

5. Within six months of the implementation of the development, maximum visibility splays shall be provided at the site access onto Burgess Hill Road in accordance with a plan to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

6. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved Site Layout/Landscaping 15/178/Sk37. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Site Layout/Landscaping 15/178/Sk37.

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 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

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

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

9. 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 and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

10. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its

implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

11. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

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

12. The recommendations set out in the Preliminary Ecological Assessment and Buildings Assessment report by The Ecology Partnership (March 2018) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

If there is a delay of greater than 24 months between the surveys that this report was based on (March 2018) and demolition of existing buildings and / or site clearance, an updated report and recommendations shall be submitted to, and approved in writing by, the local planning authority prior to commencement. All works shall then proceed full accordance with the updated report.

Reason: To ensure that the proposals contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan.

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

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

14. The development hereby permitted shall not be occupied until trees/shrubs/a hedge of species to be approved in writing by the Local Planning Authority have been planted along the north western and south western site boundaries. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

15. The existing Oak trees at the site entrance shall be retained and protected in accordance with the details in the submitted Tree Report by Sutcliffe Tree Services Limited, dated 14/06/2018 before the development commences, for the duration of the development and the oak trees shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

3. Vehicle Crossover - Minor Highway Works

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

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

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

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

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
Sections	15/178/SK04		26.05.2020
Proposed Elevations	15/178/SK33	Plot 2	26.05.2020
Proposed Floor Plans	15/178/SK34	Plot 3	26.05.2020
Site Plan	15/178/SK36		26.05.2020
Landscaping	15/178/SK37		26.05.2020
Location Plan	15/178/Loc B		26.05.2020
Visibility Plans	15/178/01		26.05.2020
Existing Floor Plans	15/178/SK01		26.05.2020
Existing Elevations	15/178/SK02		26.05.2020
Existing Elevations	15/178/SK03		26.05.2020
Other	15/178/SK20	A	26.05.2020
Existing Elevations	15/178/SK21		26.05.2020
Proposed Floor Plans	15/178/SK30	Plot 1	26.05.2020
Proposed Elevations	15/178/SK31	Plot 1	26.05.2020
Proposed Floor Plans	15/178/SK32	Plot 2	26.05.2020
Proposed Elevations	15/178/SK35	Plot 3	26.05.2020

APPENDIX B – CONSULTATIONS

Southern Water Services (Sussex)

Thank you for your letter dated 03/07/2020.

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

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

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

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

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

No objection.

MSDC Tree Officer

To be reported.

MSDC Contaminated Land Officer

My comments remain the same as they did under DM/18/5130 and are reproduced below.

The application looks to demolish the existing dwelling and erect three new dwellings.

Part of the site has had historical use as agricultural land, and may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination.

Given the above it is appropriate to attach a discovery strategy, so that in the event any potential contamination is discovered during ground works, that all works stop until the matter has been dealt with in a manner approved by the local authority.

Recommendation: Approve with conditions:

1) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA

WSCC Highways Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

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

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

Summary

West Sussex County Council was consulted previously on Highways Matter for this site under outline planning application DM/18/5130 that sought approval for demolition of the existing dwelling and barn and replacement with three new dwellings with all matters reserved except for Access, Appearance, Layout and Scale. No highways objections were raised and this application was granted planning permission.

This proposal is of similar nature to DM/18/5130 and seeks approval for demolition of the existing dwelling and barn and replacement with three dwellings. The proposal will result in 1 x 3 bedroom dwelling (Plot 2) and 2 x 4 bedroom dwellings (Plots 1 and 3).

The site is located and accessed via Burgess Hill Road (B2036) which is a B-classified road subject to national speed limit in this location.

The LHA requests additional information pertaining to the parking arrangements as set out below.

Vehicular Access

Access to the proposed dwellings will be utilised through the existing shared access arrangements onto Burgess Hill Road.

Visibility splays at the existing access have been demonstrated at 2.4m (x) distance. Splays of 120m can be achieved in each direction. While the splays are substandard for the posted speed limit, it is appreciated that the access is existing and has been operating for some time without any evidence of highway safety concern.

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

The existing access will be widened to 4.8m into the site to facilitate two passing vehicles and to assist the manoeuvre from the highway. Any access works on the public highway must be constructed under a licence obtained by WSCC Highways to a specification agreed with them. The Local Highway Authority (LHA) appreciates that the proposal may generate an intensification of movements; however this is not anticipated to be a highway safety concern given the road serves several other dwellings.

Car Parking

Parking provision for the proposed dwellings will be provided within the proposed garages and hardstanding area for each plot. The WSCC Car Parking Calculator (PDC) updated August 2019, would expect 3 parking spaces to be provided for each plot.

Plot 1 - The proposed garage measures circa 3.8m x 5.7m internally which is insufficient to accommodate vehicle considering the minimum requirements of 3 x 6 m for a single garage (including space for cycle storage) as outlined in Manual for Streets (MfS) guidance. Under the revised WSCC parking guidance, each garage space (3 x 6m) counts as 0.5 of a parking space. The applicant may wish to consider enlarging the garage to comply with MfS

standards. The remaining expected provision for Plot 1 should be demonstrated on a revised plan.

Plot 2 - The proposed double garage for plot 2 has the adequate internal measurements of 6 x 6m. Each double garage (6 x 6m) counts as one parking space towards the expected provision. The hardstanding area fronting the garage appears of sufficient size to accommodate 2 additional vehicles considering the minimum requirements of 2.4 x 4.8m per single parking bay.

Plot 3 - The proposed garage measures circa 6.7m x 5.9m internally. It is appreciated that this is slightly below the required standards; however, it cannot be counted towards the proposed parking provision. The applicant may wish to consider enlarging the garage to comply with MfS standards.

Overall the proposal could potentially result in overspill parking of 2-3 spaces, therefore the applicant is requested to demonstrate that sufficient parking of 3 spaces per dwelling is provided for the development. Please raise the above and re-consult.

Further comments:

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

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

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

The LHA has been re-consulted on this proposal following submission of additional information pertaining to the parking provision for Plots 1 and 3.

Parking Provision

The proposed garage for Plot 1 falls marginally short of the minimum depth requirement; however, this is not anticipated to result in a highway safety concern given that the garage can accommodate one vehicle whilst allowing space for cycle storage. WSCC Policy for single garages, as previously advised counts as 0.5 parking space towards the proposed provision. Subsequently, the overall parking provision for Plot 1 would be assessed based on the above guidance.

Parking provision for Plot 1: 1 single garage and 2/3 parking spaces within the hardstanding area resulting in total of 2.5/3.5 parking spaces.

Parking for Plot 2: 1 double garage (counts as one parking space) and 1/ 2 spaces within the hardstanding area resulting in total of 2/3 spaces.

The proposed double garage for Plot 3 is slightly substandard, however as pointed out in the additional information the garage would be wider, and this would allow extra space to accommodate bicycle provision.

Parking provision for Plot 3: 1 double garage (counts as one parking space) and 2 spaces within the hardstanding area resulting in total of 3 spaces.

The WSCC Car Parking Demand (PDC) Calculator would expect 3 parking spaces to be provided for each dwelling. Based on the above assessment, the proposed parking provision would be considered adequate.

The proposed site plan demonstrates communal turning area for vehicles to turn and exit in forward gear onto the public highway.

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

In order to promote the use of sustainable transport methods, the LHA recommends that secure and covered cycle is provided for this development. Cycle provision can be accommodated within the proposed garages and details of this can be secured via planning condition.

Conclusion

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

If the LPA are minded to approve this application, the following conditions are advised.

Conditions

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved Site Layout/Landscaping 15/178/Sk37. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Site Layout/Landscaping 15/178/Sk37.

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

Electric Vehicle Charging Spaces

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

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

MSDC Drainage

The Flood Risk and Drainage Team acknowledge that this application is a full application associated with the outline application DM/18/5130. The Planning Officer has confirmed that a full updated response is required. The Flood Risk and Drainage Officer has therefore reviewed the submission without reference to the consultation response provided for the outline application DM/18/5130.

FLOOD RISK

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

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

SURFACE WATER DRAINAGE

The Planning, Sustainability and Heritage Statement submitted states that a Foul Sewage, Utilities and Surface Water Assessment has been submitted in support of this application. However, this document does not appear to be available for the officer to review.

The application form submitted as part of the application states that surface water drainage shall be managed via soakaways.

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

We advise the applicant to be aware that private surface water drainage systems must remain within individual property curtilage. Any shared surface water features must be located within areas of public realm. We would advise the applicant that any impermeable surfaces within public realm will also require surface water drainage.

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

FOUL WATER DRAINAGE

The application form states that the development will utilise package treatment plant to manage foul water drainage. The submitted plans of the development do not show whether individual package treatment plants or a single shared system is proposed.

We would advise the applicant that appropriate means of managing treated foul effluent will be required for all treatment plants provided. A shared plant and it's means of managing treated foul effluent will be required to be located within public realm.

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

SUMMARY OF FURTHER INFORMATION REQUIRED

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

- Submission of the Foul Sewage, Utilities and Surface Water Assessment report mentioned within the submission.
- Confirmation of whether surface water drainage shall utilise individual systems or a shared system.
- Confirmation of whether foul water drainage shall utilise individual systems or a shared system.
- Plan showing a suitable means of managing treated foul effluent is available for each package treatment plant. This does not need to be a detailed design but should show consideration to the likely required land take.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

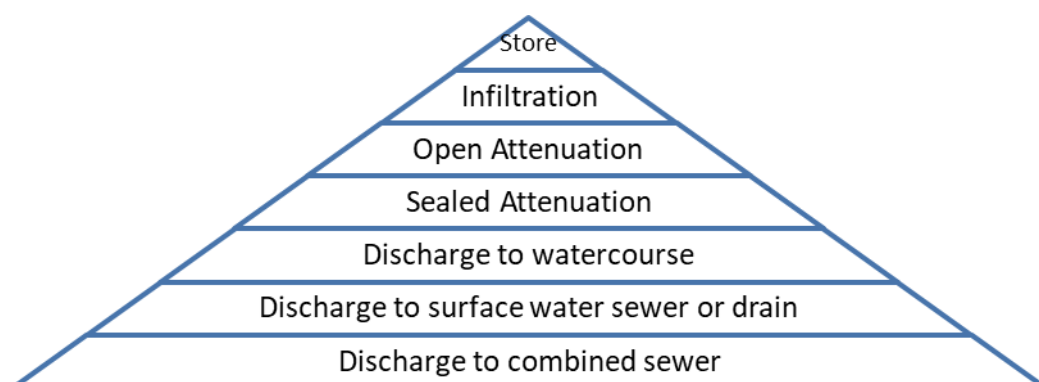
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change.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

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

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

The proposed development drainage will need to:

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



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.

- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

FOUL WATER DRAINAGE

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

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

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

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

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

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

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

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

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

INFORMATION REQUIREMENTS

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

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Multiple plot development	<ul style="list-style-type: none"> • A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.
Public sewer under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

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

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
<p>Infiltration</p> <p>e.g. Soakaways</p>	<ul style="list-style-type: none"> Percolation test results Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to watercourse	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Outfall to public sewer	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
SuDS and attenuation	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

Further comments: The Flood Risk and Drainage Team acknowledge that this application is a full application associated with the outline application DM/18/5130. The Planning Officer has confirmed that a full updated response is required. The Flood Risk and Drainage Officer has therefore reviewed the submission without reference to the consultation response provided for the outline application DM/18/5130.

FLOOD RISK

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

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

SURFACE WATER DRAINAGE

Following a request for further information to be provided Simon Dent Associates has provided further details of how surface water drainage shall be managed for the development.

It is proposed that surface water for the site shall be managed through attenuation and discharge into a watercourse at a controlled rate. It has been confirmed that access to a watercourse is available within land owned by the applicant and access shall be granted for the lifetime of the development.

The principle of the proposed surface water drainage strategy is acceptable. However detailed drainage design, and infiltration test results will need to be produced. This additional information can be subject to a planning condition.

We would advise the applicant that discharge into a watercourse will likely require Ordinary Watercourse Consent. This is a separate process to planning and is managed by the Lead Local Flood Authority. Information on this process can be found on West Sussex County Council's website at <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>. Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

Following a request for further information to be provided Simon Dent Associates has provided further details of how foul water drainage shall be managed for the development.

It is proposed that foul water for the site shall be managed using individual package treatment plants. Treated foul effluent shall then be discharged to a watercourse via gravity. It has been confirmed that access to a watercourse is available within land owned by the applicant and access shall be granted for the lifetime of the development.

The principle of the proposed foul water drainage strategy is acceptable. However detailed drainage design will need to be produced. This additional information can be subject to a planning condition.

We would advise the applicant that treated foul effluent should remain separate from surface water drainage, however discharges can share the same headwall. This is to limit the risk of contamination and to assist with maintenance and repair for the lifetime of the development.

Discharge into a watercourse will likely require Ordinary Watercourse Consent. This is a separate process to planning and is managed by the Lead Local Flood Authority. Information on this process can be found on West Sussex County Council's website at <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>.

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

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS/UNITS

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

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

Ecologist

In my opinion, there are no biodiversity policy grounds for refusal or amendment of the proposals. Requirements for avoidance, mitigation and enhancement measures, as well as updated survey to ensure these measures are based on up-to-date information are covered by condition 10 of the outline consent.

MSDC Conservation Officer

The application site is a farmstead with dwelling and barns located to the south east of West Riddens Farm. West Riddens Farm itself is Grade II listed and has a number of associated outbuildings which would be regarded as curtilage listed. The existing buildings on the site itself appear to date from the 20th century and may originally have formed part of the same farm as West Riddens, later separated as Oaktree Farm. The site and West Riddens Farm are located within a rural setting to the south of the hamlet of Ansty.

The current proposal is for full planning permission for the demolition of the existing buildings on the site and the construction of three dwellings. Outline planning permission was granted for development of a similar description on 30.05.2019.

At present, the existing barns to the north west boundary of the site (adjacent to West Riddens Farm), are a prominent feature of the setting of the historic farmstead. Although not of any architectural merit they are of an agricultural character which compliments the rural nature of the setting of the listed and curtilage listed buildings. As such, they have a neutral impact on that setting, and also serve to shield the existing bungalow dwelling on the site from view from the direction of the farm.

At the time of the outline application it was my opinion in that the proposed new development of three houses on the site was likely to have a detrimental impact on the character of the setting of the historic farmstead. New, relatively high density, residential development on this site will serve to domesticate this part of the listed and curtilage listed buildings' setting. This will be at odds with the current rurality of that setting, which makes a strong positive contribution to the manner in which the special interest of the buildings is appreciated. This was my view notwithstanding the prior approval for conversion of the barns, which could be expected to preserve more of their existing agricultural character.

In my opinion, the principle of the proposed development remains harmful to the setting of the listed building and of the curtilage listed farmstead, causing an less than substantial degree of harm in terms of the NPPF. However, notwithstanding this objection on Heritage grounds the outline proposal was on balance considered acceptable and approval was granted. The proposal now under consideration is for a detailed scheme, and it therefore important that the design and landscaping of this scheme should as far as possible mitigate the less than substantial harm caused by the development to the setting of the heritage assets at Riddens Farm. This would be in accordance with the requirements of the relevant Historic England guidance on the Setting of Heritage Assets (GPA3).

I therefore have the following comments to offer in with this aim in mind:

In terms of the design concept of the scheme overall while I would not disagree with the rural/agricultural aesthetic, as it stands the proposal comprises three substantial 'barns' in a loose arrangement and subdivided by domestic curtilages which if the intention is to reference a traditional farmyard will be unsuccessful. Usually you would expect a traditional farmstead to comprise one barn and a number of other buildings of differing, usually lower, scales and varied forms, reflecting their different functions within the farm. Where grouped such as on the development site, such buildings would often be arranged around an open

yard, and would not be standing in separate domestic plots as is proposed here. These aspects of the scheme should be reconsidered if the 'rural' character of the development is to be maximised and the urban/domestic character minimised, as would be desirable in order to mitigate the harm to the setting of Riddens Farm, according to the requirements of GPA3.

Plot 1: The barn style aesthetic of the proposed new house is broadly in keeping with the rural context and the scale appears no greater than the existing agricultural building on this part of the site. However aspects of the fenestration may benefit from reconsideration including the size, uniformity and regularity of the windows to some of the elevations which results in a 'domestic' character not sympathetic to the overall aesthetic, and the cluster of rooflights to the east elevation which adds clutter to the sweep of the roof. I would also recommend that the uPVC rainwater goods are revised to painted metal.

Plot 2: The scale and massing of this building result in a rather monolithic appearance, which would benefit from being broken down to avoid a second building of a 'barn' typology. The integration of the garage at ground floor is a negative feature of the design which detracts from the appearance of the building- a detached garage could allow for reduction in the scale of the house and for the bulk to be broken down somewhat. I have the same concerns as expressed in relation to Plot 1 in respect of the fenestration and rainwater goods. Aspects of the detail of the fenestration (those which appear to reference midstrete doors) also reinforce the 'barnlike' character of the house which as above needs reconsideration.

Plot 3: Again, I have similar concerns regarding the barn typology of this building, the fenestration and rainwater goods.

The landscaping of the scheme will also be important. Whilst the detail of this could be controlled by condition I have concerns regarding specific aspects of the site layout as shown in the proposal which are:

- The subdivision of the area between the buildings which is not in keeping with the 'farmstead' character
- The apparent lack of allowance for additional natural screening to the boundary with Riddens Farm, which was referred to in the outline proposal but does not seem to form part of the current detailed proposal? I would expect this screening to be substantial allowing for sufficient depth and height of vegetation for the screening to be effective year round.