

MID SUSSEX DISTRICT COUNCIL

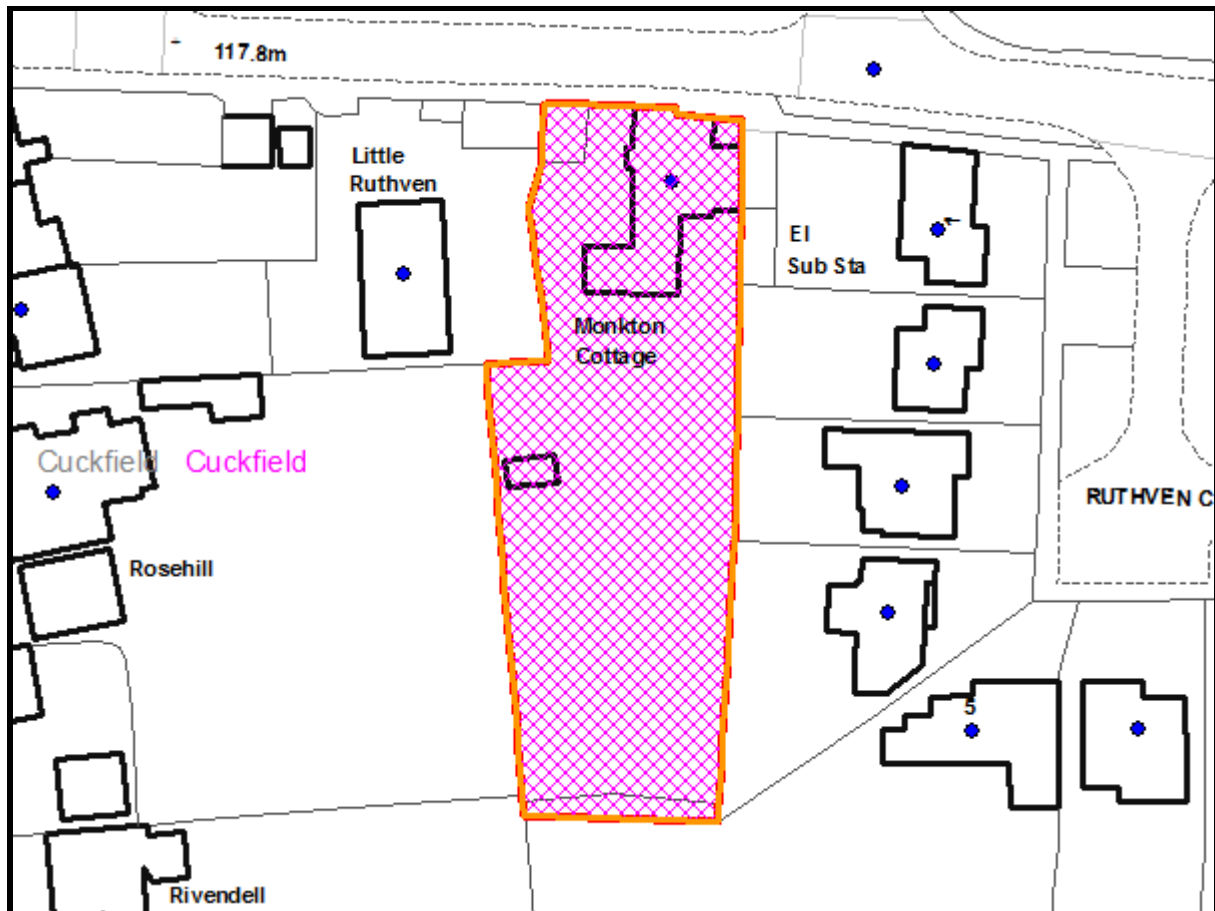
Planning Committee A

17 JAN 2019

RECOMMENDED FOR PERMISSION

Cuckfield

DM/18/4414



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**MONKTON COTTAGE ARDINGLY ROAD CUCKFIELD HAYWARDS
HEATH
DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH A
NEW 5 BED DWELLING AND GARAGE/ANNEXE.
DR P TABB**

POLICY: Areas of Special Control for Adverts / Areas of Townscape
Character / Built Up Areas / Countryside Area of Dev. Restraint /
Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 18th January 2019

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 planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission to build a new four/five bed detached house and a triple garage/car port with a revised gated access at Monkton Cottage, off Ardingly Road, in Cuckfield. The existing three bed single storey cottage located on the site would be demolished to allow for this redevelopment proposal. An existing brick store at the site entrance is shown to be retained. The site falls within the built up area of Cuckfield in an established residential area.

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 (NPPF).

As the site is within the built up area and the proposal is for a one for one replacement of a residential dwelling, the principle of the development is acceptable.

It is acknowledged that there is a difference in opinion between your officer and the Councils conservation officer in this case. As a matter of principle, the conservation officer is of the view that the demolition of the existing cottage is regrettable. However it should be noted that because the site is not within a Conservation Area and the property is not a listed building, planning permission would not be required for its demolition. The demolition of the building would be permitted development.

In your officers' view the applicants agent has demonstrated that the proposed dwelling would fit in with the surrounds of the plot.

It is not considered that there would be a significant adverse impact on the amenities of neighbouring occupiers from the development. It is considered the development would have an acceptable impact on the character and appearance of the area.

In light of the above it is considered that the proposal would accord with Policies DP21, DP26, DP27 and DP37 of the District Plan and Policies CNP1, CNP7 and CNP16 of the Cuckfield Neighbourhood Plan. The application is therefore

recommended for approval.

Summary of Representations

Fourteen letters of objection received which contain the following points:

- Changes to previous scheme do not address reasons to refuse.
- Contrary to District Plan and Neighbourhood Plan Policies
- Detrimental impact upon all of the neighbours
- New design out of place with neighbouring properties.
- Not in keeping with surrounding area.
- Will dominate outlook from houses and gardens.
- Increased height, footprint, overdevelopment.
- Scale and height will have negative impact on all neighbouring properties.
- The building would dominate outlook and block light, and overlook adjacent houses and gardens.
- Footprint of small Victorian cottage is being dramatically increased and enlarged from bungalow to two storey dwelling.
- Insufficient space around new building for any significant screen planting and it would require 10-120 years to establish.
- A mature Ash tree and Yew tree were felled in Summer 2017 in advance of the application submissions.
- The proposed property would result in a busier, noisier environment.
- The western boundary wall is the original boundary wall to Middle Ruthven, and dates from 1830. Concern regarding damage to the wall in construction and from new planting.
- Design of property is out of place.
- Green roofs, if not maintained, will become weed beds and gull nesting spot.
- Precedent for future over development.
- Privacy, light and tranquillity of neighbours will be affected.
- The size of the dwelling cannot be mitigated just through planting screening/timber privacy screen.
- Height of house exceeds houses backing onto site in Ruthven Close.
- The proposal is not replacing like for like. A good size modern bungalow could be accommodated at the top end of the site.
- Balcony will overlook neighbours.
- Will rob neighbours of views of sky, privacy in bedrooms and main living areas and create claustrophobia.
- House is ugly.
- Illustrations provided of effect on No 3 Ruthven Close, and current photos.

One letter stating no objection to the application but raising concerns regarding potential impact of builders use of Bylanes Close.

Highway Authority

The Local Highways Authority does not consider that the proposal would have and 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.

Drainage Officer

Recommend a planning condition to require submission of proposed foul and surface water drainage and means of disposal details.

Tree Officer

I've reviewed the amended landscape plan and everything is in order. I would suggest that all new planting and the retention/protection of retained trees (as per the submitted tree report) is conditioned to ensure new planting establishes and grows to maturity.

Conservation Officer

Monkton Cottage is an unlisted building situated outside the Whiteman's Green Conservation Area, at a short distance from the boundary but around the corner on Ardingly Road. Development on the site is therefore not considered to affect the setting of the Conservation Area. The site is however within the immediate setting of the London Road, Cuckfield Area of Townscape Character.

In my opinion, the loss of Monkton Cottage is regrettable and will have a negative impact on the setting of the Area of Townscape Character, although the retention of the older patterned brick outbuilding to the west of the site frontage is welcomed.

CUCKFIELD PARISH COUNCIL

Recommend rejection.

CNP1 a) this design did not respond to the heritage and distinctive character or reflect the local context of Cuckfield. The height, scale, spacing, design and materials proposed were not suitable. Also CNP1 b) the design was not sympathetic to the setting of heritage assets surrounding the site, and was out of context with the street scene. CNP1 d) Respect the natural contours of the site - too much excavation was planned to lower the house into the site, which would in turn lead to additional traffic to remove the excess soil.

Finally, CNP 7 Housing Development within the Built Up Area Boundary for the same reasons, as well as f) the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Cuckfield Parish Council did not object to development on this site, but did not think this was an appropriate design.

INTRODUCTION

This application seeks planning permission to build a new four/five bed detached house and a triple garage/car port with a revised gated access at Monkton Cottage, off Ardingly Road, in Cuckfield. The existing three bed single storey cottage located on the site would be demolished to allow for this redevelopment proposal. An existing brick store at the site entrance is shown to be retained. The site falls within the built up area of Cuckfield in an established residential area.

RELEVANT PLANNING HISTORY

Planning reference: DM/18/1253. Demolition of existing dwelling and replacement with a new five bed dwelling and garage/annexe. Refused May 2018.

Planning reference: DM/17/4843. Demolition of existing dwelling and replacement with a new 5 bed dwelling and garage/annexe. Withdrawn February 2018.

Planning reference: CU/124/79. Addition of utility room. Approved July 1979.

SITE AND ITS SURROUNDINGS

The site of this application consists of the garden area belonging to a detached cottage known as Monkton Cottage, which is located on the southern side of Ardingly Road. The garden is long and is backed onto by more modern properties located in Ruthven Close. A garden belonging to a small bungalow at Little Ruthven juts into the site on the western boundary and shares a garage/store, which straddles this boundary. The remainder of the western boundary abuts the rear garden of Rosehill, a large house sited on London Road. A long historic wall marks the garden boundary between the properties and follows the line of the designated Area of Townscape Character, which extends to the west and includes properties along London Road.

The existing garden slopes away from the bungalow and is surrounded by mature trees and hedges, which provide screening for the surrounding properties.

The cottage itself has undergone a series of additions which include flat roofed single storey additions on the eastern elevation, which are sited up to the close boarded fence on the eastern boundary adjoining an electric substation, and pitched roofed additions on the southern side lengthening the building away from the road. The property benefits from off road parking space within an enclosed yard next to the single storey cottage.

The site is within the built up area of Cuckfield and is adjacent to but not within an area of Townscape Character.

APPLICATION DETAILS

This application follows applications under planning application references DM/17/4843 and DM/18/1253 for a replacement dwelling on the plot, sited to the rear of the cottage and rear patio, see history details above.

The current proposal is for a contemporary style detached dwelling with accommodation over two split level floors. In detail the accommodation would be stepped to take advantage of the falling ground levels. The front wall of the house would be set back approximately 1.5m from the rear wall of the existing cottage on the plot. The house is sited on an S-shaped footprint mirroring the line of the western boundary which abuts the rear garden boundary of Little Ruthven.

The house would accommodate an entrance lobby, hall, toilet and bed 5/playroom with an ensuite at ground floor level, with steps down to a casual dining and kitchen, utility and boot room, then further steps to a lower level living room and dining room. On the first floor four bedrooms would be provided, two with ensuite showers with a separate bathroom. One of the largest bedrooms at the rear of the proposed house would have access to an enclosed balcony, overlooking a rear terrace.

The footprint of the proposed house would measure 16.5m in depth and a maximum width of 12m. This is comparable in footprint terms to the existing single storey cottage (which has a maximum depth of 18.5m and width of 14.5m), with the accommodation being set over a single level area.

The proposed house would be accessed from steps from the front parking and turning forecourt, formed in part over the footprint of the existing cottage. An entrance lobby sited at the northern elevation would form the front doorway of the house. A secondary doorway to the boot room on the lower ground floor would be located in the eastern elevation of the house, accessed by open steps and an external covered canopy.

The plans indicate that the vehicular access to the property would be reconfigured with a new wall set back from the pavement to Ardingly Road, new planting and a bin store area set behind this at the northern end of the garage block. The submitted street elevation shows the new front wall to be a maximum of 3m in height, reducing to approx. 2m at the double gated access.

The proposed garage/carport would measure 9.9m in width by 6.5m deep, with a flat roof a maximum of 3.2m in height. The garage would be finished with vertical timber cladding and a green roof. The existing cottage is a max of 4.7m in height, with eaves at approx. 2.2m high.

The proposed house would have brick and vertical timber clad elevations with aluminium/timber composite windows and doors, and a zinc roof with solar panels on the southern facing roof slope. Flat roofed elements are proposed on the eastern and western elevations and these are shown to have green roofs. A brick built chimney is shown on the submitted plans.

The application has been supported by detailed sections through the site to show the relative height of the existing, former refused scheme (DM/18/1253) and the proposed house in context and relative to the heights of the houses in Ruthven Close to the east and to Little Ruthven, the adjacent bungalow to the west of the site.

In addition an ecological appraisal, arboricultural survey, Sustainability Statement and Design and Access Statement have been submitted with the application. A

subsequent proposed landscape plan has been submitted during the course of determining the application.

LIST OF POLICIES

District Plan

The District Plan was adopted on 28th March 2018. As such, full weight can be given to the policies contained within. The relevant policies are:

- DP6 Settlement hierarchy
- DP21 Transport
- DP26 Character and design
- DP27 Dwelling space standards
- DP37 Trees, Woodlands and Hedgerows
- DP39 Sustainable Design and Construction
- DP41 Flood risk and drainage
- DP42 Water infrastructure and the water environment

Neighbourhood Plan

The Cuckfield Neighbourhood Plan is Made (Adopted) and the policies within the plan have full weight.

Policy CNP1 - Design of new development and conservation

Policy CNP7 - Housing development within the Built up Area boundary

Policy CNP16 - Transport impact of development

National Planning Policy Framework (NPPF) (July 2018)

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 role, a social role and an environmental role.

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

Paragraphs 8, 11, 12, 16, 47, 103, 109, 110, 157 and 163.

Development Infrastructure and Contributions: Supplementary Planning Document - July 2018

Technical housing standards - Nationally described space standard - March 2015

ASSESSMENT

The main issues in the consideration of this application are:

- Principle of residential development
- Design and impact on the character of the area
- Neighbouring amenity
- Highway access and parking
- Dwelling Space Standards
- Sustainability
- Drainage
- Trees
- Ashdown Forest; and
- Conclusion

Principle of residential 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.'

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Cuckfield Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Cuckfield, the principle of redevelopment is acceptable under Policy DP6 of the District Plan which states:

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

Also relevant in the determination of this application are Neighbourhood Policies CNP1, CNP4, CNP7 and CNP16. These policies refer to housing development within the built up area boundary of Cuckfield and supports infill development in the built up area of the village which satisfies a series of criteria.

Design and impact upon character of the area

The proposed house has been designed to stand as a detached dwelling utilising the sloping site as a split level property. The relocated house position is set back from Ardingly Road on a new footprint to the current cottage.

The existing cottage and adjacent store building are sited up to the back edge of the pavement and consequently have a strong presence in public vantage points from Ardingly Road. The white painted finish on the cottage highlights its presence in the street scene. Within the road, and surrounding the site, there are a variety of houses, which are predominantly detached, and of different styles and ages.

The existing cottage has been described as late Victorian. The Design and Access Statement states that *'the building has had a series of unsympathetic extensions to the south and east and is largely unrecognisable from its original form'*. It also states that the property is in poor general condition. No structural details have been provided to confirm that the building could not be adapted to create a sympathetically renovated dwelling on the plot. Whilst not Listed the cottage has character and to demolish it will result in the loss of an historic feature which contributes to the street scene on this section of Ardingly Road. The comments of the Conservation Officer have been sought regarding the loss of the building and are summarised at the start of the committee report and set out in full in the appendix.

The site is outside Conservation Area and is adjacent to the Area of Townscape Character, the eastern boundary of which extends along the rear garden boundaries of properties located to the west of the site which front onto London Road. The Parish Council have in their comments on this application referred to part a) of the Neighbourhood Plan Policy CNP1, which refers to new development in Conservation and Character Areas, and the need for new development to be of a high quality which responds to the heritage and distinctive character and local context. Whilst there are general principles that can be regarded as constituting sound design, on smaller proposals such as this for a replacement dwelling, the design merits of the proposal are a matter of judgement for the decision maker.

The relationship of this site and the Area of Townscape Character is visually truncated by the presence of the modern bungalow at Little Ruthven which is viewed alongside the site as seen in the immediate public vantage points of the site from Ardingly Road.

The existing store has attractive bonded brickwork and this is to be retained to enclose the proposed parking courtyard, which is to be enlarged by the demolition of the cottage. As such the historic relationship of building to roadside will be partly retained.

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

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

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

Also relevant in the determination of this application is Neighbourhood Plan Policy CNP7, which states:

'Housing development within the Cuckfield built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing outside the designated Cuckfield village centre and Whitemans Green neighbourhood centre where it meets the following criteria:

- a) The scale, height and form fit unobtrusively with the existing building, or curtilage for new dwellings, and the character of the street scene.*
- b) Spacing between buildings would respect the character of the street scene.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) Materials are compatible with the materials of the existing building.*
- e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

The proposed new house will be sited further back on the site than the existing rear wall of the cottage. This position lies further from Ardingly Road than the immediate house at No 1 Ruthven Close and the bungalow at Little Ruthven, which are the two immediate neighbouring properties to the site. The altered siting will affect the character and appearance of the street, which on the southern side of the road is dominated by a close relationship of buildings and structures to the pedestrian path.

The proposed construction materials would be contemporary, and the design of the proposed house would contrast with the surrounding buildings, which are of a mix of ages and styles. It is considered that setting the house back on the site will open up views into the site from Ardingly Road, and provide relief in the street scene. The layout of the proposed frontage will maintain a private parking yard with improved access and turning space for the new property. The submitted street scene elevation indicates that the form of the new house would not be inappropriate. The scale of the building would not impinge upon views from the street, being set down from the road level. The simple roof form would slope away in views at the front of the site and being constructed in zinc will have a muted grey appearance. This material and the proposed brick walls will blend in with the overall colour palette of the immediate area. As such the new building would not be out of keeping with the character of the wider street scene.

It is acknowledged that there is a difference in opinion between your officer and the Council's conservation officer in this case. As a matter of principle, the conservation officer is of the view that the demolition of the existing cottage is regrettable. However it should be noted that because the site is not within a Conservation Area and the property is not a listed building, planning permission would not be required for its demolition. The demolition of the building would be permitted development.

In your officers' view the applicant's agent has demonstrated that the proposed dwelling would fit in with the surrounds of the plot, and in design terms has been significantly reduced in scale, height and bulk to the earlier proposal for a more traditional house on the plot, under refused application DM/18/1253.

It is considered that the proposal would comply with the aims of Policy DP26 of the District Plan and Neighbourhood Policy CNP7.

Neighbouring amenity

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

The introduction of a new house on this site will have implications for the amenities of the occupiers of a number of surrounding properties located on Ardingly Road, in Ruthven Close and off London Road. The existing rear garden of Monkton Cottage provides a large open space which is visible from and provides a gap in the development layout for many nearby dwellings, some of which have greater private amenity spaces than others. The site is backed onto by the rear gardens of four

detached two storey properties located in Ruthven Close, these houses being sited on lower land. The application has been accompanied by sections to show the relative heights on the proposed building on the site and these neighbouring properties.

The site is also currently overlooked by the rear amenity space belonging to Little Ruthven, by virtue of the staggered boundary line at this point on the western side of the site and the higher level that the property occupies. The substantial grounds of Rosehill also provide a wide space in the building layouts, which allow views from that property over the rear garden of Monkton Cottage. These relationships provide the residents with a sense of space that the proposed house and garage block siting will affect. As such the re-siting of the property has caused significant and numerous neighbouring objections.

Details of the trees to be retained on the site and new landscaping have been provided on a Proposed Landscaping Plan, and would include new tree planting on the eastern boundaries, the site frontage and along the western boundary. A new 2m high boundary fence is proposed to provide privacy from the rear garden of Little Ruthven.

It is considered that the proximity and layout of the proposed house has been reassessed from the last application with consideration given to the privacy and quiet enjoyment of the rear garden of the nearest property at Little Ruthven.

The proposed garage is now a single storey building and the addition of new natural screening and new fencing on the western boundary will protect the residential amenities of the occupiers of that property.

There is no planning right to a view. Whilst currently the amenity of the immediate neighbours is protected by the presence of the existing low level bungalow to the front of the site the proposal is not considered unacceptable and the principle of relocating the footprint of the dwelling is accepted. The original back walls of the immediate houses on Ruthven Close are sited between 11.5m and 15m from the eastern site boundary, No 3 being closer due to the addition of a conservatory, within approx. 8m of the same boundary. Due to the differing land level cross sections have been provided in support of the application. These show the natural land level differences between the site and its near neighbours. The proximity of the new house to these dwellings change the relationship between the residential properties, but the main garden space and terrace is to the rear of the new property. The first floor balcony has been designed to be recessed to avoid overlooking into the rear gardens of these houses.

The eastern elevation of the proposed house is sited a minimum of 7.2 m and a maximum of 7.5m from the eastern boundary and would contain two obscure glazed first floor windows, one being a secondary bedroom window, and one an ensuite window. It is appreciated that the size of the new dwelling could be occupied by a family and this may cause a more intensive use than that of the existing three bed bungalow, which it is understood is occupied only by the applicant. Nevertheless this is not a reason to refuse the proposed replacement dwelling, which is more appropriately positioned on the site for a family dwelling.

On the western elevation similar consideration has been given to the placement and form of the proposed windows in the new dwelling. A long window serving the hall and dining areas is annotated to be obscure glazed and another lower ground floor window is shown to be of a high level design. It is considered that these windows will not unduly affect the privacy of the immediate neighbours. Amended plans have been received to show the east and west elevations correctly annotated.

As such it is considered that the proposal would not cause a significant detrimental impact in terms of overlooking, loss of privacy and a loss of outlook to the neighbours, particularly those located in closer proximity around the periphery of the site. As such the proposal would accord with District Plan Policy DP26 or the requirements of Policy CNP7 of the Neighbourhood Plan.

Highway access and parking

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

The site is within the built up area of Cuckfield and is within easy walking distance of the village facilities, and not far from bus stops located on London Road.

The Highways Authority has considered the application and considers there are no transport grounds to resist the proposal. It is considered that the provision of the proposed parking arrangements will maintain off road traffic parking for the site and improve the access safety, providing the garage use is restricted and the on site turning and parking provisions are provided. As such it is considered that the proposal would comply with the objectives of District Plan Policy DP21 and Policy CNP16 in the Neighbourhood Plan.

Dwelling 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, 5 bed dwelling could accommodate between 4 and 8 people, requiring between 110 to 128 square metres of internal floor space, with a built in storage area of 3.5 square metres. With a stated footprint area of 226 square metres the house comfortably exceeds the minimum requirements. The scheme therefore accords with District Plan Policy DP27 and the National Space Standards.

Sustainability

Paragraph 153 of the NPPF states:

'In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

A Sustainability Statement has been submitted with the application. It states that the replacement proposal *'provides the opportunity to address serious limitation of the existing building and to create a new low energy family home which will be more sustainable into the future.'* The proposal will have solar panels, low energy heat source (air source Heat Pump), with whole house mechanical heat recovery and ventilation, solar gain, low energy LED lighting, high levels of insulation and local Freshfield Lane bricks will be used to reduce delivery distances. Also rainwater harvesting for garden use and water efficient taps, showers and cisterns are proposed.

In addition, the development is situated in a sustainable location close to the village centre, Haywards Heath and public transport.

It is considered that the proposal complies with the relevant criteria Policy DP39 of the District Plan and the requirements of the NPPF, and consequently the proposal is considered to be acceptable in sustainability terms.

Drainage

Policy DP41 of the Mid Sussex District Plan seeks to ensure that developments can be satisfactorily drained. The Councils' Drainage Officer has raised no objections to the proposal subject to conditions requiring the submission of surface water and foul water drainage details before development commences on the site. Subject to this condition the proposal would comply with the above policy.

Trees

The application has been considered by the Councils Tree Officer as the proposal involves the removal of some mature cypress trees on the eastern site boundary. These trees (G2) have been classified (B), but are shown to be felled to allow for the development. A Silver Birch tree (T5) is shown to be retained and is classified as a (B). Both G2 & T5 can be seen from outside the site, and form screening for the neighbouring residents.

Whilst the Lawson cypress trees are tall, they are sited very close to the electric substation and are not native species. The retention of the Silver birch is considered of benefit to the local residents and to the occupier of the site.

The neighbours have identified that a number of trees were felled on the site last year, but such felling can be undertaken on the site without the need for permission and as such the verdant appearance of the site and the character of the area, has already been altered.

The proposed landscaping proposals have been considered by the Council's Tree Officer and the new planting is considered appropriate to this site. Over time the new planting will serve to enhance the character and appearance of the site and provide new screening for the residents of the area. Consequently this application would accord with District Plan Policy DP37.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

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

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

As the proposal is a one for one replacement dwelling 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

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

As the site is within the built up area and the proposal is for a one for one replacement of a residential dwelling, the principle of the development is acceptable. It is not considered that there would be a significant adverse impact on the amenities of neighbouring occupiers from the development. It is considered the development would have an acceptable impact on the character and appearance of the area.

In light of the above it is considered that the proposal would accord with Policies DP6, DP21, DP26, DP27, DP37, DP39, DP41 and DP42 of the District Plan and

Policies CNP1 and CNP7 of the Cuckfield Neighbourhood Plan. The application is therefore 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.

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 unless and until samples of materials and finishes to be used for external walls, roofs and fenestration 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 CNP1 and CNP7 of the Cuckfield Neighbourhood Plan. This pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period.

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 dwelling shall not be occupied 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 and Policy DP41 of the District Plan (2014 - 2031) and Policy CNP1 of the Cuckfield Neighbourhood Plan.

5. The existing trees and boundary vegetation shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees and boundary vegetation 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 and 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 and Policy CNP1 of the Cuckfield Neighbourhood Plan.

6. Prior to the commencement of construction of any dwelling or 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 DP37 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Cuckfield Neighbourhood Plan.

7. 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 method (including proposed times) for 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 and Policies DP21 and DP26 of the Mid Sussex District Plan.

8. 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 to accord with District Plan Policy DP21.

9. The garage building shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the property as a dwelling and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity, highway safety and sustainability to accord with District Plan Policy DP21.

10. The development shall be carried out to accord with the details of the submitted Preliminary Ecological Appraisal by PJC Consultancy ref 3564AO/17, dated 3rd July 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the biodiversity on the site and in accordance with Policy DP38 of the District Plan.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fumes and to accord with Policy B26 of the Mid Sussex District Plan.

12. The existing house on the site, known as Monkton Cottage, Ardingly Road, Cuckfield shall be demolished and all the debris removed from the site on commencement of the development of the new house to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing.

Reason: In order to control the development in detail and to accord with Policy DP26 of the Mid Sussex District Plan.

13. The photovoltaic cell units shall be set flush into the new roofline.

Reason: In the interest of amenity and to accord with District Plan Policy DP26.

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

Reason: To prevent the overdevelopment of the site and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

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

Accordingly, you are requested that:

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

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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
Landscaping Details	593/117		05.12.2018
Location Plan	593/101	-	30.10.2018
Block Plan	593/102	-	30.10.2018
Existing Floor Plans	593/103	-	30.10.2018
Existing Elevations	593/104	-	30.10.2018
Proposed Site Plan	593/105	-	30.10.2018
Proposed Floor Plans	593/106	-	30.10.2018
Proposed Floor Plans	593/107	-	30.10.2018
Proposed Elevations	593/108	A	14.12.2018
Proposed Elevations	593/109	A	14.12.2018
Proposed Floor and Elevations Plan	593/110	-	30.10.2018
Proposed Floor and Elevations Plan	593/111	-	30.10.2018
Proposed Sections	593/112	A	05.12.2018
Proposed Visual	593/113	-	30.10.2018
Proposed Visual	593/114	-	30.10.2018
Proposed Elevations	593/115	-	30.10.2018
Proposed Sections	593/116		30.10.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommend rejection.

CNP1 a) this design did not respond to the heritage and distinctive character or reflect the local context of Cuckfield. The height, scale, spacing, design and materials proposed were not suitable. Also CNP1 b) the design was not sympathetic to the setting of heritage assets surrounding the site, and was out of context with the street scene. CNP1 d) Respect the natural contours of the site ' too much excavation was planned to lower the house into the site, which would in turn lead to additional traffic to remove the excess soil.

Finally, CNP 7 Housing Development within the Built Up Area Boundary for the same reasons, as well as f) the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Cuckfield Parish Council did not object to development on this site, but did not think this was an appropriate design.

Highway Authority

West Sussex County Council was last consulted on Highway Matters for this location under planning application DM/18/1253 for a similar proposal. No highways concerns were raised, the application was refused on other policy grounds.

This application seeks the demolition of Monkton Cottage, Ardingly Road, Lindfield and replacement with a new 5 bed dwelling and garage/annexe. The principle of this application would not be considered to result in any material vehicular intensification of use at the site and therefore no highways concerns would be raised to the principle of this development.

No changes are to be made to the existing access point into the site, however due to the relocation of the dwellings footprint visibility onto Ardingly Road will be improved.

The propose parking and turning arrangements would be considered acceptable to meet the needs of the development. The proposed triple garage is appropriately sized to also accommodate cycles.

The Local Highways Authority does not consider that the proposal would have and 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.

Recommend conditions restricting garage use and to ensure vehicle turning and parking provisions are made on the site.

Drainage Engineer

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development 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.

It is proposed that the development will manage surface water drainage through the use of a soakaway. It is proposed that the development will discharge into the existing foul water sewer.

We advise that the ground conditions will likely be clay and have poor percolation properties. As such the use of soakaways may not be suitable on site.

Planning condition recommended to require submission of proposed foul and surface water drainage and means of disposal details.

Tree Officer

Further to reviewing the submitted AIA/AMS report that accompanies this application all of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837. The RPA of each tree has been calculated and displayed on the plan provided. The site currently has no trees subject to TPOs and is not within a Conservation Area. Several trees (G1- G2-T3-T4-T6-T7) are to be removed to facilitate the development. One group (G1) and two trees (T3 &T4) recommended for removal have been classified grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. Removal of moderate/high quality trees (Grade B or above) is a significant loss and should be replaced, like for like, as close to the original position as possible. I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required.

Protection measures for retained trees have been detailed within the submitted AMS report, including: Construction Exclusion Zones using suitable fencing/signage and ground protection within the RPA of T5. Good working practices while excavating within the RPA of T5 (sympathetic treatment of disturbed roots etc.) have also been addressed within the AMS. All of the above is suitable and in accordance with BS 5837. There is concern over the removal of trees that are currently acting as an effective screen between the applicant and adjacent properties. Consequently a full landscape plan should be submitted with detail of what species of trees are to be planted and where, as to replace any trees that are currently screening the property. As the areas for replanting are quite narrow, I would suggest that native broadleaves are not suitable. A mixture of smaller native trees and evergreens would be more appropriate, such as: Holly, Yew, Juniper, Hazel, Hawthorn and Holm Oak (where space permits). Using these species would mean the trees are more manageable and will provide an all year round screen. In conclusion, I do not object to the development in principle and would likely support the application subject to the receipt of the above mentioned replanting detail/landscape plan.

Further comments: I've reviewed the amended landscape plan and everything is in order. The applicant has included some additional evergreen native screen planting. If this new planting along with the retained trees on site are maintained and grow to maturity, the site will be relatively well screened. Consequently, I would suggest that all new planting and the retention/protection of retained trees (as per the submitted tree report) is conditioned to ensure new planting establishes and grows to maturity.

Conservation Officer

Monkton Cottage is an unlisted building situated outside the Whiteman's Green Conservation Area, at a short distance from the boundary but around the corner on Ardingly Road. Development on the site is therefore not considered to affect the setting of the Conservation Area. The site is however within the immediate setting of the London Road, Cuckfield Area of Townscape Character, and there a number of buildings within the vicinity which are of some merit including the late 19th/early 20th century cottages diagonally opposite the site, and the 19th century villas along the adjacent London Road frontage.

On the site itself is a single storey 19th century building faced with patterned red brick and burnt headers which makes a positive contribution to the character of the street scene and the setting of the area of townscape character, the boundary of which is immediately adjacent to the site. Also on the site is an apparently later late 19th or early 20th century single storey building which is of painted brick with a tiled roof. This is Monkton Cottage itself, and has been extended and altered. It retains some character derived mainly from its modest scale and varied roofscape of intersecting gabled roofs and brick built chimneys.

The current proposal is for the demolition of Monkton Cottage and the erection of a two storey detached house with detached three bay garage. The house is in a contemporary style with juxtaposed monopitch and flat roofs, and a variety of fenestration including clerestory windows across the front elevation at first floor level and to the rear a projecting oriel window at first floor. The proposed garage which is to the front of the site is of timber cladding above a brick plinth and has a flat green roof.

In my opinion, the loss of Monkton Cottage is regrettable and will have a negative impact on the setting of the Area of Townscape Character, although the retention of the older patterned brick outbuilding to the west of the site frontage is welcomed.

It is unfortunate that street scene elevations have not been submitted with the application, as these would have better illustrated the impact of the proposal on the setting of the Area of Townscape Character. I do have some concerns regarding the proposed site plan, placing

the garage at the front of the site, and the design of the proposed new house, which shows little in the way of a contextual approach and lacks the character of the existing building on the site, which relates well to the buildings on the opposite side of the road and on the London Road frontage. The proposal therefore fails to make the same positive contribution to the setting of the Area of Townscape Character as Monkton Cottage. In my opinion the proposal therefore fails to meet the requirements of District Plan Policy DP26 which requires development to protect valued townscapes.