

MID SUSSEX DISTRICT COUNCIL

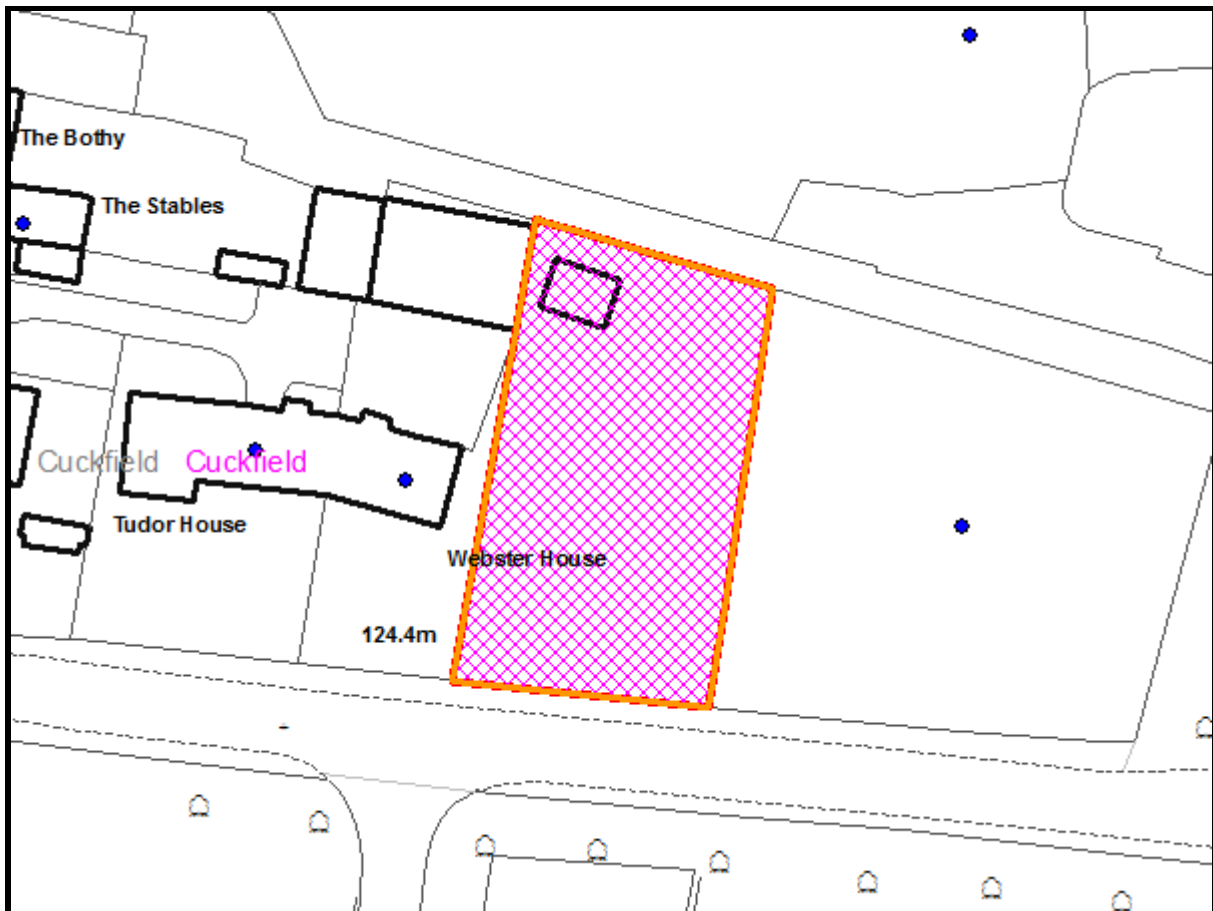
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

Cuckfield

DM/18/4020



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WEBSTER HOUSE WHITEMANS GREEN CUCKFIELD HAYWARDS HEATH

OUTLINE APPLICATION FOR PROPOSED TERRACE OF 3 ATTACHED COTTAGES AND ASSOCIATED STORAGE SHEDS WITH NEW ACCESS FROM THE SITE ONTO WHITEMANS GREEN (TREE REPORT AND AMENDED PLANS RECEIVED 21 FEBRUARY 2019)

MR AND MRS D SAYER

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads -

20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 21st December 2018

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Andrew Morrison

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

Weighing against the application is firstly that the site's location within designated countryside and not contiguous with a built-up area boundary is such that there is an automatic conflict with the requirements of Mid Sussex District Plan Policies DP6, DP12 and DP15 and Cuckfield Neighbourhood Plan Policy CNP5. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

Also weighing against the application is that there would be harm to the setting of the Whitemans Green Conservation Area through the reduction in the gap between development within the Conservation Area and that clustered around Mill Hall to the west. However, this degree of harm is considered to be only very minor, that is at the lower end of the 'less than substantial' scale as per paragraph 196 of the NPPF.

Weighing in favour of the application is that the proposal would provide the

opportunity for three modestly sized dwellings to be built in a location which provides for good access to local services and facilities by means other than the private car. In addition, the Council would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

There is not considered to be any harm to the character of the area or the High Weald AONB landscape.

For the purposes of this outline application there will be a neutral impact in respect of a number of issues such as impact upon neighbouring amenity, future occupier amenity, highway safety, parking, drainage and the impact on the Ashdown Forest.

Overall the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6, DP12, DP15 and CNP5 due to the site's location, and a minor conflict with policies DP35 and CNP1 as concerns the impact on the setting of the Whitemans Green Conservation Area. These conflicts weigh against the proposal.

However, it is considered that the proposal would not harm the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB and that the site should be considered an appropriate location for residential development in sustainability terms. In this respect, the fundamental requirements of policies DP12, DP16 and CNP5 would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and CNP1.

Taking all of the above into account, with reference to NPPF paragraph 196, it is considered that the public benefits of the proposal would outweigh the less than substantial harm to the setting of the Conservation Area. The proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

4 letters of support received during original publicity period:

- Smaller houses needed in Parish
- Sympathetic layout
- Appearance is inkeeping

2 letter of objection or neutral comment received during original publicity period:

- Visibility splays include land outside of applicant's ownership
- Surface and foul drainage needs to be considered to prevent flooding and blockages
- Access, including construction traffic, should be from new proposed access point only
- Planting scheme at western boundary would mitigate loss of outlook on Tudor House
- Extension of pavement on northern side of highway to site would enhance pedestrian safety

3 letters of support received during second publicity period (following receipt of revised illustrative site layout plan and tree report):

- Revised layout more inkeeping and suitable
- Design is balanced and sympathetic
- Smaller houses needed in Parish

1 letter of objection received during second publicity period:

- Reduction in separation to Whitemans Green.
- Prominent and more intrusive than original layout
- Reduction in garden sizes
- Removal of garages with risk of theft and vandalism
- Habitable rooms facing busy and noisy road
- Tree Survey missing from original submission

SUMMARY OF CONSULTEES (full comments in appendices)

Conservation Officer:

Consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Drainage Officer:

No objection subject to condition.

Local Highway Authority:

No objection, recommended conditions.

PARISH COUNCIL COMMENTS

Whilst the Council noted that the proposal falls inside the AONB and outside the Built-Up Boundary and the concerns of the conservation officer regarding Mill Hall

and the Whiteman's Green Conservation Area, the provision of smaller and more affordable housing was seen to outweigh these constraints. No objection.

INTRODUCTION

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

RELEVANT PLANNING HISTORY

In 2004 an application was refused (04/00507/FUL) for a detached dwelling with new garage to Webster House for reasons that the site was outside the built up area boundary, that the proposal would be harmful to the High Weald AONB and that the proposal would detract from the setting of the Whitemans Green Conservation Area.

SITE AND SURROUNDINGS

The application site comprises the rectangular shaped grassed side garden area associated with Webster House, a two storey semi-detached dwelling accessed via a shared driveway which adjoins Whitemans Green B2114 to the west. The site measures approximately 946 square metres and is generally flat, with the exception of a raised mound to its eastern side. There are three trees towards the south-eastern corner of the site and a laurel and hawthorn hedgerows at the southern boundary, with boarded fencing in between. There is a pitched roof double garage in the north-western corner of the site (to be removed).

Webster House to the west has no side facing windows and is characterised by a hipped plain tile roof, white upvc windows and brickwork and tile hung walls. Further beyond is adjoining Tudor House. There is close boarded fencing and the flank wall of a neighbouring building along the north-western boundary. The northern boundary is formed by a brick wall, with a driveway and then large field beyond. There is close boarded fencing along the eastern boundary, the other side of which is a line of trees and a small undeveloped parcel of land. The boundaries of the High Weald AONB, Cuckfield built-up area and Whitemans Green Conservation Area all follow the northern and eastern sides of this neighbouring land.

The site is within designated countryside and the High Weald AONB. The site's north-eastern corner is approximately 8 metres from the boundary line for the built-up area and Whitemans Green Conservation Area. Whitemans Green B2114 to the south has a 30mph speed limit. Further beyond to the south is the recreation ground including large car park and pavilion.

Webster House is the easternmost of approximately 10 dwellings lining the northern side of the highway on the periphery of the village. At the centre of these buildings is prominent Mill Hall. The near, western end of Whitemans Green Conservation Area is characterised by traditional dwellings to the north and south of a tree lined public green.

APPLICATION DETAILS

The proposed development is the removal of the garage and erection of a terrace of three dwellings together with associated new access and shared driveway to parking and storage sheds to the rear.

The application is for outline planning permission with all matters reserved, therefore the site layout plan, floor plans and elevations are to be treated as for illustrative purposes only as merely one way in which the development could be carried out. These show the formation of a vehicular access onto Whitemans Green B2114 at the south-eastern corner of the site with 2.4 metres by 43 metres visibility splays, a 2 storey terrace of 3 no. 3 bedroom units, including dormer and velux windows, 7 parking spaces to the rear (2 for each dwelling and 1 visitor) and a storage shed divided into 3 units.

The terrace fronts onto the highway and follows the front building line of Webster House. It is of traditional appearance, with a gabled roof, double pitched roof front dormers and single pitched front porch canopies and single storey rear outshots.

The application is supported by an Arboricultural Impact Assessment which details that limited tree and hedgerow will be necessary to facilitate the development, including providing suitable visibility splays. Indicative landscaping planting is shown dotted around the site.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031 (MSDP)

Adopted as part of the development plan.

Relevant policies:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP16 High Weald AONB
- DP17 Ashdown Forest SPA and SAC
- DP21 Transport
- DP26 Character and Design
- DP27 Dwelling space standards
- DP35 Conservation Areas
- DP41 Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (SPD - Appendix 1 Parking Standards)

Cuckfield Neighbourhood Plan 2011-2031 (CNP)

Adopted as part of the development plan.

- CNP1 Design of New Development and Conservation
- CNP5 Protect and Enhance the Countryside

National Policy and Legislation

National Planning Policy Framework (NPPF) (February 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

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

Paragraph 38 of the NPPF 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.

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

National Planning Policy Guidance

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

ASSESSMENT

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

- The principle of development;
- Visual impact, including on the High Weald AONB and the setting of Whitemans Green Conservation Area
- Impact on neighbouring amenity
- Standard of amenity for future occupiers
- Future occupier amenity
- Highways, access and parking

- Impact on the Ashdown Forest
- Drainage
- Planning balance and conclusion

Principle of Development

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

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

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

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

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

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The "in accordance" determination is one in accordance with the development plan when read as a whole.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan ('MSDP') and Cuckfield Neighbourhood Plan ('CNP').

MSDP Policy DP15 relates to new homes in the countryside and states as follows:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy."*

Linked to Policy DP15 is firstly Policy DP12, which states:

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

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

Also linked is Policy DP6, which states:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The application site is within the countryside as designated by the development plan. However, the character of the streetscene in this location is of an edge of village, semi-rural nature, with residential development in either direction to the east (Whitemans Green) and west (B2114 out of the village into the open countryside).

Whilst the site is at closest point within 10 metres of the Cuckfield built-up area boundary line, it is not contiguous with this. Therefore, the proposal does not meet the criteria requirements of Policy DP6 and accordingly it follows that the proposal also does not meet any of the special justification criteria of Policy DP15.

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

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

The characteristics and context of this site is of a residential garden bounded by dwellings to the west (located further away from the built-up area boundary), a driveway and field beyond to the north, the Conservation Area to the east beyond an

undeveloped parcel of land and a car park and pavilion to the south of the highway at Whitemans Green Recreation Area. It can thus be reasonably said that the site's context combines urban and rural elements and that there is not a prevailing 'countryside' character in respect of considerations of openness / natural landscape or tranquillity. These considerations are discussed further below.

At Neighbourhood Plan level, Policy CNP5 states the following:

'Outside of the Built up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and*
- b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and*
- c) It would not have an adverse impact on the landscape setting of Cuckfield and*
- d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5, and*
- e) Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.'*

The application site is not allocated for development in Policy CNP 6 (a) and (b), is not a type of development to which Policies CNP 10, CNP 14 and CNP 17 apply, and as set out above, is not strictly in accordance with other relevant planning policies in the District Plan applying to the area in respect of the principle of development.

However, as with Policy DP12, it is important to understand the intention behind policy CNP5, which is set out in the supporting text, as follows:

'The planning strategy for Cuckfield generally is to focus development within the defined Built up Area Boundary and to restrict development in the countryside in order to protect landscape of major or substantial value or sensitivity, views from public areas, formal and informal recreational amenities as well as biodiversity.'

Table 1 in the Neighbourhood Plan classifies the local character area of the Parish within which the application sits as of moderate value and moderate sensitivity. The proposal would therefore not affect landscape identified as of substantial value or substantial or major sensitivity. As described above, the existing use, character and setting of the site is not of a countryside nature. It should also be noted at this point that the Parish Council have no objection to the application despite the conflict with Policy CNP5.

In terms of the site's locational sustainability, it is on the periphery of Cuckfield which is classed as a category 2 settlement (larger villages) in the settlement hierarchy listed under MSDP Policy DP6. Subject to crossing the highway for use of the

pavement on its southern side, the site is within one mile walk of the majority of those wide ranging facilities and services within Cuckfield. Therefore notwithstanding its location within designated countryside, the site can be described as having relatively good sustainability credentials in terms of the opportunity for future occupants to access day to day services by other means of transport to the private car.

In summary, the site's location is such that the principle of development is contrary to the development plan. However, as set out above there are a number of mitigating factors to be taken into account as material planning considerations in the overall planning balance.

Visual impact

The site layout plan, floor plan and elevations are all to be treated as for illustrative purposes only in relation to this outline application. Should this application be approved, a subsequent reserved matters application will be required for approval of the detail of the development.

MSDP Policy DP26 and CNP Policy CNP1 set out similar expectations for the quality of new development in design and character impact terms:

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

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

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;

 - *height, scale, spacing, layout, orientation, design and materials of buildings,*
 - *the scale, design and materials of the public realm (highways, footways, open space and landscape), and**
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

The grouping of buildings around Mill Hall are of varying appearance but generally are of simple, traditional form and scale. It is considered that the applicant has satisfactorily demonstrated through the illustrative site layout plan and elevations that a terrace of three modest sized dwellings can be provided on site in a manner which would fulfil the requirements of the above policies. These illustrative details show a terrace of appropriately inkeeping appearance with those buildings to the west, whilst not overdeveloping the site in respect of built footprint. Whilst a section of frontage hedgerow would need to be removed for the formation of the access, the majority of this would be retained and the access would therefore simply follow the appearance of those to the west. The trees identified for removal are low quality species of minimal public amenity value.

For the purposes of this outline application, it is considered that the general design and character requirements of the above policies would be met.

Impact on the High Weald AONB

MSDP Policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*

- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

As set out above, CNP Policy CNP5 contains the same requirement in respect of the need to conserve and enhance landscape and scenic beauty.

Paragraph 170 of the NPPF provides that the intrinsic character and beauty of the countryside should be recognised in decision making and paragraph 172 provides that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The Council's report and decision notice in 2004 to refuse a single dwelling on the site of similar positioning and scale to those hereby illustratively proposed reasoned that new dwellings are firmly resisted in the AONB other than in exceptional circumstances and that the dwelling would be obtrusive and damaging to the landscape. There is however no such current policy requirement, and furthermore it is the Planning Officer's view that the site can suitably accommodate the proposed development without any adverse impact on the landscape. As identified above, the site sits within an area of only moderate value and moderate sensitivity as identified by the Neighbourhood Plan, has an existing residential character and there is considerable surrounding development in what is a semi-rural setting. Whilst the detail of the proposed development would need to be carefully assessed at a later reserved matters stage to ensure that the layout, scale and appearance is appropriately sensitive, it is considered that for the purposes of this outline application it can be concluded that the AONB protection requirements of the above policies would be met.

Impact on the setting of Whitemans Green Conservation Area

The relevant part of MSDP Policy DP35 states:

'Development will also protect the setting of the conservation area and in particular views into and out of the area.'

The relevant part of CNP Policy CNP1 sets out a requirement for development to be sympathetic to the setting of any heritage asset.

Paragraphs 192-196 of the NPPF are relevant, as follows:

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

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

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

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

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

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

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

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

The Council's report and decision notice in 2004 reasoned that the proposed dwelling would be prominent in an open area forming part of the setting of the Conservation Area, detract from the appearance of this area and close the gap between Whitemans Green and the buildings around Mill Hall School.

The Council's Conservation Officer has commented on the application as follows:

'The application site is a garden area to the east of Webster House, which is part of a group of buildings around Mill Hall, just to the west of Whiteman's Green and within the setting of the Whiteman's Green Conservation Area. Mill Hall was historically a country house with substantial landscaped gardens to the north and west. Associated with the house was Mill Hall Farm and a range of outbuildings some of which are still extant (The Coach House, Bothy and Stables). This group of buildings, although located only a short distance to the west of Whiteman's Green, appears to have been distinct from the semidetached cottages and villas around the Green. The group has subsequently expanded to include further houses to the south and south east of the farm, but remains detached from the Whiteman's Green, separated from the Green and Conservation Area by the gardens which are the subject of this application and a small field.

The proposal is for the erection of a terrace of three cottages with associated parking and landscaping.

In my opinion the principle of development in this location is contentious, as it will diminish the existing separation of the settlement around Whiteman's Green and the buildings associated with Mill Hall, to the detriment of the setting of the Conservation Area, the character of which depends partly on the rurality of its setting. Furthermore, the form of the development is not appropriate to the context, being of a suburban character which would not sit comfortably in this rural context, to the further detriment of the setting of the Conservation Area.

I therefore consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.'

The applicant's agent has made a number of points in response to the Conservation Officer's comments. Of most pertinence, it is contended that the proposal would have no bearing on the tree lined village green due to the separation distance and intervening trees and roadside hedge, and that countryside views from the western end of the Conservation Area, especially of the South Downs, would not be interrupted or affected by the development. It is argued that the group of buildings around Mill Hall is a well-established feature in the wider setting of the Conservation Area and that the proposal would be seen and associated with this grouping, rather than Burrell Cottages to the east on the western edge of the Conservation Area (with the small field, treelines and road front hedge in between).

The Planning Officer acknowledges the Conservation Officer's view that development on the site will inevitably decrease the separation between the buildings around Whitemans Green and Mill Hall, and agrees that this factor can be reasonably described as harmful to the setting of the Conservation Area to some degree. However, the Planning Officer does not agree with the characterisation of the proposal as 'suburban'.

With reference to Policy DP35, it is not considered that the proposed development would be harmful to views into and out of the Conservation Area of the countryside. It is further considered that the proposal would in many respects be appropriately

sympathetic to the setting of the Conservation Area, as required by the Neighbourhood Plan, albeit it must be remembered that the detail of the development is not for consideration under this outline application.

The Conservation Officer considers the degree of harm to the setting of the Conservation Area to be 'less than substantial'. In accordance with NPPF paragraph 196, the public benefits of the proposal need to be weighed against harm. The Planning Officer's overall assessment is that the degree of harm is at the lower end of 'less than substantial', i.e. that the adverse impact on the setting of the heritage asset would be only very minor. Nevertheless, in accordance with NPPF paragraph 193, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Under this weighted balancing exercise, it is considered that public benefits of providing 3 smaller sized dwellings in this location would outweigh the harm.

Impact on neighbouring amenity

Part of MSDP Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Whilst CNP Policy CNP7 concerns housing development within the built up area, it is notable that this policy contains a requirement for development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents.

In accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, policy conflict is to be resolved in favour of the more recently adopted policy, which in this case is DP26. The applicable test is therefore of significant harm.

Whilst the principle of development is only being assessed at this stage, it is considered that the applicant has satisfactorily demonstrated for the purposes of this outline application that a terrace of three dwellings could be developed on site in accordance with this policy requirement. The detail of a subsequent reserved matters application would be carefully assessed in respect of the impact on those adjacent dwellings to the west.

Future occupier amenity

Part of MSDP policy DP26 also refers the requirement for development to not cause significant harm to the amenities of future occupants. Policy DP27 requires compliance with nationally described space standards.

The applicant would need to demonstrate through a subsequent reserved matters application that space standards are met for the occupation rate of the dwellings and that the layout of the scheme provides a good quality of amenity for future occupants. For the purposes of this outline application however, it is considered that there is no conflict with the above policy.

Highways, access and parking

MSDP Policy DP21 states:

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

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

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

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

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

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

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

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

CNP Policy CNP16 states:

'Proposals will be permitted where they meet the following criteria:

- a) Safely located vehicular and pedestrian access with adequate visibility exists or could be created; and*
- b) Development proposals would ensure sustainable transport links to the principal village facilities including the village centre, the primary and secondary schools and recreation open space are provided; and*
- c) Where adequate transport infrastructure is not available to serve the development, the development would provide, or contribute towards, appropriate measures which will address the identified inadequacy and assist walking, cycling, public transport and other highway improvements; and*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate*
- f) Development proposals would maintain or enhance the existing routes of the twittens (public rights of way).'*

Whilst the occupation rate of the dwellings as three bedroom units is only illustrative at this stage, the Councils minimum indicative car parking standards as set out on the Development Infrastructure and Contributions SPD are for two spaces per three bed dwelling. The illustrative site layout plan meets this requirement, plus a visitor space is shown. Turning space is also shown, such that vehicles would be able to exit onto the highway in a forward gear.

The associated storage sheds would allow for the secure storage of bicycles.

The Local Highway Authority's comments on the application are set out in full in the Appendix. In summary, no objection is raised, with the visibility splays associated with the proposed access and proposed parking and turning provision deemed to be acceptable. The Local Highway Authority note that occupants would need to cross the B2114 to access the pavement and that there is no pavement dropped kerb in place, however this is also the case for all those existing occupants of the dwellings to the west which are situated further away from the village's amenities.

The Planning Officer is of the view that there are no transport grounds to resist the application and that that subject to the use of conditions to control the detail of the development, the requirements of the above policies would be satisfactorily met.

Impact on Ashdown Forest

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

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

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

The 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.

This application has been screened for its potential effects on the SPA and SAC. This screening report has indicated that there is no likelihood of significant effects and is available to view on the file.

Drainage

MSDP Policy DP41 seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

It is proposed that the development will manage surface water drainage through sustainable drainage systems (SuDS). It is proposed that the details of this system would be addressed as part of a planning condition. It is proposed that the development will discharge foul water drainage to the main public foul sewer located in proximity to Burrell Cottages. If it is found that this would not be suitable then a private sewerage treatment plant is proposed as an alternative.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The Council's Drainage Engineer has provided a suggested condition in the event of the application being approved, such that the details of this can be suitably controlled by a planning condition to comply with the above policy.

Other issues

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

PLANNING BALANCE AND CONCLUSION

This application seeks outline planning permission with all matters reserved for the erection of a terrace of 3 attached cottages and associated storage sheds with new access from the site onto Whitemans Green, at Webster House, Whitemans Green, Cuckfield.

Planning legislation requires the application to be determined in accordance with the development plan unless material circumstances indicate otherwise. It is therefore necessary to assess the proposal against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Council is able to demonstrate that it has a five year housing land supply and therefore the planning balance set out in the NPPF is an un-tilted one.

In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

Weighing against the application is firstly that the site's location within designated countryside and not contiguous with a built-up area boundary is such that there is an automatic conflict with the requirements of Mid Sussex District Plan Policies DP6, DP12 and DP15 and Cuckfield Neighbourhood Plan Policy CNP5. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

Also weighing against the application is that there would harm to the setting of the Whitemans Green Conservation Area through the reduction in the gap between development within the Conservation Area and that clustered around Mill Hall to the west. However, this degree of harm is considered to be only very minor, that is at the lower end of the 'less than substantial' scale as per paragraph 196 of the NPPF.

Weighing in favour of the application is that the proposal would provide the opportunity for three modestly sized dwellings to be built in a location which provides

for good access to local services and facilities by means other than the private car. In addition, the Council would receive a New Homes Bonus for the dwellings. The New Homes Bonus, the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the community are further factors that weigh in favour of the proposal. The scheme would also support the Government's objective of significantly boosting the supply of homes.

There is not considered to be any harm to the character of the area or the High Weald AONB landscape.

For the purposes of this outline application there will be a neutral impact in respect of a number of issues such as impact upon neighbouring amenity, future occupier amenity, highway safety, parking, drainage and the impact on the Ashdown Forest.

Overall the proposal is not in strict compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6, DP12, DP15 and CNP5 due to the site's location, and a minor conflict with policies DP35 and CNP1 as concerns the impact on the setting of the Whitemans Green Conservation Area. These conflicts weigh against the proposal.

However, it is considered that the proposal would not harm the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB and that the site should be considered an appropriate location for residential development in sustainability terms. In this respect, the fundamental requirements of policies DP12, DP16 and CNP5 would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and CNP1.

Taking all of the above into account, with reference to NPPF paragraph 196, it is considered that the public benefits of the proposal would outweigh the less than substantial harm to the setting of the Conservation Area. The proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, landscaping, layout, scale and means of access thereto of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

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

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

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. 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 proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan.

5. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

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 Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

6. No development shall take place until details of proposed site and plot boundary walls or fences have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: In the interests of visual amenity and the amenity of future and neighbouring occupiers and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

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

Reason: In the interests of visual amenity and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

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

Reason: In the interests of visual amenity and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

9. No part of the development shall be first occupied until car parking and turning spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking provision is provided and to comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

10. 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 comply with Policies DP21 of the Mid Sussex District Plan and CNP16 of the Cuckfield Neighbourhood Plan.

11. 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 amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan.

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.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

3. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. The applicant is required to obtain all appropriate consents from 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan			01.10.2018
Proposed Site Plan	003B	01	22.03.2019
Proposed Floor Plans	001		01.10.2018
Proposed Elevations	002A		21.02.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Whilst the Council noted that the proposal falls inside the AONB and outside the Built-Up Boundary and the concerns of the conservation officer regarding Mill Hall and the Whiteman's Green Conservation Area, the provision of smaller and more affordable housing was seen to outweigh these constraints

No objection.

Parish Consultation – further

No objection. Whilst it was understood that this development was in the AONB (as per CNP5e), other policies outweighed this in terms of accommodating these houses. The proposal to build houses adjacent to the existing property would not impact the local area views, and Cuckfield had a need for smaller houses.

Conservation Officer - Emily Wade

The application site is a garden area to the east of Webster House, which is part of a group of buildings around Mill Hall, just to the west of Whiteman's Green and within the setting of the Whiteman's Green Conservation Area. Mill Hall was historically a country house with substantial landscaped gardens to the north and west. Associated with the house was Mill Hall Farm and a range of outbuildings some of which are still extant (The Coach House, Bothy and Stables). This group of buildings, although located only a short distance to the west of Whiteman's Green, appears to have been distinct from the semidetached cottages and villas around the Green. The group has subsequently expanded to include further houses to the south and south east of the farm, but remains detached from the Whiteman's Green, separated from the Green and Conservation Area by the gardens which are the subject of this application and a small field.

The proposal is for the erection of a terrace of three cottages with associated parking and landscaping.

In my opinion the principle of development in this location is contentious, as it will diminish the existing separation of the settlement around Whiteman's Green and the buildings associated with Mill Hall, to the detriment of the setting of the Conservation Area, the character of which depends partly on the rurality of its setting. Furthermore, the form of the development is not appropriate to the context, being of a suburban character which would not sit comfortably in this rural context, to the further detriment of the setting of the Conservation Area.

I therefore consider that the proposal is contrary to the requirements of District Plan Policy DP35. In relation to the NPPF, I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Drainage Officer

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposal

It is proposed that the development will manage surface water drainage through sustainable drainage systems (SuDS). It is proposed that the details of this system would be addressed as part of a planning condition.

Foul Water Drainage Proposal

It is proposed that the development will discharge foul water drainage to the main public foul sewer located in proximity to Burrell Cottages. If it is found that this would not be suitable then a private sewerage treatment plant is proposed as an alternative.

Drainage Consultation

Information into our requirements for foul and surface water drainage are included within the sections; 'surface water drainage advice' and 'further drainage advice'

Suggested Conditions

C18D - Single Dwelling

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, 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.

Surface Water Drainage Advice

The following information will be required for the proposed development. It is acceptable for these details to be provided at discharge of conditions stage.

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.

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.

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

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

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

Any proposed run-off to a watercourse 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. You cannot discharge surface water unrestricted to a 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. Guidance into the OWC application process can be found on West Sussex County Council's website at

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Any proposed run-off to a sewer 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. You cannot discharge surface water unrestricted to a 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.

Local Highway Authority

Ignoring the mistakes within the design and access statement WSCC have assumed the application is for a new access as per site plan 003 provided. Visibility from this access point can be achieved as per Manual for Streets guidance for a 30mph road. Set back 2.4m from the edge of the carriageway. Visibility splays of 2.4m x 43m in both directions are possible and these appear to be within the applicant's control, or with WSCC highway land.

It is noticed the proposed widening of the access road will be in excess of 4m. Referring to Manual for Streets guidance a width of 4.1m or above would be preferable as this allows two cars to pass each other. The width of the access here is important as although Whitemans Green has a 30mph speed limit, it is a 'B' classified distributor road and therefore access on and off the highway here should be achieved without the need to stop or wait in the carriageway. Widening can be reduced further into the site if space is required to do so.

Trips

As this is a small development of houses the trips rate will be low and there are no perceived capacity issues.

Car Parking

Car parking for the development has been assessed using the WSCC car parking calculator (see attached) For a development of this size and location an allocation of 1 garage space per dwelling with cycle storage and 1 visitor space is in line with WSCC standards. These spaces, if constructed as garages, should be slightly wider at 3m x 6m to accommodate the cycle storage proposed. Any additional parking can be 2.4m x 4.8m with turning space provided in order to exit in forward gear and this appears to be possible.

Refuse/Fire Access

Servicing of the dwellings has not been specified. If refuse vehicles need to gain access a swept path diagram showing this movement must be provided to ensure this movement can be undertaken safely. If the site will be serviced from the main road this is considered acceptable as currently this is most likely to be taking place.

Services

It is likely the road will remain private, in which case and service margins should be incorporated into verges or footways and is either 2m in width or 1m either side of the access to ensure it can be kept open and clear at all times.

Pedestrian Links

Pedestrian access directly from the site is limited. The shared use layout will tie into the existing road layout but no crossing facilities are provided to gain access to the footway on the other side of the road. This continues along the northern edge of the B2114 into the Village of Whitemans Green.

Consideration needs to be given to the design of the access and how pedestrians of all mobility levels will be able to cross the road from the north to the southern side, as it seems they would require some form of footway and dropped crossing feature to accommodate this.

CONDITIONS

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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.

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.