

MID SUSSEX DISTRICT COUNCIL

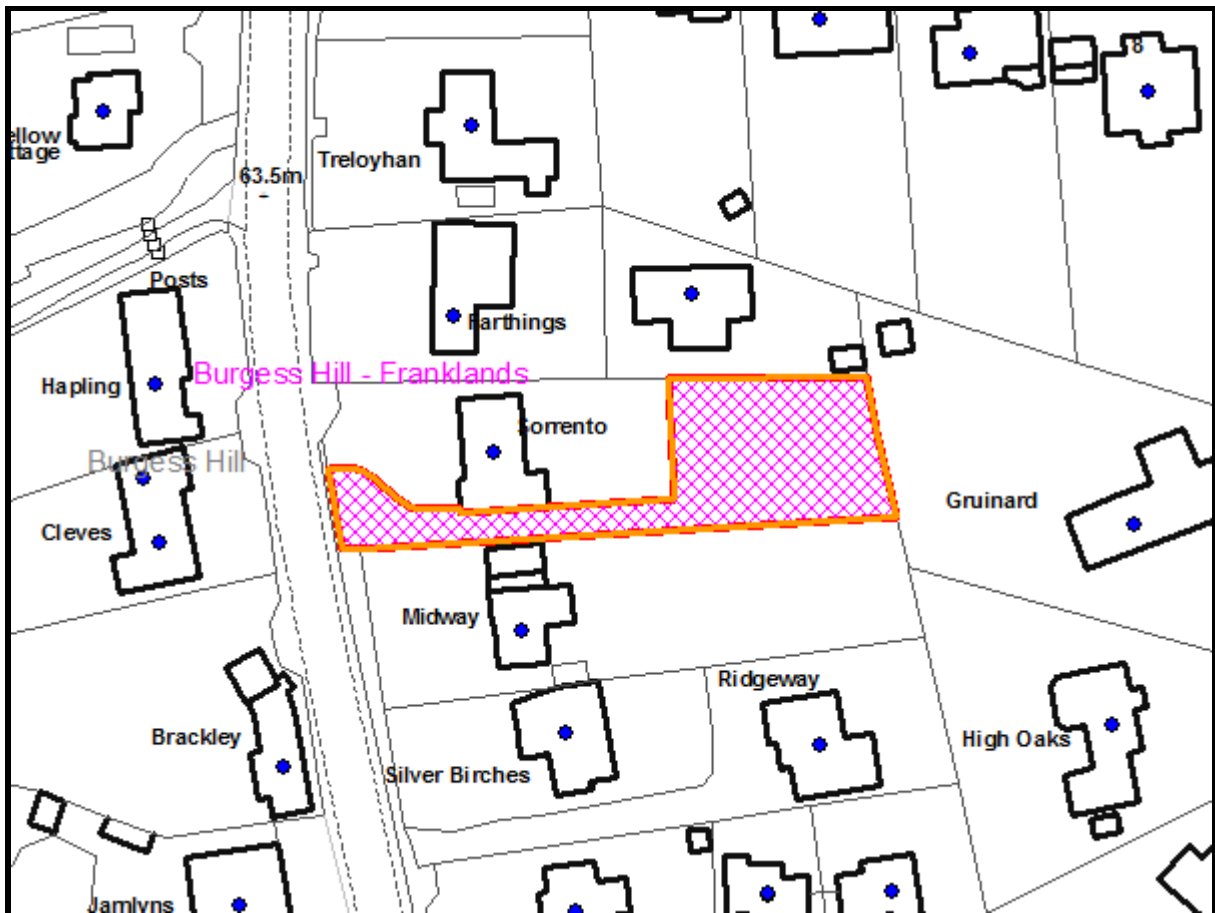
Planning Committee

28 NOV 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/3969



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**SORRENTO KEYMER ROAD BURGESS HILL WEST SUSSEX
ERECTION OF 2 STOREY, 4 BEDROOM DETACHED DWELLING WITH
ASSOCIATED CAR PORT AND NEW ACCESS VIA KEYMER ROAD.
MS CATHERINE CRISP**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 2nd December 2019

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Andrew Watt

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

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application has been called-in for determination at committee by Cllr Henwood (and seconded by Cllr Allen) for the reasons set out in the report below.

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. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Weighing in favour of the scheme is that the development will provide 1 additional residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highway safety, parking, landscaping, drainage and sustainability.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP28, DP29, and DP41 of the Mid Sussex District Plan, Policies S4, H2 and H3 of the Burgess Hill Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be

granted.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

CONSULTATIONS

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

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Street Naming and Numbering Officer

Informative requested.

WSCC Highways

No objection, subject to conditions.

TOWN COUNCIL OBSERVATIONS

To be reported.

LETTERS OF REPRESENTATIONS

3 letters of objection: Contrary to Neighbourhood Plan which discourages backyard developments, overbearing, unneighbourly, out of keeping with neighbouring properties, drainage problems, cramped building, narrow access, overcrowded, road accidents in vicinity, inappropriate design, loss of privacy and outlook, noise and disruption, loss of security to rear of neighbouring property, surface water run-off not mitigated.

1 letter of support: Everything that has been asked for has now been achieved, hopefully this will now be approved.

INTRODUCTION

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application has been called-in for determination at committee by Cllr Henwood (and seconded by Cllr Allen) for the reasons set out below:

Cllr. Allen and myself want this application DM/19/3969 to go to committee for consideration. It convenes BH Neighborhood Plan H2 and H3; and MSDC DP 26. It is over development, detrimental to any future occupants with little garden, issues with surface water run-off, the entrance track decreases to as little as 3 m wide, access onto Keymer Rd, is hazardous.

RELEVANT PLANNING HISTORY

In September 2019, a planning application for the erection of a 4-bed detached dwelling and car port and formation of a new access was withdrawn (DM/17/3973), in order to resolve a highway safety objection regarding the location of the access.

SITE AND SURROUNDINGS

The site consists of a detached single-storey dwelling set within a good-sized plot on the eastern side of Keymer Road within the built up area of Burgess Hill. The site and its surroundings are designated as an Area of Townscape Value in the Burgess Hill Neighbourhood Plan.

The character of this side of Keymer Road is defined by good-sized detached houses set back from the highway in well planted and fairly substantial plots. Some have been subdivided with backland developments (notably Farthings immediately north, Silver Birches two properties to the south (Ridgeway), Parkwood and Tryfan to the south of that (1, 2 and 3 Keymer Place), and Charmouth Oaks adjacent to that (Southfields). The houses along this part of Keymer Road are mainly two storeys in height with a variety of designs.

APPLICATION DETAILS

Full planning permission is sought for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The application is identical to the final negotiated iteration of the previously submitted application, apart from the access being located more centrally within the existing front garden at the junction with Keymer Road. This allows the requisite visibility splays to be provided across the frontage in both directions and across highways land or land owned by the applicant.

The proposed internal access will run along the southern boundary of the site (apart from at the junction with Keymer Road), directly adjoining the host property, terminating in a turning area in front of the car port and dwelling to the rear.

The dwelling will be L-shaped and arranged over 2 storeys, with the upper floor set predominantly within the roofspace. Materials will be brick elevations, dark grey powder coated aluminium windows and doors and slate roof tiles.

POLICY CONTEXT

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

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

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Dormer Window and Rooflight Design Guidance (Aug 2018)

Burgess Hill Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Burgess Hill Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Burgess Hill as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Burgess Hill Neighbourhood Plan area.

Relevant policies include:

Policy S4: Parking Standards for new developments

Policy H2: Back Garden Development

Policy H3: Protect Areas of Townscape Value

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is '*significantly boosting the supply of homes*'.

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states (in part):

*'For **decision-taking** this means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

However, paragraph 12 makes clear that:

'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.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 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.'

Planning Practice Guidance

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

West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and visual impact on the character of the area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- Habitats Regulations;
- Standard of accommodation; 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:

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

Section 38(6) of the 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 Mid Sussex consists of the Mid Sussex District Plan (2018) together with the Burgess Hill Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

Policy DP6 of the Mid Sussex District Plan states (in part):

'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.'

The site falls within the built-up area of Burgess Hill as designated in the Mid Sussex District Plan and Burgess Hill Neighbourhood Plan. The site is considered suitably sustainable in location and therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF.

At neighbourhood plan level, Policies H2 and H3 are relevant. Respectively they state:

Policy H2: Back Garden Development

'Development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.'

Where back garden development is proposed; special regard must be paid to:

- i. The density and height of the proposal;*
- ii. The privacy and outlook from existing dwellings and, in particular, gardens;*
- iii. Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- iv. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- v. Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- vi. The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- vii. The effect and cumulative impact of the development on the loss of garden habitat/biodiversity.'*

Policy H3: Protect Areas of Townscape Value

'Proposals for development and redevelopment within Areas of Townscape Value will require special attention to be paid to preserving and enhancing the existing character of the area in terms of spaciousness, building heights, building size and site coverage, building lines, boundary treatments, trees and landscaping.'

The areas of townscape value are identified on the Proposals Map and are:

1. Folders Lane

2. Keymer Road
3. Gatehouse Lane
4. Malthouse Lane (south side) - area around Grasmere
5. Oakwood Road
6. Janes Lane
7. Leylands Road (from Marle Place to St John's Avenue)

The site is located specifically within a private residential garden, which is classified as "previously developed land" in the NPPF. Paragraph 117 states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

Thus there is some inconsistency between this paragraph (which is more permissive) and Neighbourhood Plan Policy H2 (which is relatively restrictive in this regard). It is important to note that this Policy does not prohibit development within rear gardens; rather, care must be taken to ensure that such proposals do not harm the prevailing character of the area or amenity. Policy H3 is similar in its aim.

The planning history of the immediately surrounding area shows new dwellings permitted within the rear gardens of Farthings (adjacent to the north - known as Lansdown), Silver Birches (2 properties to the south - known as Ridgeway), Parkwood and Tryfan (3 to the rear, next along - known as 1-3 Keymer Place), and Charmouth Oaks (next along - known as Southfields). Assessed within this context, it cannot be said that the proposed development would be out of keeping with this backland character.

So in detail, it is considered that the proposed dwelling would be of an appropriate height in relation to surrounding dwellings. It is not considered that the proposal would result in a loss of privacy to neighbouring occupiers, or be overbearing to neighbouring amenity. There would not be an unattractive breach in this street frontage as a result of the proposed access and nor would it cause nuisance to neighbouring properties. The resultant garden area would be in keeping with the scale of the proposed dwelling and the immediate surroundings. The scale of the proposed building would be in keeping with that of other housing on this street. The proposal would retain a garden area so would not result in a loss of garden habitat or biodiversity.

In terms of the proposed design, the development would be consistent with the surrounding area in its spaciousness, building height, size and site coverage, building lines, boundary treatments, trees and landscaping.

Overall, therefore, it is considered that the principle of development is acceptable.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *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;*
- *positively addresses sustainability considerations in the layout and the building design.'*

The proposed dwelling will be sited a minimum distance of 1.9m from the boundary with Lansdown and 3.6m from the boundary with Midway to the south. The depth of the garden will range from 7.1m to 15m. The site coverage of this development is consistent with that of Lansdown, Ridgeway and 1-3 Keymer Place, so the layout is deemed to be acceptable on its own merits. The building will be visible from Keymer Road to the west, as the other backland developments are, so again, it would not be harmful to the street scene. The design and scale of the proposed dwelling is deemed appropriate in this area and overall, the application is deemed to comply with the above policy.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The main properties affected by the proposal would be Lansdown to the north, Midway to the south, Gruinard to the east and the host dwelling, Sorrento, to the west.

The proposed development would be sited a minimum distance of 5.9m from Lansdown. The approved layout of this property shows that a pair of double doors are located on the ground floor facing the site, together with a rooflight serving a bedroom above. The entrance door and shower room window on the ground floor are the only other windows facing the site. Both the living area and the principal

bedroom are lit predominantly from the east, thus the fenestration facing south is secondary and therefore the proposed dwelling would not be considered to be overbearing to the amenity of these neighbouring occupants. The proposed dwelling includes two first floor rooflights facing towards Lansdown, but it is not considered that these would result in a loss of privacy to this neighbouring property.

The proposed dwelling would be located some 28m obliquely to Midway (although 3.6m to the rear garden boundary); 26m to the side elevation of Ridgeway and 33m obliquely to Gruinard. It is considered that these distances are acceptable in a built-up area location not to result in a significant loss of privacy or overbearing impact.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

'... 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.'

Policy S4 of the Neighbourhood Plan states:

'New housing developments that include the provision of garage space must be of the minimum size for cars - 7.0m x 3.0m (internal dimension) for this to be counted as a parking space. All new housing developments must comply with the new parking standards for Burgess Hill contained in Appendix D. If a garage is proposed then the drive way must be of sufficient length to allow a second car to park clear of the pavement whilst providing space for the garage door to open.'

In cases where planning permission is necessary for alterations and extensions to properties, support will not be given for the conversion of garage space to habitable rooms / residential use unless there is adequate space to park cars off street in line with the parking standards.'

Design and layout of off-site parking areas, on street parking areas, garage/parking blocks will be designed to allow ease of access from driveways and accessibility to parking areas without causing obstruction.'

The Highway Authority has raised no objection to the application, in terms of the achievable visibility splays in respect of the access. The car parking provision is deemed acceptable and cycle spaces can be provided in the garage. All these matters can be secured by condition and accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy S4 of the Burgess Hill Neighbourhood Plan.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.'

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.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

The means of drainage to serve the proposed development could be controlled by condition, as confirmed by the council's Drainage Engineer, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

The building has been oriented east -west such that the north aspect is secondary and levels of natural light are maximised, thus reducing the demand for artificial lighting. A low carbon, multi-vent system and energy efficient fan will complement window openings, to strike a balance between daylight and excessive solar gains. Air tightness in the fabric of the building will be used to help reduce the size of the heating system for the property.

Energy efficient lighting/controls and other energy efficient measures will ensure that the relevant carbon and energy efficient targets are met through more passive measures.

Water usage will be managed by way of a water meter for future occupants and hot and cold water systems will be designed to restrict water usage to 110 litres per person per day. Rainwater harvesting measures include downpipes/filters and permeable surfaces.

These sustainability measures would meet Building Regulations can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

The proposed dwelling would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

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. 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.

Weighing in favour of the scheme is that the development will provide 1 additional residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highway safety, parking, landscaping, drainage and sustainability.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP28, DP29, and DP41 of the Mid Sussex District Plan, Policies S4, H2 and H3 of the Burgess Hill Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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 above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

5. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for method of access for all vehicles, all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of highway safety and to accord with Policy DP21 of the Mid Sussex District Plan.

Construction phase

6. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other

than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

7. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 42.4 metres have been provided at the proposed site vehicular access onto Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. 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 or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

9. No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

10. 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 comply with Policy DP21 of the Mid Sussex District Plan.

11. 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 to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

12. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

13. The proposed first-floor window (Bed 1) on the south elevation of the dwelling hereby permitted shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan.

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

Reason: To prevent the overdevelopment of the site and to preserve the amenities of neighbouring residents, to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.
2. 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.
3. 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.

4. 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.

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

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

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	FD16-1439-200		24.09.2019
Existing Site Plan	FD16-1439-201		24.09.2019
Existing Sections	FD16-1439-202		24.09.2019
Proposed Site Plan	FD16-1439-300		24.09.2019
Site Plan	FD16-1439-301		24.09.2019
Proposed Floor Plans	FD16-1439-350		24.09.2019
Proposed Elevations	FD16-1439-351		24.09.2019
Proposed Elevations	FD16-1439-352		24.09.2019

Proposed Sections	FD16-1439-360	24.09.2019
Proposed Floor and Elevations Plan	FD16-1439-370	24.09.2019
Drainage Details	2018/D1457/SK201	24.09.2019
Access Plan	2018/D1457/SK202	24.09.2019
Visibility Plans	2018/D1457/SK203	24.09.2019

APPENDIX B – CONSULTATIONS

MSDC Drainage Engineer

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will positively drain surface water from all impermeable surfaces associated with the development, including driveway, patio and roof.

Tanked permeable paving shall be provided within the parking area, and the access road to store surface water before discharging at 0.2l/s into the public foul sewer.

A letter from Southern Water dated 9th may 2018 confirms capacity of the foul sewer to accommodate this 0.2l/s of surface water.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will connect to the foul sewer which presently serves the dwelling known as Sorrento. This will result in the existing foul sewer becoming a main public foul sewer.

FLOOD RISK

The proposed development is within flood zone 1 and is 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 officially reported.

As part of a previous planning application on the site local residents surrounding the site have raised concerns regarding increased ground saturation / waterlogging / external flooding within their gardens. The increased ground saturation has been recorded by the residents during both summer and winter months.

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

We acknowledge concern has been raised in relation to increased flood risk in the surrounding area following the proposed development, and that appropriate drainage is not achievable on the site.

Surface water drainage is proposed to discharge into the surface water sewer. This would not usually be acceptable is infiltration into the ground, or discharge into a watercourse was possible.

A percolation test submitted as part of the application confirms infiltration on the site is not possible and there are no watercourses available adjacent to the site. Therefore, discharge into the surface water sewer follows the drainage hierarchy and is acceptable in principle.

Foul water drainage is proposed to discharge into the existing foul water sewer network which ultimately connects to the main foul sewer. Capacity and suitability of the existing

private system which serves Sorrento will need to be confirmed. However, the principle of how foul water drainage shall be managed is acceptable.

Concern has been raised in relation to the proposed development increasing flood risk in the surrounding area. The site is presently garden and is therefore not actively drained. At present some water that falls on the site would infiltrate into the ground. However, the poor infiltration rates suggest that during heavy rainfall it is likely overland surface water flows would occur from the site and collect at topographically low points within the area.

Following development surface water which falls on the impermeable areas shall be positively drained and discharged to the surface water sewer. As such, following development flood risk from overland flow could be reduced from the existing uncontrolled situation.

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.

MSDC Street Naming and Numbering Officer

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

Informative (Info29)

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

Planning applications requiring SNN informative

DM/19/3343
DM/19/3938
DM/19/3969
DM/19/4233
DM/19/4227
DM/19/4276
DM/19/4269

WSCC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/17/3973 which was withdrawn. In comments dated 28th June 2019 LHA commented on demonstrated visibility splays of 2.4m by 42.4m which demonstrated part of a car could be observed to the south in the scenario of overtaking along Keymer Road. A small section of the splay passed through third party land and thus it was considered these splays should not be secured via condition. Further comments on 4th July 2019 advised the applicant to demonstrate whether the proportion of hedge outside control of Sorrento fully obscures a car. This should be demonstrated by showing visibility in the horizontal plane and include a written justification for any small obscuring of visibility.

The latest plans show the new access point to be located slightly further north. The previous splays of 2.4m by 42.4m are now achievable entirely within applicant land and publicly maintained highway and thus LHA would advise these secured via suitably worded condition. Visibility in the horizontal plane has also been assessed and the LHA are satisfied that existing hedge to be cut back is within applicant land/ public highway.

As per previous comments it is acknowledged that similar neighbouring accesses have been operating without evidence of highway safety concern and that the proposed single dwelling is not anticipated to give rise to a 'severe' increase in vehicle trips, over what could currently be supported by the existing access. Furthermore, cutting back/ setting back of the hedgerow fronting Sorrento will allow for improved visibility in the trailing direction for the existing access point also.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

CONDITIONS

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.

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.

No part of the development shall be first occupied until visibility splays of 2.4 metres by 42.4 metres have been provided at the proposed site vehicular access onto Keymer 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 or as otherwise agreed.

Reason: In the interests of road safety.

Pedestrian Visibility (details required)

No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning

Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVES

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

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