

Planning Committee



Recommended for Permission

7th December 2023

DM/23/2126



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Site:	36 Hurst Road Hassocks West Sussex BN6 9NL
Proposal:	Erection of 1 No. dwelling house with car parking. (Amended Plans 19/10/2023)
Applicant:	Mr Neil Whitehall
Category:	Minor Dwellings
Target Date:	8th December 2023
Parish:	Hassocks

Ward Members:	Cllr Sue Hatton / Cllr Kristian Berggreen / Cllr Chris Hobbs /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZDQROKT0DA00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 This application seeks full planning permission for the erection of 1 No. dwellinghouse with car parking at 36 Hurst Road, Hassocks.

2.2 The Council has an up to date District Plan and is able to demonstrate that it has a 5-year housing land supply. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

2.3 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Hassocks Neighbourhood Plan.

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

2.5 Weighing against the scheme is the fact that the proposal lies within countryside and is not considered to be contiguous with the built-up area boundaries and as such the proposal is contrary to the development plan in principle and conflict with the requirements of Mid Sussex District Plan Policies DP12 and DP15. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

2.6 Policy 1 of the Hassocks Neighbourhood Plan seeks to safeguard local gaps between Hassocks and Hurstpierpoint, unless it is for the purpose of agriculture, is supported by DP6 and would not compromise individually or cumulatively the objectives and fundamental integrity of the gap. Due to the infill nature of the proposal between two existing dwellings, within the residential curtilage of the host dwelling, and within an otherwise linear development fronting Hurst Road, it is not considered that the proposal would compromise the character of the countryside or the local gap between Hassocks and Hurstpierpoint. The existing access would be used to serve the new dwelling, while the vegetation to the frontage of the site would be maintained.

2.7 Weighing in favour of the scheme is that the development will provide a single residential unit in a sustainable location at a time where there is a general need for

Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the proposal would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

- 2.8 There would also be a new homes bonus.
- 2.9 The proposal is considered acceptable in relation to design size and scale, that is both in-keeping with the varied character of the locality, while preserving the character of the wider countryside. The proposal is not considered to impact on the setting of the South Downs National Park, it is also considered acceptable in relation to neighbouring amenity, highways, access and parking, sustainably construction, drainage, ecology, dwelling space standards and the Ashdown Forest.
- 2.10 Taking all of the above into account, the proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

3.0 Recommendation

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

4.0 Summary of Representations

- 4.1 8 third party letters of representation have been received in relation to this application, they have objected to the proposal for the following reasons:

- i) Plot size
- ii) Harm local character
- iii) Visual impact
- iv) Inadequate drainage
- v) Impact on Trees (Veteran oak trees)
- vi) Overlooking
- vii) Forward of building line
- viii) Access and parking
- ix) Great crested newts
- x) Overbearing impacts/loss of amenity
- xi) Contrary to policy

5.0 Summary of Consultees

- 5.1 **Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 5.2 **WSSC Highways:** The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- 5.3 **MSDC Drainage Officer:** Considered acceptable in principle, subject to detailed design. Recommended condition.
- 5.4 **MSDC Street Naming and Numbering Officer:** Informative 29
- 5.5 **MSDC Contaminated Land Officer:** No evidence of land contamination.
- 5.6 **Nature Space:** We agree with the ecological report submitted that following a precautionary working methods statement will minimise the risk to great crested newts.
- 5.7 **Archaeological Consultants:** Recommend Approval subject to conditions

6.0 Town/Parish Council Observations

RECOMMEND REFUSAL. The Council's previous comments remain unchanged. This proposed application represents development within the Local Gap as defined on the Proposals Map of the Hassocks Neighbourhood Plan (HNP). Therefore this proposal is contrary to HNP Policy 1 which states that these defined gaps will be safeguarded with 'the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.'

7.0 Introduction

- 7.1 This application seeks full planning permission for the erection of 1 No. dwellinghouse with car parking at 36 Hurst Road, Hassocks.

8.0 Relevant Planning History

- 8.1 CN/011/77: Outline application, one detached house with garage. REFUSED
- 8.2 AP/77/0094: Outline application, one detached house with garage. APPEAL DISMISSED
- 8.3 08/01041/FUL: Proposed extension/alterations and rooms in roof. REFUSED
- 8.4 08/01794/FUL: Extensions and rooms in roof. PERMISSION

9.0 Site and Surroundings

- 9.1 The application site is located to the northern side of Hurst Road, it is located within the curtilage of 36 Hurst Road, with the host dwelling located to the western (side) with the detached more contemporary dwelling Twinham to the eastern (side). On

the opposite side of Hurst Road to the southern (front) is the residential dwellings 33 Hurst Road and 31 Hurst Road.

9.2 The application site slopes down from south to north, with existing established vegetation to the southern (front) boundary and open countryside to the northern (rear) boundary.

9.3 The application site is designated within the Mid Sussex District Plan as being within the Countryside, it is also within an Archaeological Notification Area and within the red impact zone for great crested newts.

10.0 Application Details

10.1 The application seeks full planning permission for the erection of 1 No. dwellinghouse with car parking at 36 Hurst Road, Hassocks.

10.2 The proposed dwelling would be located to the eastern (side) of No. 36 Hurst Road which is the host dwelling, it will utilise the existing highways access and will provide off road parking for 4 cars, together with secure cycle parking.

10.3 The proposed dwelling would be 'L' shaped measuring a maximum of 20.7 metres in depth, by 14.1 metres in width, with an eaves height of 6 metres and an overall height of 9.5 metres.

10.4 The plans show that the proposal would form an open plan lounge, kitchen, dining room and snug, together with a study, cinema room, utility toom, WC, entrance hall, porch and a double garage at ground floor. With 4 bedrooms at first floor all with their own ensuite, with built in/walk in wardrobes for bedroom 2, 4 and the master bedroom. While at second floor the proposal would from a bedroom, ensuite, wardrobe and office.

10.5 Plans show that the proposed dwelling would be constructed of facing brickwork walls, with a soldier course, timber feature details, clay roof tiles, a zinc front bay window and a standing seam rear dormer window.

10.6 The application has been called in to planning committee by Cllr Berggreen and Cllr Hatton for the following reasons: '*Planning grounds are that it is contrary to Hassocks NP-HMP policy 1 , safeguarding local gaps.*' And '*as it is not in alliance with the Hassocks Neighbourhood plan on coalition*'

11.0 Legal Framework and List of Policies

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

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

11.3 '*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.'*

11.4 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.'

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

11.6 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.

11.7 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, The Sites Allocation DPD and the Hassocks Neighbourhood Plan.

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

11.9 **LIST OF POLICIES**

11.10 **Mid Sussex District Plan 2014-2031**

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

DP4 Housing

DP6 Settlement Hierarchy

DP12: Protection and Enhancement of Countryside

DP13: Preventing Coalescence

DP15 New Homes in the Countryside

DP18 Setting of the South Downs National Park

DP21 Transport

DP26 Character and Design

DP27 Dwelling Space Standards

DP37 Trees, Woodlands and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.11 Site Allocations Development Plan Document - SADPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

11.12 Hassocks Neighbourhood Plan

The Hassocks Neighbourhood Plan was made on the 24th June 2020, the relevant policies are considered to be:

Policy 1: Local Gaps

Policy 5: Enabling Zero Carbon

Policy 6: Development Proposals affecting the South Downs National Park

Policy 9: Character and Design

Policy 14: Residential Development within and adjoining the built up area boundary of Hassocks.

11.13 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.14 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

11.15 Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

11.16 National Planning Policy Framework (NPPF) (September 2023)

11.17 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.*'

- 11.18 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.'*
- 11.19 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.'*
- 11.20 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.

Other Planning Guidance

- 11.21 *Technical Housing Standards Nationally Described Space Standards*

12.0 Assessment

- 12.1 The main issues for consideration are:

- The principle of development;
- Local gap;
- The design and character;
- Setting of the South Downs National Park
- The standard of accommodation;
- The impact on neighbouring amenity;
- Highways matters;
- Location sustainability;
- Drainage;
- Biodiversity;
- Sustainability;
- Impact on trees;
- Ashdown Forest SPA/SAC
- Planning Balance and Conclusions

Principle of Development

- 12.2 As the proposed development is located within the countryside Policy DP12 of the District Plan applies. This states that:

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

possible enhances the quality of the rural and landscape character of the district, and:

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

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.'

12.3 Policy DP15 in part states:

'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.'

12.4 The proposal is not for agricultural purposes, however, Policy DP6 of the Mid Sussex District Plan states:

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

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*

- *The site is contiguous with an existing built-up area of the settlement; and*
- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

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

12.5 At local level Policy 14 of the Neighbourhood Plan in part sets out:

'Development proposals for residential development outside of the built-up area of Hassocks will be supported where they are in accordance with Policy DP6 of the Mid Sussex District Plan, Policy SD25 of the South Downs Local Plan and Policy 1 of this Plan.'

12.6 The proposal is for fewer than 10 dwellings and is considered to be within a sustainable location with well-lit footpaths to both Hurstpierpoint and Hassocks, within walking distance of the Hassocks train station and a number of bus stops. However, it is not contiguous with the built-up area boundaries and is not therefore supported by DP6.

12.7 The proposal is not for the purpose of agriculture and is not in accordance with Policy DP6 of the Mid Sussex District Plan and as such would not comply with Policy 1 and in turn Policy 14 of the Neighbourhood Plan.

12.8 With respect to Policy DP12, there is no specific policy reference in the development plan which provides support for the development. The proposal is therefore also contrary to the wording of this policy. However, it is important to understand the intention behind this policy, which is set out in the supporting text, as follows:

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

12.9 This site is an infill plot, an existing area of garden between two existing dwellings, within a linear development of houses along this section of Hurst Road. It is not seeking a new access onto Hurst Road and will instead utilise the existing highways access for No. 36 Hurst Road, while at the same time retaining the established screening to the frontage of the site. Consequently, the proposal would fit in with the existing pattern of development within this location and would therefore not impact on the wider countryside character.

- 12.10 As such the principle of the proposal conflicts with Policies DP12 and DP15 of the District Plan, Policies 1 and 14 of the Hassocks Neighbourhood Plan and is not supported by DP6. The proposal is thus contrary in principle to the Development Plan. However, in accordance with the law, it is necessary to take into account other material considerations. in the overall planning balance.

Local Gap

- 12.11 The application site is defined within the Hassocks Neighbourhood Plan as being within the Local Gap between Hassocks and Hurstpierpoint. Policy 1 of the Neighbourhood Plan sets out:

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

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

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

Development will be supported within the Local Gap where:

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

- 12.12 While Policy DP13 in part states:

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

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

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

- 12.13 As outlined above, the proposal would be contrary to countryside policies in principle. However, it is not considered to compromise the local gap between

Hassocks and Hurstpierpoint which is the main concern of the Parish Council. This site is an infill plot, an existing area of garden between two existing dwellings, within a linear development of houses along this section of Hurst Road. It is not seeking a new access onto Hurst Road and will instead utilise the existing highways access for No. 36 Hurst Road, while at the same time retaining the established screening to the frontage of the site. The proposal would fit in with the existing pattern of development within this location and would therefore not impact on the local gap between Hassocks and Hurstpierpoint.

Design and Character

- 12.14 As the proposed development is located within the countryside the principal aim of Policy DP12 of the District Plan states: *'The countryside will be protected in recognition of its intrinsic character and beauty.'*
- 12.15 Policy DP26 of the District Plan aims for all development to be well designed and to reflect the distinctive character of the towns and villages while being sensitive to the countryside. 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.'*

12.16 At local level Policy 9 of the Hassocks Neighbourhood Plan states:

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

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

12.17 Principle DG11 of the Mid Sussex Design Guide states in part:

'new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.'

12.18 Principle DG38 is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

12.19 The proposal is seeking to subdivide the existing plot, however, when looking at the proposed plot size and the size of the surrounding plots, the proposed plot is considered to be of a similar depth and width, providing the dwelling with a plot that is appropriate size and consistent with those within the wider locality. Although extending forward of the dwellings to the west, the new house would be set back some 7.6 metres from the front boundary and will be in line with 'Twinham' to the east and as such it is deemed to respect the spacious undeveloped nature to the frontage of the dwellings along this section of Hurst Road.

12.20 Along Hurst Road, there is a mixture of traditional and more contemporary style dwellings, together with a mixture of designs and materials. The neighbouring dwelling 'Twinham', is an example of a contemporary flat roofed building, with a rendered finished. While the host dwelling No. 36 Hurst Road is more of a traditional design. The proposed dwellinghouse is seeking facing brickwork walls, with brick detailing, clay tiled roof, while incorporating a number of more contemporary design features such as the zinc bay window to the frontage, timber feature details and sections of glazing.

12.21 The proposed dwelling is designed with a mixture of traditional and contemporary features and demonstrates that consideration has been given to the surrounding dwellings, forming an interchange between the more traditional dwellings to the west and more contemporary dwelling to the east. Overall, the proposal is considered to be of an appropriate design that is in-keeping with the character of existing dwellings within the locality. In addition, with the dwelling being an infill between two existing dwellings in a residential garden, it is also considered acceptable in relation to the character of the wider countryside.

12.22 Due to the change in levels across the site, the proposal dwelling would be set down in comparison to the host dwelling. Overall, the proposal is of an appropriate design, size and scale that is in-keeping with the locality and the wider countryside in accordance with the above mentioned policies.

Setting of the South Downs National Park

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

'development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South

Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'

12.24 Policy 6 of the Neighbourhood Plan states that:

'Development proposals on land outside of, but contributing to, the setting of the South Downs National Park will be supported where proposals:

- Do not detract from, or cause detriment to, the special qualities and tranquility of the South Downs National Park; and*
- Do not unacceptably harm the South Downs National Park or its setting.'*

12.25 Paragraph 176 of the NPPF is also relevant. This states:

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

12.26 The South Downs National Park boundary is located some 200 metres to the south of the application site, with dwellings between. The proposal would be viewed in context of the existing dwellings, while also being set down in the landscape as Hurst Road to the north is in a raised position in relation to the application site. In light of the above, the proposal is not considered to detract from the setting of the South Downs National Park and would comply with the above mentioned policies.

The standard of accommodation

12.27 Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

12.28 The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents, as follows:

12.29 For a three storey 5 bed dwellinghouse for 8 people, the minimum internal floor area is 134 square metres with 3.5 square metres of storage. The proposed dwellings all exceed these standards.

The impact on neighbouring amenity

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

- 12.31 A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.
- 12.32 Policy 9 of the Hassocks Neighbourhood Plan requires proposals not to '*cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security*'.
- 12.33 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. Due to the Neighbourhood Plan being the most recently adopted, Policy 9 takes precedent and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.
- 12.34 Third party letters of representation have raised concerns over overlooking and loss of privacy. While the main openings are located to the southern (front) and northern (rear) elevations which would only provide oblique views towards neighbouring dwellings, the proposal does include a number of first floor windows. Of these, the majority are serving ensembles or are secondary windows so can be conditioned to be obscure glazed and non-opening up to 1.7 metres above the floor level in which they are installed.
- 12.35 However, bedroom 3 has a first floor side facing window, while bedroom 2 has a wrap around window. Nonetheless, the wrap around window to bedroom 3 is limited in size and only provides views over the front gardens and not to the more private (rear) of the properties. While the window to bedroom 3 is onto the side of 'Twinham' and has established screening between. As such it is not considered to cause unacceptable harm in terms of overlooking and a loss of privacy.
- 12.36 In addition, due to the orientation of the house, with the neighbouring dwellings located to the east and west, with established tree screening between the proposal and 'Twinham' it is also not considered to cause unacceptable harm in relation to reduction in sunlight and daylight and a loss of outlook.
- 12.37 Consequently, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy 9 of the Hassocks Neighbourhood Plan and Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

Highways Matters

- 12.38 Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It 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.'

- 12.39 Paragraph 111 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.'*
- 12.40 The proposal would use the existing access and in accordance with the comments from WSCC Highways it is not anticipated that this would result in a material increase in vehicle movements to and from the site.
- 12.41 The proposal would retain two parking spaces for the existing dwelling with a double garage provided for the proposed dwelling and includes a parking and turning area which is considered sufficient to accommodate another two cars. In accordance with the WSCC Highways comments the proposal would provide sufficient parking provision for a dwelling of this size and location in accordance with the WSCC car parking demand calculator.
- 12.42 Furthermore, the plans are also showing secure cycle parking is to be provided. As such subject to the recommended conditions on car parking and cycle parking in accordance with the WSCC Highways comments, it is considered that the proposal would not have a significant impact on highway safety, access and parking and would comply with Policy DP21 of the District Plan.

Locational Sustainability

- 12.43 Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.44 Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:
- 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*
- 12.45 Paragraph 152 of the NPPF states:
- 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of*

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

- 12.46 Hassocks is a category 3 settlement, which as set out within the District Plan is considered to be a *'Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.'*
- 12.47 Although not within the built up area boundaries of Hassocks, it is within walking distance of Hassocks Village by a lit footpath, with a bus stop located approximately 140 metres from the proposed site and Hassocks station approximately 10 minutes walk away. There are numerous dwellings in the locality. It is therefore considered that the site is within a sustainable location with the ability to walk and cycle to local services together with access to public transport options.

Drainage

- 12.48 Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.
- 12.49 The proposal is an area of very low flood risk, with the proposal seeking to manage surface water drainage via a soakaway and foul water drainage will be via public foul water.
- 12.50 The Council's Drainage Officer has been consulted on this application and has raised no objections to the proposal subject to conditions on the detailed design of the foul and surface water drainage. Subject to this condition, the proposal is acceptable in terms of flooding and drainage and is considered to comply with Policy DP41 of the Mid Sussex District Plan.

Biodiversity

- 12.51 Para 170 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;
- 12.52 *'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'*
- 12.53 Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.
- 12.54 Third party representation has raised concerns over the presence of great crested newts. The application has been supported by an ecology report (Precautionary Method Statement). With the site being residential curtilage and laid to lawn, it is considered to be of low ecological value.

- 12.55 In addition in respect of the impact to risk zone for Great Crested Newts, Nature Space, the District Council's consultees on such matters, have considered the application. They have advised that they agree with the ecological report submitted that following a precautionary working method statement it will minimise the risks to great crested newts. Any planning permission will therefore be conditioned to be carried out in accordance with the ecological report. In view of the above it is considered that the proposal complies with Policy DP38 of the Mid Sussex District Plan and the aims of the NPPF.

Sustainability

- 12.56 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.'*

- 12.57 At local level Policy 5 of the Hassocks Neighbourhood Plan sets out:

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

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

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

12.58 The application has been supported by a Sustainability Statement which sets out that the proposal would incorporate the following measures:

- High Insulation and be of air tight construction
- Ground source heat pump and under floor heating, mechanical ventilation heat recovery and cooling
- Low water use sanitaryware
- PV panels to roof slopes of the property
- Energy efficient light fittings
- Grey water recycling
- Rainwater recycling system
- EV charging point
- Locally sourced building materials where possible.

12.59 These matters could be controlled by a condition. As such the proposal would accord with District Plan Policy DP39, Policy 5 of the Neighbourhood Plan and Design Guide Principle DG37 in terms of sustainable design and construction.

Impact on trees

12.60 Policy DP37 of the District Plan states:

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

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

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*

- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.'*

12.61 The proposal has been supported by an Arboricultural Report which sets out that the proposal will require the removal of G1 (Lawsons Cypresses) and G2 (Lawsons Cypresses). Both of these trees are category U trees, are not subject to Tree Preservation Orders (TPO) and the site is not within a Conservation Area and as such can be removed without the need for consent. Nonetheless, the report sets out that replacement planting will be installed and provides details of the tree protection methods during construction. Subject to a condition securing hard and soft landscaping, it is considered that the proposal would comply with the above mentioned policy.

Ashdown Forest SPA/SAC

12.62 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).

12.63 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

12.65 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.

12.66 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

- 12.68 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.
- 12.69 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.70 The Habitats Regulations 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.
- 12.71 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.72 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other Matters

- 12.73 Policy DP42 of the Mid Sussex District Plan in part states:

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.'*

- 12.74 Details have been provided from South East Water to confirm that there is adequate water supply to serve the development. As such the proposal is considered to comply with the above mentioned policy.
- 12.75 The application site is within an archaeological notification area, however, subject to the recommended conditions of the Council's consultant, it is considered that this has been suitably addressed.

13.0 Planning Balance and Conclusion

- 13.1 This application seeks full planning permission for the erection of 1 No. dwellinghouse with car parking at 36 Hurst Road, Hassocks.

- 13.2 The Council has an up to date District Plan and is able to demonstrate that it has a 5-year housing land supply. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 13.3 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Hassocks Neighbourhood Plan.
- 13.4 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 13.5 Weighing against the scheme is the fact that the proposal is not contiguous with the built-up area boundaries and as such the proposal is contrary to the development plan in principle and conflicts with the requirements of Mid Sussex District Plan Policies DP12 and DP15. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.
- 13.6 Policy 1 of the Hassocks Neighbourhood Plan seeks to safeguard local gaps between Hassocks and Hurstpierpoint, unless it is for the purpose of agriculture, is supported by DP6 and would not compromise individually or cumulatively the objectives and fundamental integrity of the gap. Due to the infill nature of the proposal between two existing dwellings, within the residential curtilage of the host dwelling, and within an otherwise linear development fronting Hurst Road, it is not considered that the proposal would compromise the character of the countryside or the local gap between Hassocks and Hurstpierpoint. The existing access would be used to serve the new dwelling, while the vegetation to the frontage of the site would be maintained.
- 13.7 Weighing in favour of the scheme is that the development will provide a single residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the proposal would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.
- 13.8 There would also be a new homes bonus.
- 13.9 The proposal is considered acceptable in relation to design size and scale, that is both in-keeping with the varied character of the locality, while preserving the character of the wider countryside. The proposal is not considered to impact on the setting of the South Downs National Park, it is also considered acceptable in relation to neighbouring amenity, highways, access and parking, sustainably construction, drainage, ecology, dwelling space standards and the Ashdown Forest.
- 13.10 Taking all of the above into account, the proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours 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.
2. Approved Plans

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

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Hassocks Neighbourhood Plan.
4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).
5. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan (2014 - 2031).
6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan (2014 - 2031).
7. No dwelling shall not be occupied unless and until an independent final report has been prepared and submitted to the Local Planning Authority to demonstrate that

the development has complied with the criteria as set out within the Sustainability Statement.

Reason: In order to achieve a sustainable development and to accord with Policy DP39 of the District Plan (2014 - 2031).

8. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

9. Archaeological Evaluation

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in (i) above.

(iii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

10. The proposed first floor ensuite windows to both the eastern and western (sides) as shown on the approved plans shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy 9 of the Hassocks Neighbourhood Plan and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

11. The proposed first floor secondary window to bedroom 4 of the western (side) elevation shall be glazed with obscured glass. It shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy 9 of the Hassocks Neighbourhood Plan and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. The development hereby permitted shall be carried out in full accordance with the Ecological Report and precautionary working methods statement submitted in relation to this application unless otherwise agreed with the Local Planning Authority.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and the comply with DP38 of the Mid Sussex District Plan.

INFORMATIVES

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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 advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.
- If you require any further information on these issues, please contact Environmental Protection on 01444 477292

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	23-P01-01		19.10.2023
Block Plan	23-P01-02	B	19.10.2023
Existing Site Plan	23-P01-10		19.10.2023
Existing Elevations	23-P01-20		19.10.2023
Existing Elevations	23-P01-21		19.10.2023
Existing Elevations	23-P01-22		19.10.2023
Proposed Site Plan	23-P01-60	B	19.10.2023
Proposed Floor Plans	23-P01-61	B	19.10.2023
Proposed Floor Plans	23-P01-62	B	19.10.2023
Proposed Elevations	23-P01-70	B	19.10.2023
Proposed Sections	23-P01-80	B	19.10.2023
Proposed Sections	23-P01-81	B	19.10.2023
Street Scene	23-P01-82	B	19.10.2023

APPENDIX B – CONSULTATIONS

Hassocks Parish Council:

05.09.2023

Planning Response from Hassocks Parish Council

DM/23/2126 36 Hurst Road Hassocks West Sussex BN6 9NL Erection of 1 No. dwelling house with car parking. Response:

RECOMMEND REFUSAL. This proposed application represents development within the Local Gap as defined on the Proposals Map of the Hassocks Neighbourhood Plan (HNP). Therefore this proposal is contrary to HNP Policy 1 which states that these defined gaps will be safeguarded with 'the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.'

Kind regards

08/11/2023

RECOMMEND REFUSAL. The Council's previous comments remain unchanged. This proposed application represents development within the Local Gap as defined on the Proposals Map of the Hassocks Neighbourhood Plan (HNP). Therefore this proposal is contrary to HNP Policy 1 which states that these defined gaps will be safeguarded with 'the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.'

Southern Water:

Dear Sir/Madam,

Proposal: Erection of 1 No. dwelling house with car parking.

Site: DM/23/2126: - 36 Hurst Road, Hassocks, West Sussex, BN6 9NL.

Thank you for your letter dated 29/08/2023.

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

Yours faithfully,

Future Growth Planning Team

Developer Services

WSCC Highways:

TO:	Mid Sussex District Council FAO: Joseph Swift
FROM:	WSCC - Highways Authority
DATE:	4 September 2023
LOCATION:	36 Hurst Road Hassocks West Sussex BN6 9NL
SUBJECT:	DM/23/2126 Erection of 1 No. dwelling house with car parking.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	n/a

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

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

Access

The site is located off of Hurst Road, a B Classified Road with 30mph speed restrictions. The nature of this road is that of a main feeder route between Hassocks and Hurstpierpoint. The property is to be served using the existing access used by no 36. No alterations to the existing access are proposed. 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 addition of a single dwelling would exacerbate an existing safety concern.

Visibility onto this section of Hurst Road appears sufficient for the anticipated road speeds, given the geometry of the existing network and presence of a wide footway. The access is not sufficient in width to facilitate two vehicles passing, however it is considered that conflict at the access point would not be a frequent occurrence and the low speeds and good forward visibility along Hurst Road allow for users to anticipate a manoeuvring vehicle and a vehicle waiting in the carriageway.

Parking

The addition of a single dwelling is not anticipated to result in a material increase in vehicle movements to and from the site. The proposed plans indicate that two parking spaces will be provided for the proposed dwelling. From observation of the submitted plans, two garage spaces are proposed as well as a large parking and turning area. The double garage is sufficient in dimensions to accommodate two average sized vehicles. The WSCC car parking demand calculator anticipates that this is a sufficient parking provision for a dwelling of this size and location. The proposed parking space appears sufficient to facilitate a turn on site and allow a vehicle space to turn and exit in a forward gear.

Sustainability

The site is located within walking distance of Hassocks village which provides a variety of amenities; bus stops are located within approx 140 metres of the proposed site; these offer regular services to Hurstpierpoint, Crawley, Brighton and Hassocks. The nearest train station is Hassocks which is approximately 10minute walk from the site. Residents of the proposed development would inevitably still be reliant upon the use of the private car for the a number of daily trips. Some daily trips could feasibly be delivered by sustainable modes of transport, cycling may be a viable option for experienced cyclists and the applicant proposes secure and covered cycle storage for four bicycles.

Conclusion

The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, the following conditions should be secured:

Conditions

Car parking space

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Jodie Wilkes

West Sussex County Council – Planning Services

MSDC Drainage Officer:

The flood risk and drainage team have reviewed the information submitted in support of the above application and can provide the following comments.

The site is located within an area of very low flood risk.

The application states that surface water drainage shall be managed via a soakaway located within the curtilage of the proposed new dwelling. This is considered acceptable in principle, subject to detailed design. We advise the applicant that surface water drainage for all new development should be designed to cater for the 1:100-year storm event, plus an allowance for climate change. Soakaway design calculations will also need to be based on site specific infiltration testing.

The application states foul water drainage shall be to the public foul sewer, likely via an existing connection at No. 36. This is considered acceptable in principle, subject to detailed design.

I attach our general drainage requirement guidance document which provides further details into the information required to address the recommended drainage condition.

Condition recommended:

C18D - SINGLE DWELLING/UNIT

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

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

Kind regards,

MSDC Street Naming and Numbering:

Weekly list date: 21/08/2023 and 25/08/2023

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Linda Symes

Street Naming and Numbering Officer

Informative (Info29)

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

Planning applications requiring SNN informative

DM/23/0990

DM/23/2126

DM/23/2200

DM/23/2149

DM/23/2164

MSDC Contaminated Land Officer:

I have reviewed the data we hold in relation to this site, and have not found any evidence or information that suggests the land may be contaminated.

As such, I have no specific comments regarding the potential for contaminated land based on the available mapping data.

However, it is important to note that the absence of evidence is not necessarily evidence of absence, and the developer should be aware there may still be potential risks or hazards associated with the land that is not apparent from the available data.

Nature Space

Case Ref: DM/23/2543

Date: 02/11/2023

From: NatureSpace

Response: Reasonable Avoidance
Measures recommended

Recommendations:

We agree with the ecological report submitted that following a precautionary working methods statement will minimise the risk to great crested newts.

These comments are in relation to DM/23/2126 | Erection of 1 No. dwelling house with car parking. (Amended Plans 19/10/2023) | 36 Hurst Road Hassocks West Sussex BN6 9NL

Ecological Summary:

The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

Site context:

Thirteen ponds have been identified within 500m of the site.

There are 15 recent and 2 historical records within 500m of the site boundary.

The area of works is primarily amenity grassland with few hibernacula.

Conclusion:

The applicant has provided an ecological report [Precautionary Method Statement (GCN), Kent Sussex Ecology, October 2023]. The ecologist's conclusion of following a RAMs (Reasonable Avoidance Measures) statement is considered appropriate for this development. The area of works contains little suitable habitat for great crested newts and there are barriers affecting the dispersal of newts within the landscape, such as the road to the south of the site. Should newts be found during the construction of the proposed development, then works should halt immediately and an suitably qualified Ecologist consulted.

Archaeological Consultants

Thank you for consulting the Historic Environment Consultant to Mid Sussex District Council on the above planning application.

Recommended refusal	
No historic environment objections	
Recommended Approval subject to attached conditions	X
Further information required	
Recommend discharge condition	

The West Sussex Historic Environment Record (HER) shows that the proposed development lies in an area with the potential for highly significant archaeological remains to survive, primarily those of a Roman date.

The proposed development lies at a confluence of multiple Roman Roads running through Mid Sussex, as evidenced by previous excavation along their route, and denoted by several Archaeological Notification Areas (HERs DWS8607, DWS8680 & DWS8725). Surrounding this convergence of roads is an area of multi-period archaeological activity (HER DWS8193), including extensive Roman building remains to the south of the proposed development (HER MWS7316 & MWS883) forming part of a Roman settlement site (HER MWS4415). A cemetery associated with this settlement was also uncovered (HER MWS3204), which included the discovery of earlier Bronze Age (HER 891) and later Anglo-Saxon burials (HER MWS892), suggesting occupation in this area for a substantial period of time.

Given the previously undeveloped nature of the proposed development site, and its proximity to the sites detailed above, there is a strong likelihood that significant archaeological remains will survive on the site and be negatively impacted by the groundworks associated with the proposals.

Accordingly, this office recommends that a programme of archaeological evaluation by trial-trenching is undertaken on the site prior to the commencement of development, in order to identify the level of archaeological survival and to inform on any mitigation measures.

This office therefore recommends that the following conditions are placed on any consent, in accordance with the National Planning Policy Framework, paragraph 205 and Mid Sussex District Plan policy D34:

RECOMMENDATION: Archaeological Evaluation

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in (i) above.

(iii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The work will comprise an archaeological trial-trenching evaluation of the proposed development site, undertaken before the commencement of the development. Depending on the results of the evaluation, it may then be followed by excavation areas focused on any archaeological deposits identified, and/or monitoring of groundworks associated with the development.

An archaeological brief will be produced from this office detailing the work required on request, and should be acquired prior to the production of a Written Scheme of Investigation.