

MID SUSSEX DISTRICT COUNCIL

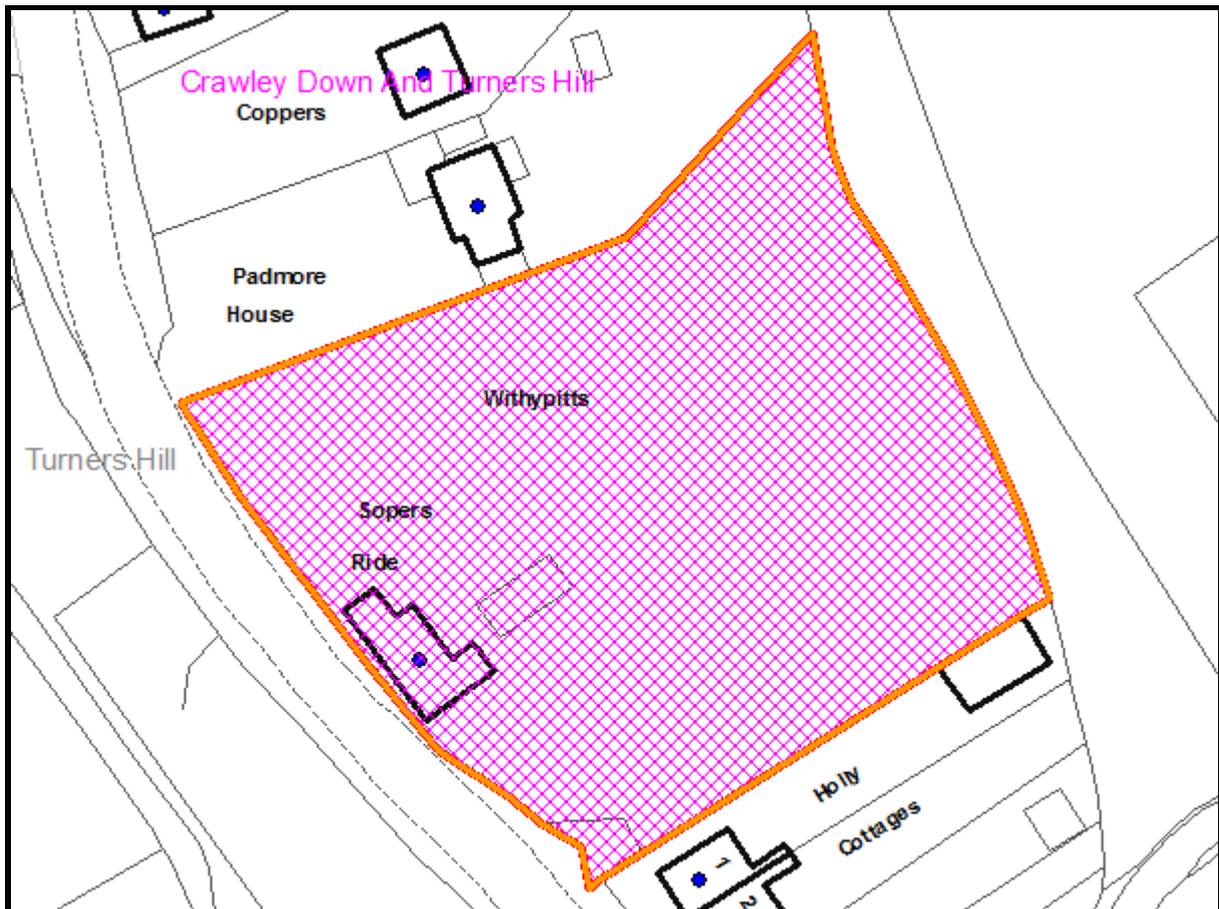
Planning Committee B

31 JAN 2019

RECOMMENDED FOR PERMISSION

Turners Hill

DM/18/4540



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**SOPERS RIDE SELSFIELD ROAD TURNERS HILL CRAWLEY
PROPOSED DEMOLITION OF EXISTING DWELLING AND OUTBUILDING
FOR THE CONSTRUCTION OF NINE RESIDENTIAL DWELLINGS WITH
PARKING AND ASSOCIATED LANDSCAPING.
GREENPLAN DESIGNER HOMES (TURNERS HILL)**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 17th April 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Bruce Forbes / Cllr Neville Walker /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of the existing dwelling and outbuilding and the construction of nine residential dwellings with parking and associated landscaping at Sopers Ride, Turners Hill Road, Turners Hill.

The dwelling and buildings have been demolished and the site has been cleared. Planning permission was recently granted for the erection of 6 dwellings on this site (DM/17/4009).

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of Turners Hill and results in the formation of 9 residential units. The proposed design and scale of the development is considered acceptable, and will not cause harm to the character and appearance of the locality or to the street scene. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of

light. Moreover, the proposal is considered not to cause harm in terms of parking or highway safety.

The site is within a Settlement 3 Category of a medium village providing essential services for the needs of their own residents, and is therefore considered to be a suitable and sustainable location for residential development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP37, DP38 and DP41 of the District Plan and policies THP3, THP4 and THP7 of the Turners Hill Neighbourhood Plan, and paras 8, 108, 124, 127 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure and Ashdown Forest mitigation payments by the 31st April 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways Authority

No objection subject to conditions.

WSCC County Planning Officer

S106 Contributions:

Education: Primary - £22,830
Education: Secondary - £24,570
Education: 6th Form - £5,757
Libraries - £2,679
TAD - £29,455

MSDC Housing

No on site affordable housing or contribution required.

MSDC Leisure

S106 Contributions:

CHILDRENS PLAYING SPACE - £11,624
FORMAL SPORT - £9,357
COMMUNITY BUILDINGS - £5,366

MSDC Drainage

No objection subject to a condition.

MSDC Tree Officer

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land Officer

No comment.

MSDC Street Name & Numbering

Informative.

TURNERS HILL PARISH COUNCIL

The Parish Council supports this planning application. However, we would like to request that a condition is placed on the flats stating they will remain as one bed apartments and the garage will not be converted into living accommodation to then form a house.

INTRODUCTION

Planning permission is sought for the demolition of the existing dwelling and outbuilding and the construction of nine residential dwellings with parking and associated landscaping at Sopers Ride, Turners Hill Road, Turners Hill. The dwelling and outbuildings have been demolished and the site has been cleared.

RELEVANT PLANNING HISTORY

Planning permission was refused under reference 02/01283/FUL for the formation of 10 houses. This was appealed; however, the Inspector dismissed the appeal on the 10th July 2003 for a number of reasons. These relate to:

- a) the impact to the character and appearance of the area which would give rise to an ill-fitting development with the appearance of being out of place and wholly inappropriate for its setting;
- b) the effect on the living conditions of nearby residents of Holly Cottages and Padmore House;
- c) the impact to the character of the area through the formation of road improvements for an acceptable visibility splay which would have a harmful effect on the character and appearance of the area.

Planning permission was refused in February 2003 under reference 03/00016/FUL for the redevelopment of the site comprising of 10 no. houses. This was refused for the following reasons:

- a) the development would constitute an undesirable intensification of residential development at a density and layout that would be out of keeping and detract from the rural character and setting environment quality of the village;
- b) the proposal would constitute an unsatisfactory form of development which would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties;
- c) the works required to form a satisfactory access to the proposed development would detract seriously from the present character and visual amenities of the area; and
- d) the proposal does not make provision for adequate visibility at the junction of the access/road with the public highway.

An application was submitted under reference DM/16/0668 for the demolition of the existing dwelling and outbuildings and to construct five detached residential dwellings with parking and new access. This was withdrawn following discussions with the case officer due to concerns in relation to proposed layout, neighbouring amenity for future occupiers of the development, mix of the units and the level of car parking proposed.

Outline planning permission was granted under reference DM/16/3280 for the approval of access, landscaping, layout and scale, for the demolition of an existing dwelling and outbuilding and the construction of five residential dwellings with parking and new access.

More recently planning permission was granted by Members at Planning Committee B in November 2017 under reference DM/17/4009 for the demolition of the existing dwelling and outbuilding and the construction of six residential dwellings with parking and updated access. The site has now been cleared and the dwelling and outbuilding demolished.

Subsequent to this approval, an application under reference DM/18/3854 was approved to vary condition 2 to update the approved plans of application DM/17/4009, to enable minor amendments to the approved elevations and floor plans to accommodate revised internal layouts, external design and materials of the dwellings.

SITE AND SURROUNDINGS

The site is located on the eastern side of Selsfield Road at the southern edge of Turners Hill village, surrounded by the High Weald Area of Outstanding Natural Beauty.

The site has been cleared and there are hoardings around the frontage of the site. Land levels change across the site.

The previous house which has been demolished sat close to the boundary with the highway and prior to its demolition was in a state of disrepair with tile hanging to the front elevation missing. On all boundaries is vegetation with trees on the northern boundary and dense hedging on the southern side boundary. Beyond the rear of the site are fields.

Adjacent to the site are residential dwellings of varying character and age forming linear ribbon development along the highway with off road parking.

Turners Hill Road is a classified road at this point the speed limit is 30 mph. The speed limit changes to 40mph a short distance south of the proposed access. Opposite the site is a narrow footway linking the site and other properties set to the south of with the village.

In terms of planning policy the site falls within the built up area and is adjacent to the High Weald Area of Outstanding Natural Beauty, as defined by the Mid Sussex District Plan and the Turners Hill Neighbourhood Plan.

APPLICATION DETAILS

The proposed development is for a total of 9 dwellings comprising of 2 no 4-bed detached dwellings, 4no 3-bed semi-detached dwellings and 3no 1-bed flats which are to be situated over the garages at the rear of the site.

The properties are to be set back from Selsfield Road and be of a staggered nature with a path to the front doors of the dwellings and landscaping to the front boundary. To the rear each dwelling is to have a long rear private garden leading onto an area of hardstanding / turning for car parking providing 26 off road car parking spaces. Each unit is to benefit from a covered parking space within the detached 3-bay garaging to the rear of the site as well as allocated parking spaces for each unit.

Plot 1 is to have a barn hipped roof with front projecting and a rear projecting elements. In addition plot 2 is to have a gable roof with front and rear projecting elements. Both properties are to have canopy porches. These units are to measure some 7.19 metres in width, 10.56 metres in depth, with an eaves height of some 4.95 metres and an overall ridge height of some 8.9 metres. These dwellings are to comprise of a kitchen/dining/family room; utility, living room and toilet at ground floor with 3no double bedrooms with a jack and jill en-suite, a family bathroom and study at first floor and a master bedroom, en- suite and dressing room within the roof. The dwellings are to be brick built with a tiled roof. There would be a large glazed window to the rear roof pitch with 3no rooflights to the south-eastern (side) elevation.

The semi-detached units (plots 3-6) are to measure some 12 metres in width, 10.56 metres in depth, with an eaves height of some 4.95 metres and an overall ridge height of some 9 metres. To the front elevations are to be canopy porches. These dwellings are to comprise of a kitchen/dining room; living room and toilet at ground floor with 2no double bedrooms, a family bathroom and study at first floor to plots 3 and 5 and 2 double bedrooms one with an en-suite and a dressing room and a family bathroom at first floor for units 4 and 6; with a bedroom and dressing area (with plots 3 and 5 having en-suites) as well as a store area within the roof. The dwellings are to be brick built with a tiled roof and tile hanging on the first floor front elevation of plots 3, 4 and 5. In addition, to the front elevation of units 4 and 6 are to be two pitched roof dormer windows which are to be subordinate to the main ridge line and measure some 1.2 metres in width, 1 metre in depth, with an eaves height of some 1 metre and an overall ridge height of some 1.95 metres. To the rear elevations of each of these units is to be a rooflight with a rooflight to the south-eastern side roof of the front projecting element serving plots 3 and 5.

Unit 6 is to be set close to the access road to serve the development. On the boundary with this rear garden and the access road is to be a 1.8 metre high wall.

To the rear of the site are to be 3no detached 3-bay garages with 1-bed units above. These are located in the same position to that considered in the earlier schemes which were for 3no 4-bay garages. The proposed garages are to measure some 11.69 metres in length, 7.7 metres in depth with an eaves height of some 3.2 metres and an overall ridge height of some 6.5 metres. These are to be constructed in brick with a barn hipped roof. To the front elevation are to be 3no garage doors with an entrance door providing access to the roofspace of garaging. Within this roofspace is

to be a 1bed unit providing an open plan kitchen, dining and living area with a double bedroom, bathroom and study area. To the front elevation are to be 3no rooflights with two pitched roof dormer windows to the rear elevation set below the ridge line. These dormers are to measure 2.5 metres in width, 1 metres in depth, with an eaves height of some 1.3 metres and an overall ridge height of some 2.5 metres.

A total of 26 parking spaces and 15 cycle spaces are proposed to the rear of the site with 9 covered spaces within the garaging (1 for each unit) and the other spaces set within the site. In addition an external bin store is proposed within the communal area of hardstanding.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP4 - Housing

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

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

DP20 - Securing Infrastructure

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP41 - Flood Risk and Drainage

Turners Hill Neighbourhood Plan

The Neighbourhood Plan for Turners Hill was 'made' in March 2016. It forms part of the development plan with full weight.

Relevant policies include:

THP3 - New Homes Parking

THP4 - New Homes

THP7 - Building Extensions & Infill Development

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are an

economic, social and environmental objective. This means seeking to help build a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to contribute to protecting and enhancing the natural, built and historic environment.

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

Para 38 states that '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.'

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning Practice Guidance

Technical Housing Standards

ASSESSMENT

The main issues for consideration are:

- the principle of the development;
- the impact to the character of the area;
- the impact to the amenities of surrounding occupiers;
- the impact to highways safety and parking provision;
- sustainability;
- dwelling space standards;
- infrastructure;
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of development

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

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

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

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

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

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

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

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Turners Hill Neighbourhood Plan (2016).

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 Turners Hill, the principle of additional windfall housing development is considered 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.'

Policies THP4 and THP7 of the Turners Hill Neighbourhood Plan are also considered to be relevant. These are permissive policies for housing development in this location subject to a number of criteria including that the design of new homes must take into account the character and style of buildings in the Parish; and the scale, height and form fit unobtrusively with the surrounding buildings and the character of the street scene.

The principle of the development is thus considered to be acceptable in policy terms.

Design and Impact on Character and Appearance of Area

Policy DP26 of the District Plan deals with design matters and states the following;

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy THP4 of the Neighbourhood Plan relates to new homes and requires the design of new homes to take into account the character and style of buildings in the Parish.

A similar ethos to DP26 of the District Plan is found within Policy THP7 of the Neighbourhood Plan which relates to building extensions and infill development. Amongst other criteria, this policy requires the scale, height and form of developments to fit unobtrusively with the surrounding buildings and the character of the street scene taking into account the guidance of the adopted Village Design Statement; spacing between buildings to respect the character of the street scene and that materials are compatible with the materials of the existing building where applicable, and adjoining properties in all circumstances.

Para 124 of the NPPF seeks the creation of high quality buildings and states that *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

In addition, para 127 of the NPPF requires developments to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'* and to also be *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*.

The original property formed a linear development along Turners Hill Road and the site is surrounded by properties on either side of the road. The former dwelling was

not isolated and was seen in context with other dwellings. The proposed units are to be set back from the highway by a minimum of some 4.8 metres and a maximum of some 9 metres, with a pedestrian path to provide access to the front of the properties and hedging close to the boundary with the highway to soften the development. It is considered that the redevelopment of the site with 9 dwellings of a staggered linear nature and units to the rear above garaging is not considered to cause detriment to the character of the area and would respect the street scene.

The dwellings are to be brick with tiled roofs with the semi-detached units having brick elevations with tile hanging to the first floor elevations with front and rear pitched elements and small pitched roof dormer windows to the front elevation and rooflights to the rear. Due to the sloping nature of Selsfield Road, the dwellings are to be staggered in height being higher than Padmore House to the north and lower than 1 Holly Cottages to the south. The design, scale and materials of the dwellings are sensitive to the character of the area and will not detract from the street scene.

To the rear of the site are to be 3 triple garages each with 1-bed units above as well as hardstanding and vehicular access to serve the development. Whilst the surrounding area has hardstanding to the sides of dwellings, and not to the rear, it is not considered that this surfacing would cause significant detriment to the character of the area. There is to be landscaping on the boundaries of the site and within the site to mitigate the impact of this surfacing.

The principle of the position of the detached garaging to the rear of the site has already been accepted under the 2017 permission. This application now seeks for 1-bed units above the garaging to provide additional accommodation. This would result in the formation of an entrance door and 3 rooflights to the front elevation of the buildings with 2no pitched roof dormer windows to the rear facing onto fields. It is considered that whilst the dormers are larger than the requirements of the Councils Dormer Design Guidance that they sit comfortably within the roofslope, set down from the ridge line. It is considered that these units sit comfortably within the site and are of a sensitive design to the rest of the development.

The site lies directly adjacent to the High Weald Area of Outstanding Natural Beauty which is to the north-east boundary and to the south-west on the opposite side of the highway. Paragraph 172 of the NPPF states that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*' Permission has previously been granted for the redevelopment of the site for 6 units with three detached 4 bay carports to the rear of the site. It is considered that the introduction of 3no. 1-bed units to the rear of the site creating flats over garaging would not result in further harm to the character and appearance of the area. The development would continue the linear pattern of the surrounding residential development, and the vegetative boundary of the site would seek to soften the appearance of the development. The proposal is therefore considered to conserve the natural beauty of the surrounding landscape.

The proposal is thereby considered to comply with policies DP26 of the District Plan, policies THP4 and THP7 of the Neighbourhood Plan and paras 124 and 127 of the NPPF.

Residential Amenity

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

The test, as set out under policy THP7 of the Turners Hill Neighbourhood Plan requires the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed siting of the dwellings being set forward within the site of a staggered nature and the proposed relationship with neighbouring dwellings of 1 Holly Cottages to the south and Padmore House to the north is considered acceptable.

1 Holly Cottages is set away from plot 6 with the access into the site being between the side walls of the proposed plot 6 and this existing neighbour. 1 Holly Cottages is set at a higher level than the application site with one side window within the roof space. The existing hedging on this boundary is to be retained in order to soften the appearance of the development. Due to the side to side relationship of these units, it is not considered that the proposed development would result in an unneighbourly impact to the amenities of this occupier.

Padmore House is set further rearwards in the site to the existing dwelling of Sopers Ride and at a lower level. The proposed development is to be set forward of this neighbour and at a higher level. Plot 1 is to be set off the shared boundary with this neighbour by a minimum of some 2 metres and forward of this neighbour by some 11 metres. On this boundary some tree screening is to be retained which would mitigate the impacts of the development. Whilst there would be views towards this property from Plot 1, these would be oblique angles. Due to the screening on the boundary and the distance between the units, it is not considered that this would result in significant overlooking to the front of the neighbouring property Padmore House.

The relationship between each dwelling are considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

With regards to the flats above the garaging, due to their rearward positioning and rooflights to the front elevations, it is not considered that these would result in an impact to neighbouring amenity through overlooking or an overbearing impact. Whilst there are to be two dormers to the rear roofslope these are to provide views over fields.

The Council's Environmental Protection Officer has requested a soundproofing condition to protect the amenities of future occupiers of the dwellings from noise generated from the road and other external sources due to the proximity of the dwellings with Turners Hill Road which is classified as a 'B' road (B2028). Selsfield Road is the main road through the village, and the highway it is not deemed a 'major' highway such as a dual carriageway or motorway. The Environmental Protection Officer considers that a soundproofing condition is required as the application is located close to a busy road and bus route which raises concerns over the level of noise generated. Whilst these concerns are noted, it is considered that there is no evidence to justify such a soundproofing condition and therefore it does not meet the 6 tests of the Use of Planning Conditions as set out in the NPPG. In addition, building regulations would require necessary soundproofing under Part E (Resistance to the passage of sound) and is therefore controlled outside of planning legislation. Such a condition is not imposed on the current permission for six dwellings on this site and thus would be considered unreasonable.

In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms and complies with policy DP26 of the District Plan and policies THP4 and THP7 of the Neighbourhood Plan.

Highway Safety and Parking Provision

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

Policy THP3 in the Neighbourhood Plan sets out minimum levels of off street parking (including garages) in new development. This requires 3+bed units to provide 1 on-plot car parking space per bedroom.

Paragraph 108 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.'*

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

The proposal would provide 2 parking spaces to each of the 1-bed units, 3 parking spaces to each of the 3-bed units and 4 parking spaces to each of the 4-bed units. This would be in the form of 1 covered parking within the garaging and off-road parking spaces set to the rear of the site. As such, the proposal will provide 26 on-

site parking spaces with 15 cycle parking spaces. The application is considered to comply with policy THP3 of the Neighbourhood Plan in respect of the provision of parking.

As set out in the Transport Technical Note which accompanies the application, the proposal is to provide a pedestrian crossing across Selsfield Road as per previously approved in the 2017 application in order to improve accessibility of the site. In addition it is proposed to improve the 'gateway' feature located to the south of the development along Selsfield Road highlighting the entrance to the village and the change in the speed limit to encourage drivers to adhere to the speed limit in the village.

The Highways Authority has considered the proposal and raises no objection. They state that in *'terms of this current proposal the number of dwellings has been increased from 6 to 9. An increase of 3 dwellings using the proposed access or the local road network is not expected to give rise to a significant level of trips to generate a highway capacity concern.'* In addition they state that the *'only other change is to the alignment of the internal access road. This has been straightened. Access width and visibility splays are unaffected. The previously proposed pedestrian access and crossing proposals remain unchanged.'*

The site is in a sustainable location with good pedestrian access to the village and local services and bus stops.

Consequently the application is deemed to comply with policy DP21 of the District Plan, policy THP3 of the Neighbourhood Plan and para 108 of the NPPF.

Sustainability

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.'*

In addition, policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

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

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

A Sustainability Statement has been submitted as part of the application. This sets out that the scheme proposes a number of energy efficient and sustainability measures including water efficient toilets, low-flow aerated taps, low energy lighting throughout the buildings, local materials sourced where possible, provision of high standard thermal performance which meets or exceeds the current building regulation standards.

The development is situated in a sustainable location within walking distance of the village centre accessed by a pedestrian path and close to a bus stop.

Therefore, it is considered that the proposal complies with policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires *'For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.'*

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

The Council's Drainage Engineer has been consulted on the scheme and has no objection to the application subject a condition in respect of details of the proposed foul and surface water drainage and means of disposal.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Ecology

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

Policy DP38 of the District Plan refers to biodiversity and seeks to protect and enhance biodiversity.

Paragraph 175 of the National Planning Policy Framework states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The application has been accompanied by an Ecological Appraisal and a Bat Survey Report. Both of these have been updated following the submission of the previous approved application. The report concludes that there were no bats roosting within the buildings; however they do use the site the site for foraging and commuting. A number of mitigation measures have been proposed to ensure there are no significant impacts on wildlife including bat tubes and bat boxes as well as creation of log piles to maintain a deadwood habitat within the application site.

The Council's Ecology Consultant has considered the application and raised no objection subject to a condition requiring a construction method statement setting out the practical measures required to implement the recommendation given in the supporting ecology reports.

It is thereby considered that the application complies with policy DP38 of the District Plan and para 175 of the NPPF.

Dwelling Space Standards

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

The units exceed the National Dwelling Space Standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure to mitigate the impact of development on existing infrastructure and the monies identified will mitigate these impacts. It sets out that infrastructure contributions will be secured through the use of planning obligations.

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

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

Due to the number of units provided and the cumulative gross floorspace of the units, the proposal does not require affordable housing contributions as set out in Policy DP31 of the District Plan.

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

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Education: Primary - £22,830
Education: Secondary - £24,570
Education: 6th Form - £5,757
Libraries - £2,679
TAD - £29,455

District Council Contributions

Children's playing space - £11,624
Formal Sport - £9,357
Community Buildings - £5,366
Local Community Infrastructure - £5,947

It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

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

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC).

Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £4,212 (previously paid part of SAMM under DM/17/4009) and if the approved scheme provides for a strategic SANG contribution, this would be £11,455.

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

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

The financial contribution to SAMM is to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition.

The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. The financial contribution towards the strategic SANG is secured through a legal agreement pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This legal agreement is not subject to the pooling restrictions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise

and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition **requiring** a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the

absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.

4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

The Planning Obligation securing the SAMM contribution is being progressed, and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP15 of the Mid Sussex District Plan.

Ashdown Forest Atmospheric Pollution

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

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

The screening assessment concludes that there would be no likely significant effect on the Ashdown Forest SPA and SAC from the proposed development. Since the proposed new development is not considered to have a likely significant effect alone on the Ashdown Forest SPA and SAC, there is also unlikely to be an in combination effect.

Other matters

Whilst the Parish Council supports the application, they have requested a condition on the flats to remain 1-bed unit and the garaging not to be converted. This concern is noted. A planning application would be required to convert the garaging due to a condition 15 set out in Appendix A which requires the vehicle parking and turning spaces to be retained for their designated use.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site lies in the built up area of Turners Hill. The redevelopment of the site for 9 residential units with off road parking is considered to be sensitive in design and scale to the character of the area and will not detract from the street scene. It is considered that the proposed dwellings would not cause significant harm to the living conditions of existing or future residents on adjacent land. Whilst the site is within a Settlement 3 Category it is in a relatively sustainable location within walking distance of a bus stop and local services and the primary school. The site is therefore considered to be a suitable and sustainable location for residential development.

The proposal will provide minor but positive social and economic benefits through the delivery of a 9 additional dwellings in the built up area of Turners Hill within a sustainable location which reflects one of the key objectives of the NPPF. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of highway safety and parking provision, space standards, landscaping, impact on neighbouring amenities, and the impact on the Ashdown Forest.

The application is thereby considered to comply with policies DP4, DP6, DP17, DP20, DP21, DP26, DP27, DP38 and DP41 of the District Plan, policies THP3, THP4 and THP7 of the Neighbourhood Plan, and paragraphs 8, 108, 110, 117, 124, 127 and 148 of the NPPF. Accordingly the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

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

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

Pre-commencement conditions

3. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2010).

4. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs 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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy THP7 of the Neighbourhood Plan.

5. No development shall take place, until a Construction Management Plan and Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The

Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

Reason: In the interests of highway safety and the amenities of the nearby residential amenities and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall commence until a construction method statement setting out the practical measures required to implement the recommendation given in the supporting ecology reports by ACD Environmental has been submitted to, and approved in writing by, the local planning authority.

The approved method statement shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: To protect wildlife and provide wildlife habitat in accordance with DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

7. The invasive non-native plant Japanese Knotweed (*Fallopia japonica*) shall be eradicated from the development site in accordance with guidance published by the Environment Agency.

Reason: Japanese Knotweed is a Schedule 9 species subject to Section 14 of the Wildlife and Countryside Act 1981 (as amended) and is a threat to biodiversity. Removal from site will be a positive enhancement in line with para 118 of the NPPF and help prevent the offence of allowing or causing its spread due to construction activities.

8. 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 in consultation with Southern Water. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

9. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

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

10. No development shall take place, until replanting details including a landscape plan and facilitative pruning specification has been submitted to and approved in writing by the Local Planning Authority in respect of the retained trees along the boundaries of the site. Details shall include the maintenance and aftercare of all replacement trees to ensure that the trees establish well and grow to maturity showing the position, size, planting, feeding, support and aftercare of these trees.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy THP7 of the Neighbourhood Plan.

Pre-occupation conditions

11. The dwellings shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including detailed landscape drawings and details of boundary treatments. 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 of the Mid Sussex District Plan 2014 - 2031 and Policy THP7 of the Neighbourhood Plan.

12. No part of the development shall be first occupied until the vehicular access serving the development has been constructed in accordance with the approved planning drawing no: 1806018-01 rev A.

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

13. No part of the development shall be first occupied until visibility splays of 2.4 by 61 metres north-west and 2.4 by 59 metres south-east have been provided at the proposed site vehicular access onto Selsfield Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be

maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

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

14. No part of the development shall be first occupied until pedestrian access and the proposed footway works/improvements have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. This shall include the removal of any overgrowing vegetation obstructing the footway on the western side of Selsfield road opposite the site, the construction of a new 2m wide footway on the eastern side of Selsfield Road (fronting the development site) and the installation of the pedestrian crossing point.

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

15. 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy THP3 of the Neighbourhood Plan.

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

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

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- No burning of materials shall take place on site at any time.

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

3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

4. The applicant is advised that to satisfy condition 3 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

5. The details to discharge condition 6 should be guided by Section 5 of the Ecological Appraisal and Section 6 of the Bat Survey. The wildlife protection and enhancement details should cover the following:

- the provision, placement and management of a 100m² wildflower strip;
- the provision and placement of wildlife-beneficial trees;
- the avoidance of entrapment of badgers and other wildlife in trenches during construction;
- the provision and placement of four 1FF and two 2F bat boxes;
- a lighting plan following guidance by the Bat Conservation Trust;
- the provision and placement of two 1B bird boxes;
- removal of existing vegetation pile by hand;
- maintenance of the existing grassland management regime;
- provision and placement of four insect boxes; and
- the gapping up of the existing hedge with native species.

6. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

7. It is acknowledged that the financial contributions paid to the District Council under the Unilateral Undertaking dated 8th December 2017 pursuant to the previous application DM/17/4009 relate to part of this revised scheme.

However, SAMM and SANG contributions in respect of the 3no 1-bed units are still required to be made.

8. 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
Existing Floor Plans	sam07A	A	09.11.2018
Existing Elevations	sam06A	A	09.11.2018
Existing Elevations	sam05A	A	09.11.2018
Location Plan	S301		07.11.2018
Proposed Site Plan	P301	C	07.11.2018
Proposed Site Plan	18148/C301B		07.11.2018
Proposed Roof Plan	P302	C	07.11.2018
Existing Site Plan	S302		07.11.2018
Proposed Floor and Elevations Plan	P310	B	07.12.2018
Proposed Floor Plans	P210		07.11.2018
Proposed Floor Plans	P211		07.11.2018
Proposed Elevations	P213	A	07.11.2018
Proposed Floor Plans	P214		07.11.2018
Proposed Floor Plans	P215		07.11.2018
Proposed Elevations	P217	A	07.11.2018
Proposed Floor Plans	P218		07.11.2018
Proposed Floor Plans	P219		07.11.2018
Proposed Elevations	P221	A	07.11.2018
Proposed Floor Plans	P222		09.11.2018
Proposed Floor Plans	P223		07.11.2018
Proposed Elevations	P225	A	07.11.2018
Street Scene	18148/C205		07.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council supports this planning application. However, we would like to request that a condition is placed on the flats stating they will remain as one bed apartments and the garage will not be converted into living accommodation to then form a house.

WSCC Highways Authority

Site Background

West Sussex County Council (WSCC) was last consulted on Highway Matters for this location under planning applications DM/17/4009. No overriding highway concerns were raised and consent was granted by the Local Planning Authority for 6 dwellings.

Prior to this West Sussex County Council was consulted for a similar 5 dwelling scheme under application reference DM/16/0668. Responses dated 17/03/2016; 14/04/2016 and 06/05/2016 were provided by the Local Highways Authority. No Objection was raised to the proposal.

The current application seeks consent for the demolition of an existing dwelling and outbuilding for the construction of nine residential dwellings with parking and a slightly updated access road (to straighten the access road). The current application is supported by a Transport Technical Note.

Current Proposal

In terms of this current proposal the number of dwellings has been increased from 6 to 9. An increase of 3 dwellings using the proposed access or the local road network is not expected to give rise to a significant level of trips to generate a highway capacity concern.

Parking on site has been increased to cater for the extra dwellings.

The only other change is to the alignment of the internal access road. This has been straightened. Access width and visibility splays are unaffected. The previously proposed pedestrian access and crossing proposals remain unchanged.

Conclusion

NPPF paragraph 109 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'. WSCC would raise no concerns to the changes proposed. The following conditions and informative note should be applied to any grant of planning consent.

Conditions:

Access

No part of the development shall be first occupied until the vehicular access serving the development has been constructed in accordance with the approved planning drawing no: 1806018-01 rev A

Reason: In the interests of road safety.

Cycle parking

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

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

Construction Management Plan

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

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

Reason: In the interests of highway safety and the amenities of the area.

Pedestrian Access

No part of the development shall be first occupied until pedestrian access and the proposed footway works/improvements have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. This shall include the removal of any overgrowing vegetation obstructing the footway on the western side of Selsfield road opposite the site, the construction of a new 2m wide footway on the eastern side of Selsfield Road (fronting the development site) and the installation of the pedestrian crossing point.

Reason: In the interests of road safety.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved 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.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 by 61 metres north-west and 2.4 by 59 metres south-east have been provided at the proposed site

vehicular access onto Selsfield Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety.

Informative Note:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSCC County Planning Officer

Summary of Contributions

Education			
Locality	East Grinstead		
Population Adjustment	16.9		
	Primary	Secondary	6th Form
Child Product	0.1820	0.1820	0.0983
Total Places Required	1.2740	0.9100	0.1966
Library			
Locality	East Grinstead		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£2,679		
Population Adjustment	16.9		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	8		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	16.9		
Net Parking Spaces	26		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£22,830
Secondary	£24,570
Education - 6th Form	£5,757
Libraries	£2,679
Waste	No contribution required
Fire & Rescue	No contribution required
No. of Hydrants	To be secured under Condition
TAD	£29,455

Total Contribution	£85,291
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

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

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

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

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

The calculations have been derived on the basis of an increase in 8 Net dwellings and an additional 26 car parking spaces.

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

5. Deed of Planning Obligations

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

The contributions generated by this proposal shall be spent on additional equipment at Turners Hill CofE Primary School.

The contributions generated by this proposal shall be spent on small scale improvements at Imberhorne School.

The contributions generated by this proposal shall be spent on small scale improvements at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be spent on the reconfiguration of the first floor at East Grinstead Library.

The contributions generated by this proposal shall be spent on managing traffic speeds on the B2028 Turners Hill Rd to improve pedestrian and cycle movement between the development and local infrastructure.

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

$TPR = (\text{No of year groups}) \times (\text{child product})$

Year groups are as below:

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

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

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

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

b) Cost multiplier- Education Services

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

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

2. Library Infrastructure

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

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

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

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

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

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

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

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

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

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

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

MSDC Housing

The applicant is proposing a development of 9 dwellings on this residential scheme. The gross internal area of the dwellings is less than 1,000sqm and the location is outside of the AONB. In accordance with Policy DP31 there is therefore no requirement to provide an affordable housing contribution either onsite or by way of commuted sum.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Turners Hill Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area. This facility will face increased demand from the new development and a contribution of £11,624 is required to make improvements to play equipment (£6,318) and kickabout provision (£5,307).

FORMAL SPORT

In the case of this development, a financial contribution of £9,357 is required toward formal sport facilities at Turners Hill Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £5,366 is required to make improvements to The Arc, Turners Hill.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Tree Officer

Further to reviewing the submitted AIA/AMS report that accompanies this application, please find my comments below.

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/tree groups (T3-T5-T6-T12-T14-G2-G3 & G6) are to be removed to facilitate the development.

The majority of trees 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 native trees (Grade B or above) is a significant loss and should be replaced like for like, on a minimum one for one basis and as close to the original position as possible. This is in accordance with DP37 of the Mid Sussex District plan.

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. All of this information should be submitted within a full landscape plan.

Protection measures for retained trees have been detailed within the submitted AMS report, including: Construction Exclusion Zones using suitable fencing/signage and examples of temporary ground protection.

Good working practices while excavating within the RPA of retained trees (sympathetic treatment of disturbed roots/use of air spade) have also been addressed within the AMS.

Any excavations that encroach into the RPA of retained trees will be undertaken under professional arboricultural supervision.

All of the above is suitable and in accordance with BS 5837.

However, the report mentions that there will be facilitative pruning to retained trees along the boundary; the extent of this work is not specified within the report.

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 and facilitative pruning specification.

MSDC Drainage Officer

Recommendation:

No objection subject to conditions

Summary and overall assessment

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

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

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

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

The proposed development drainage will need to:

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

Flood Risk

The proposed development is within flood zone # and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

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

Surface Water Drainage Proposals

No submitted detail

Foul Water Drainage Proposals

No submitted detail

Suggested Conditions

C18F - Multiple Dwellings

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

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

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

1.

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

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

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have

extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

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

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

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

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

5.

Outfall to Public Sewer:

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

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

MSDC Environmental Protection

Main Comments:

The application looks to build 9 residential dwellings on the above site (U.P.R.N 100061847870). This application site is located close to a busy road and bus route which raises concerns over the level of noise generated as Environmental Health does not have any legislative powers to retrospectively deal with rail and road traffic noise.

Environmental Health uses a number of professional standards (World Health Organisation Guidelines on Community Noise and BS8233) to assess whether internal noise levels within a property will be acceptable.

An acoustic survey is therefore required in order to identify background levels, and make recommendations on the what protection is needed in order for the above internal standards to be achieved.

The revised NPPF (2018) recognises the need to protect future residents from potential noise pollution and this is shown in paragraphs 170(e) and 180(a), which are reproduced below.

"170. Planning policies and decisions should contribute to and enhance the natural and local environment by...(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality..."

"180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should... (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life..."

Environmental Protection therefore recommends the following conditions should the application be granted permission.

Recommendation: Approve with Conditions

Soundproofing: (External Noise): No development shall take place until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 -

07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure thermal comfort of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise.

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

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 13:00 hrs
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

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

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

Plant & Machinery: The noise rating level of any operational ventilation or air conditioning plant or machinery hereby permitted shall be at least 10dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local residents.

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

Informative:

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

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (e.g. noise or artificial light) caused as a result of the extension and/or use of the building.

MSDC Contaminated Land Officer

Main Comments:

This application looks to demolish an existing dwelling and outbuilding, and construct nine residential dwellings.

Having looked at the contaminated land mapping, it does not indicate any potentially contaminated sites within the local vicinity.

Recommendation:

No comment.

MSDC Street Name and Numbering

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & 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.