

6 July 2021

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Owing to continuing public health restrictions, very limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the day prior to the meeting.

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 15TH JULY, 2021 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|---|--------|
| 1. | To receive apologies for absence. | |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 3. | To confirm the Minutes of the meetings of the Committee held on 8 April and the meeting of the Annual Planning Committee held on 28 April 2021. | 3 - 14 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|--|----------|
| 5. | DM/20/3310 - 23-25 Bolnore Road, Haywards Heath, West Sussex, RH16 4AB. | 15 - 62 |
| 6. | DM/20/4659 - Land South East of Tiltwood East, Hophurst Lane, Crawley Down, West Sussex, RH10 4LL. | 63 - 90 |
| 7. | DM/21/0041 - Humphreys Bakery, 65 High Street, Lindfield, West Sussex, RH16 2HN. | 91 - 116 |

- | | | |
|-----|--|------------------|
| 8. | DM/21/0485 - Milton House, Black Hill Lane, Lindfield, West Sussex, RH16 2HE. | 117 - 136 |
| 9. | DM/21/1524 - Bridge Hall, Cuckfield Road, Burgess Hill, West Sussex, RH15 8RE. | 137 - 186 |
| 10. | DM/21/1963 - 11 The Stennings, East Grinstead, West Sussex, RH19 1PF. | 187 - 190 |

Items Recommended for Refusal.

- | | | |
|-----|---|------------------|
| 11. | DM/20/4676 - High Trees, 54A Lewes Road, Haywards Heath, West Sussex, RH17 7SN. | 191 - 202 |
|-----|---|------------------|

Other Matters.

None.

12. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, B Forbes, S Hatton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Thursday, 8th April 2021
from 4.00 - 7.14 pm**

Present: G Marsh (Chairman)
P Coote (Vice-Chair)

G Allen
R Cartwright
J Dabell

R Eggleston
A MacNaughton
C Phillips

M Pulfer
D Sweatman

Absent: Councillors E Coe-Gunnell White and N Walker

Also Present: Councillors J Ash-Edwards, I Gibson, S Hatton, J Llewellyn-Burke and N Webster

1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman introduced the meeting and took a roll call of Members in attendance. The Legal Officer explained the virtual meeting procedure.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Walker and Councillor Coe-Gunnell White.

3 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Phillips declared a personal interest in item DM/20/4654 as he sits on the Planning Committee for Worth Parish Council. Councillor Pulfer declared a personal interest in DM/20/3456 as he sits on the Planning Committee for Haywards Heath Town Council. Both come to the meeting with an open mind to hear the representations of Officers, Public Speakers and Members of the Committee.

Councillor Coote declared a prejudicial interest in DM/20/4654 as he called-in the item. He will remove himself from the meeting for the duration of this item and take no part in the debate or vote.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 MARCH 2021.

The minutes of the meetings of the Planning Committees held on 11 March 2021 were agreed as a correct record and signed electronically by the Chairman.

5 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman had no urgent business.

6 DM/20/3382 - LAND EAST OF HAYCORN STREET LANE, ARDINGLY, RH17 6UJ.

Andrew Watt, Senior Planning Officer, introduced the application which sought approval for the construction of two attached houses together with access and parking. He highlighted that the site is within the High Weald Area of Outstanding Natural Beauty and not contiguous with the built-up area of Ardingly. There are also 4 Tree Preservation Orders (TPOs) on trees within the site. He noted that the site previously benefited from planning permission for 2 dwellings which lapsed in January 2021, very similar to the proposal before the Committee now apart from an infill on the southwest corner, and the driveway now moved further away from the house. Prior to this an application for 3 dwellings on site was refused due to the size and scale of the building and inappropriate parking provision. The recent lapse of the previously approved application is a material consideration which outweighs the conflict with the Development Plan on this occasion.

A Member noted that 2 dwellings was suitable for the site as it is constrained by the protected trees. He also acknowledged that although it is just outside the built-up area, there are a number of houses built along the same side of the road nearby, so it is not out of character.

The Chairman took Members to the vote to approve the application as detailed in the Officer Recommendation. This was proposed by Councillor MacNaughton and seconded by Councillor Coote. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

| Councillor | For | Against | Abstain |
|-------------------|------------|----------------|----------------|
| R. Cartwright | Y | | |
| P. Coote | Y | | |
| J. Dabell | Y | | |
| R. Eggleston | Y | | |
| A. MacNaughton | Y | | |
| G. Marsh | Y | | |
| C. Phillips | Y | | |
| M. Pulfer | Y | | |
| D. Sweatman | Y | | |

Councillor Allen joined the meeting 4.15pm and was therefore not able to vote on this item.

RESOLVED

A

It is agreed that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, planning permission be granted subject to the conditions set out in Appendix A.

and

B

If by 8 July 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

7 **DM/20/4372 - FRANK'S HOUSE, FARNEY CLOSE SCHOOL, BOLNEY COURT, BOLNEY, RH17 5RD.**

Katherine Williams, Planning Officer, introduced the item which sought approval for the change of use to teaching suite with the blocking up of two windows, the insertion of 3 smaller windows and a new canopy to the northern side of the building. She noted that the site is part of Farney Close School which is situated within the Countryside and High Weald Areas of Outstanding Natural Beauty. It has a large area of landscaping and woodland that hides the school from the road. She drew Members attention the buildings referred to in the application which are subject to a legal agreement stating that they can only be used for staff accommodation. However, since 2002 they have been used for student accommodation instead. The proposed plan changes the internal layout from 2 bathrooms to 3 separate toilets and due to the legal agreement, a deed of release is required for the building's change of use. As it is still intended for use by the school and given the amount of time passed since it was used for staff accommodation, the Officers recommendation is for the deed of release to be granted.

A Member noted that the alterations make little difference to the use of the building, and it is presented to the Committee for legal rather than planning reasons, so he was content to support the application.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor MacNaughton and seconded by Councillor Coote. A recorded vote was carried out by the Legal Officer and the application was approved unanimously.

| Councillor | For | Against | Abstain |
|----------------|-----|---------|---------|
| G. Allen | Y | | |
| R. Cartwright | Y | | |
| P. Coote | Y | | |
| J. Dabell | Y | | |
| R. Eggleston | Y | | |
| A. MacNaughton | Y | | |
| G. Marsh | Y | | |
| C. Phillips | Y | | |
| M. Pulfer | Y | | |
| D. Sweatman | Y | | |

RESOLVED

It was agreed that, subject to the completion of a satisfactory Legal Agreement to vary the existing Section 37 legal agreement, planning permission be granted subject to the conditions set out in Appendix A.

Councillor Coote left the meeting at 4.42pm and did not take part in debate on the next item

8 DM/20/4654 - TOWWAYS, STATION ROAD, CRAWLEY DOWN, RH10 4JE.

Joseph Swift, Senior Planning Officer, presented the report seeking approval for the demolition of the existing detached bungalow and the erection of 3 x 4 bedroom detached houses with associated garages. He drew Member's attention the Agenda Update Sheet which contained an additional letter of representation and amendments to Condition 5. He noted that the site is within the built up area of Crawley Down in a sustainable area and that the bungalow is situated in a substantial sized plot similar to the combined size of the adjacent three properties. There have been no objections from West Sussex County Council Highways department (WSCC Highways) and there is no significant harm to neighbouring amenities.

Cllr John Hitchcock, Worth Parish Councillor spoke in objection on the grounds of pedestrian safety and highways issues.

Michael Low spoke in objection on the grounds of highways issues.

David Cassells spoke in favour of the application representing the applicant.

Councillor Gibson spoke as Ward Member against the application. He acknowledged the proposed SANG and SAMM contributions but queried whether the Council would receive a New Homes Bonus. His main concern was regarding the position of the access for the proposed three properties which would result in residents needing to reverse out onto a busy junction and across a busy footpath. He queried the WSCC Highways lack of objection and felt that the proposal was overdevelopment. If it was reduced to two properties, there would be room for vehicles to turn on site and therefore not have to reverse. He felt the proposal contravened District Plan policy 26 and the Crawley Down Neighbourhood Plan policy 5 with regards to pedestrian friendly layouts and suitable access and onsite parking so as not to provide a detriment to neighbouring properties and the local highways network.

A number of Members felt the proposal constituted overdevelopment as the three proposed properties did not allow for adequate vehicle turning and therefore required reversing onto the footpath and road. It was also felt that the site was smaller than the adjacent plots and not suitable for three buildings. If the application was to be approved, a request was made for a banksman to be permanently on site, for limited demolition time to avoid school journeys and respects the adjacent Surgery, and for the contractor to dampen the site to reduce the impact of dust on surrounding properties.

A number of Members also queried the decision of WSCC Highways as their exercise was carried out during half term which in Member's opinion did not give an accurate portrayal of the amount of traffic and pedestrians around the site. A Member requested that they carry out a new exercise at a more appropriate time.

The Planning Officer highlighted the position of the proposed entrances, noting that the existing one is in the middle of the three new entrances. A number of Members felt that the entrance to the first property was too close to the junction and the green where pedestrians may not be expecting cars to reverse out on to.

A Member acknowledged the concerns around the Highways consultation response but noted that as they have no objection, the Committee should not refuse the application on those grounds. It was also noted that a number of houses in the District have entrances that cross footpaths.

Councillor Phillips proposed a motion for refusal on the grounds of overdevelopment which was seconded by Councillor Pulfer.

The Team Leader - Major Development and Investigations noted that if Members wished to object on the grounds of overdevelopment, they need to demonstrate what harm is being caused, especially considering the plot sizes are similar, the dwellings scale and proportion are appropriate and the site is not within a protected area such as the AONB or a conservation area.

The meeting adjourned between 5.09pm and 5.13pm for the Chairman to consult Legal and Planning Officers for advice.

The Chairman reiterated the need to state what actual harm is being caused and noted that a prior application for 4 dwellings on site was withdrawn and now reduced to three dwellings. Councillor Phillips withdrew his motion to refuse.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor Sweatman and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the motion to approve failed with 5 against and 4 in favour.

| Councillor | For | Against | Abstain |
|-------------------|------------|----------------|----------------|
| G. Allen | | Y | |
| R. Cartwright | | Y | |
| J. Dabell | Y | | |
| R. Eggleston | | Y | |
| A. MacNaughton | Y | | |
| G. Marsh | Y | | |
| C. Phillips | | Y | |
| M. Pulfer | | Y | |
| D. Sweatman | Y | | |

The meeting adjourned between 5.18pm and 5.34pm for the Chairman to consult Legal and Planning Officers for advice.

The Chairman noted that he had reviewed District Plan policy 26 and the application did not conflict with any elements. He acknowledged that a number of Members felt that the application could be against the Crawley Down Neighbourhood Plan policy 5 but that there was limited evidence to support this, which should be a consideration should it be taken to appeal. The Team Leader noted that Members need to consider the Development Plan as a whole and the fact that the development doesn't comply with one specific element, doesn't make it unacceptable. If the decision is to overturn the officer's recommendation, the Members will need to provide specific reasons why. It was also not possible to defer the application pending a further review by the

Local Highway Authority, as there is no indication that their view would be any different to their current position.

Following discussion on potential reasons for refusal, Councillor Eggleston proposed that the application should be refused because the proposal does not satisfy the requirements of Policy CDNP05, paragraph D of the Crawley Down Neighbourhood Plan as the size of the plots are not proportionate to the scale of the dwelling when compared with those of the adjacent plots and as such would be out of character with the established pattern of development. This was seconded by Councillor Phillips. The Chairman took Members to the vote on this motion. A recorded vote was carried out by the Legal Officer and the vote carried with 4 in favour, 2 against and 3 abstentions.

| Councillor | For | Against | Abstain |
|----------------|-----|---------|---------|
| G. Allen | | | Y |
| R. Cartwright | Y | | |
| J. Dabell | | | Y |
| R. Eggleston | Y | | |
| A. MacNaughton | | Y | |
| G. Marsh | | | Y |
| C. Phillips | Y | | |
| M. Pulfer | Y | | |
| D. Sweatman | | Y | |

RESOLVED

That Planning permission be refused for the following reason: The proposal does not satisfy the requirements of Policy CDNP05, paragraph D of the Crawley Down Neighbourhood Plan as the size of the plots are not proportionate to the scale of the dwelling when compared with those of the adjacent plots and as such would be out of character with the established pattern of development.

The meeting adjourned for a comfort break between 5.52pm and 5.58pm. Councillor Coote re-joined the meeting at 5.58pm.

9 DM/21/0165 - MILL NURSERY, LONDON ROAD, HASSOCKS, BN6 9NB.

Andrew Watt, Senior Planning Officer, introduced the application which sought approval for the demolition of existing buildings and the erection of 3 x 4 bedroom dwellings and 1x 4 bedroom replacement dwelling with associated parking, amenity space and landscaping. He noted that the site consists of 6 buildings formerly in use as a nursery and the site is overgrown with one building fire damaged, one glass house in disrepair, one demolished, and one former dwelling that is abandoned. He drew Members attention to the Agenda Update Sheet which contained amended conditions and a letter from Southern Water.

He noted that a previous application for a similar number of properties had been refused as the Inspector felt that the design was too urbanised for the rural locality. He noted that the new application is contrary to the Development Plan but the appeal decision for the previous scheme constitutes a material consideration which outweighs this conflict as the Inspector concluded it was a suitable location for development. It is located within the local gap between Hassocks and Burgess Hill but the Inspector did not consider that it would result in coalescence of the two settlements. The main reason for refusal was limited to the design which has now

been addressed with a barn style of appropriate scale which fits well with the replacement dwelling.

Councillor Claire Tester spoke on behalf of Hassocks Parish Council against the application citing concerns over coalescence and damage to the character of the area.

Chris Barker spoke in favour noting that the principle of development is acceptable given the Inspector's comments and redesign.

Ward Member Councillor Hatton spoke against the application noting that both previous applications were refused by the Planning Officers as they were contrary to District Plan policy 12 as visual impact of buildings would go against the rural nature of the site. She expressed surprise that the architect's panel was not involved in the decision on the design and queried if the Tree Officer had commented on the dense screening proposed in the application. She queried the fallback position mentioned by the Inspector and noted that the new application is similar in mass and whether the Inspector's concerns regarding ungracious encroachment on the countryside should still be applicable.

The Senior Planning Officer clarified that the fallback position referred only to the 2 buildings in the southeast corner of the site, one of which has since burnt down so it could be debatable whether the prior approval could be implemented in full as it related to a building conversion, not demolition and rebuild. If it had been implemented, it would be juxtaposed with the derelict dwelling to north and the nursery buildings. The new application has come forward in response to the Inspector's decision which is centred around design concerns rather than the position of buildings on site. These concerns have been addressed with the new application. The proposed buildings will converge around soft landscaping to reduce the concern around the extent of hard standing previously expressed by the Inspector, and the proposed scheme excluding the garage is 860m² as opposed to the existing buildings which are 1302m². In terms of the volume of the new buildings, the proposed scheme is reduced from 3054m³ to 2238m³ and the buildings are a more traditional design, appropriate for this rural location.

Two Members noted that the site is a brownfield site which is derelict and required cleaning and that the proposed development would address this. A Member requested that the developer look to include sustainable heating options rather than wood burners.

Two Members expressed concern around coalescence and whether the location was sustainable, and felt that the application contravened District Plan Policy 6, 12, 15 and 21, as well as the Hassocks Neighbourhood Plan. The Team Leader noted that the Inspector had considered policy 1 and 9 of the Hassocks Neighbourhood Plan and was satisfied that there was not a risk of coalescence of settlements, and that that the site was in a sustainable location.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations and the Agenda Update Sheet. This was proposed by Councillor Coote and seconded by Councillor Sweatman. A recorded vote was carried out by the Legal Officer and the application was approved with 6 in favour, 3 against and 1 abstention.

| Councillor | For | Against | Abstain |
|----------------|-----|---------|---------|
| G. Allen | | Y | |
| R. Cartwright | | Y | |
| P. Coote | Y | | |
| J. Dabell | Y | | |
| R. Eggleston | | Y | |
| A. MacNaughton | Y | | |
| G. Marsh | Y | | |
| C. Phillips | | | Y |
| M. Pulfer | Y | | |
| D. Sweatman | Y | | |

RESOLVED

It is agreed that the application be approved subject to the conditions set out in Appendix A and the Agenda Update Sheet.

Councillor Eggleston left the meeting at 6.53pm

10 **DM/20/3456 - LAND WEST OF KILNWOOD APARTMENTS, ROCKY LANE, HAYWARDS HEATH, RH16 4XL.**

Caroline Grist introduced the application which sought permission for the erection of 9 apartments within a single three storey building along with access, parking and landscaping. She noted that the site is within the built-up area of Haywards Heath and that trees situated along the northern boundary, to the west of the access, are protected by a Tree Preservation Order. The new application would replicate the adjacent development buildings in form and design and provide 9 dwellings, three of which are affordable housing. However, when the original development was considered, it was felt that the landscaping and layout would soften the development and this is the area now under consideration to be built on. Although the landscaping plan has evolved to cover full southern boundary, with more planting and repositioning of existing trees from first development, due to the position of the existing plots, the new block of flats would appear further forward and dominate the street scene and have a harmful impact to the character of the semi-rural area. The landscaping can also only be retained through a condition for 5 years and the relocation of the trees could cause damage.

Peter Rainer, the agent for the application, spoke via video recording in support of the application.

Nick Dexter spoke via video recording in support from the perspective of landscape design and tree preservation.

A number of Members noted that 4 blocks were not put forward as part of the original development and that to build an extra block now would constitute over development and be overbearing on site. The Team Leader noted that this area was kept clear as a buffer in the original development.

A Member was content with the proposal to replace plants which may be damaged, noting that some on site are already dying. He noted that the proposed new site

could mean headlights shine directly in windows, and that it would add pressure to the car parking as the existing well used parking area would be reduced.

The Chairman took Members to the vote to approve the application in accordance with the Officer Recommendations. This was proposed by Councillor Coote and seconded by Councillor MacNaughton. A recorded vote was carried out by the Legal Officer and the application was refused unanimously.

| Councillor | For | Against | Abstain |
|----------------|-----|---------|---------|
| G. Allen | Y | | |
| R. Cartwright | Y | | |
| P. Coote | Y | | |
| J. Dabell | Y | | |
| A. MacNaughton | Y | | |
| G. Marsh | Y | | |
| C. Phillips | Y | | |
| M. Pulfer | Y | | |
| D. Sweatman | Y | | |

RESOLVED

It was agreed that permission is refused for the reasons outlined at Appendix A and the Agenda Update Sheet.

11 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.14 pm

Chairman

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**Minutes of a meeting of Planning Committee
held on Wednesday, 28th April, 2021
from 6.40 - 6.41 pm**

Present:

R Cartwright
E Coe-
Gunnell White
P Coote
J Dabell

S Hatton
G Marsh
C Phillips
M Pulfer

D Sweatman
N Walker

Absent: Councillors R Eggleston and A MacNaughton

1 CONFIRMATION OF MEMBERS ON THE COMMITTEE.

The Solicitor to the Council confirmed the names of the Members sitting on this committee for the 2021/22 Council year.

2 ELECTION OF CHAIRMAN.

Councillor Coote nominated Councillor Marsh as Chairman of the Committee for the 2021/22 Council year. This was seconded by Councillor Sweatman and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Marsh be elected Chairman of the Committee for the 2021/22 Council year.

3 APPOINTMENT OF VICE CHAIRMAN.

Councillor Marsh nominated Councillor Coote as Vice-Chairman of the Committee for the 2021/22 Council year. This was seconded by Councillor Sweatman and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Coote be appointed Vice-Chairman of the Committee for the 2021/22 Council year.

4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

The meeting finished at 6.41 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

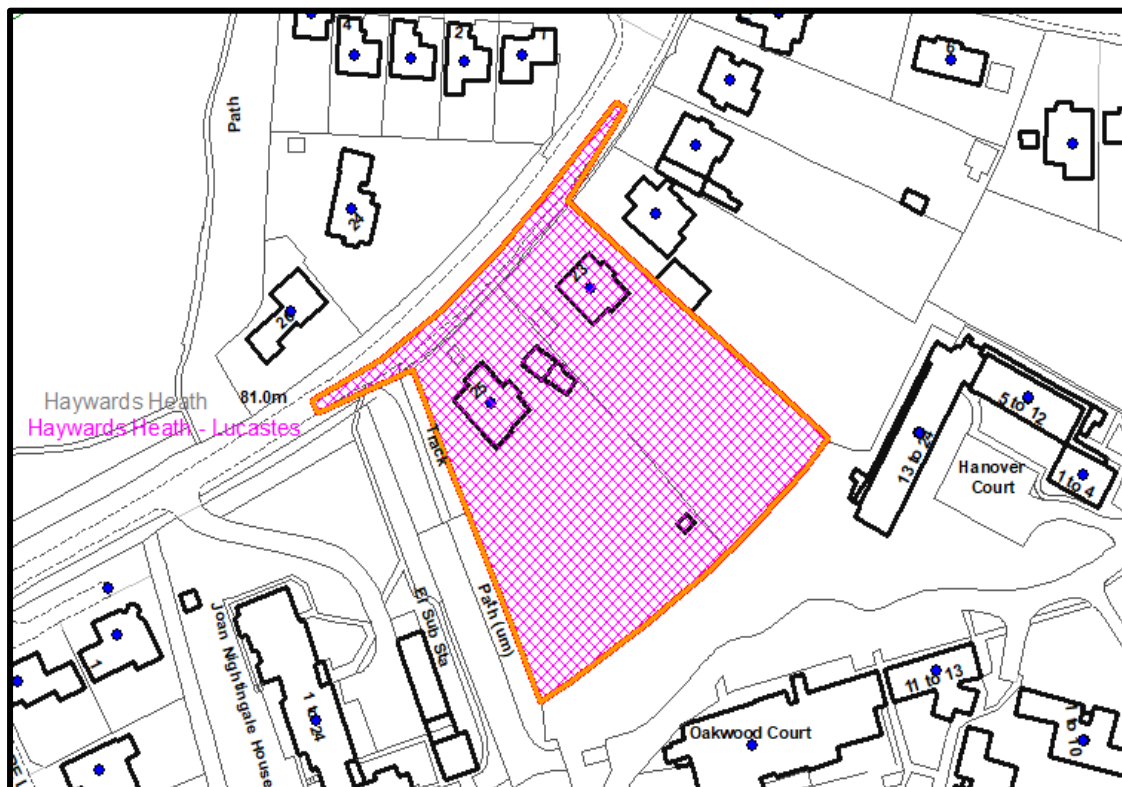
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/3310



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**23 - 25 BOLNORE ROAD HAYWARDS HEATH WEST SUSSEX RH16 4AB
THE DEMOLITION OF 25 BOLNORE ROAD AND GARAGE TO 23
BOLNORE ROAD, AND THE ERECTION OF A 67 BEDROOM
RESIDENTIAL CARE FACILITY, WITH ASSOCIATED ACCESS WORKS,
CAR PARKING, SERVICING, PRIVATE AMENITY SPACE, LANDSCAPING
AND BOUNDARY TREATMENT (AMENDED PLANS RECEIVED 12
MARCH 2021) (AMENDED PLANS RECEIVED 29 MARCH 2021)
DAMIAN WOOD**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / Public
Right Of Way / Aerodrome Safeguarding (CAA) / Sewer Line
(Southern Water) / Trees subject to a planning condition / Highways
Agreement (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 30th April 2021

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Andrew Watt

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

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The application has been referred to committee for determination by officers given the number of representations received, in line with the council's Constitution, which states that: 'Officers to whom a matter is delegated may refer that matter to the Council, Cabinet or a Committee (as appropriate) rather than exercise the delegation.'

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 site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable.

Weighing in favour of the scheme is that the development will provide specialist accommodation in a sustainable location and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure (libraries and transport).

Weighing against the scheme is the loss of an existing arts and crafts dwelling. However, this building is not listed, nor is the site within a conservation area.

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

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the proposal is deemed to comply with Policies DP1, DP6, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8 and E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 15 October 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason(s):

'The application fails to comply with Policy DP20 of the Mid Sussex District Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Letter from **Mims Davies MP** on behalf of a number of very concerned constituents:

- Deeply unpopular proposal for a bulky, dense and un-neighbourly building on an extremely compact site, so is too overbearing
- Impact on local wildlife and survival of an aged boundary hedge - discovery of protected species
- Insufficient parking on site for residents, staff and visitors
- No local capacity to cope with overflow of vehicles on this relatively narrow, semi-rural road
- Area already heavily over-subscribed with care facilities

18 letters of objection (first consultation, October 2020):

- Gross overdevelopment
- Not in keeping with semi-rural surroundings
- Will change appearance of Bolnore Road
- Area is overburdened with major developments
- Much larger than previously consented scheme
- Ugly, characterless, monolithic building design, not of the arts and crafts character previously approved
- Already too many local facilities for older people with care needs
- Loss of existing dwelling is regrettable
- Too many lovely houses with character have disappeared
- Increased traffic
- Highway hazard, particularly at junction with A272 and during rush hours
- Traffic lights should be considered in interests of public safety
- Exit from Bolnore Road onto A272 is already difficult
- Parking problems
- Insufficient parking proposed for the amount of development
- Difficulty for lorries to turn around within the site
- Blockage of sewer
- Light pollution
- Loss of 11 Category C trees which are integral to landscape character of the site
- Damage to tree roots on western side
- Trees will only be replaced with shrubs
- Insufficient amenity for future residents
- Loss of privacy
- Loss of bat habitat

92 letters of objection (second/third consultation, March/April 2021):

- Proposed replacement building is enormous and gargantuan
- Gross and overpowering development of this site
- Bulk and scale are out of character with prevailing urban grain
- Harmful to street scene and local environment
- Not in keeping with surroundings
- 3/4-storeys is overdevelopment and high-rise
- Proposed façade is unattractive
- Very blocky and does not respect surrounding vernacular
- Site is too small for this size of development
- One of the oldest areas of Haywards Heath
- Once attractive houses are demolished, they can never be replaced
- The existing Victorian house contributes to the character of Muster Green
- Loss of undesignated heritage asset
- Should be in a Conservation Area
- Too many care homes in this immediate area (a 'ghetto', a 'retirement complex')
- No need for more
- More affordable houses for young people are needed in the area, not this
- Proposal would not meet latest care home standards

- Interior is like a hospital
- No affordable housing is provided - why?
- Strain on local infrastructure
- Insufficient parking provision, particularly for 80-90 staff plus visitors
- Problems with parking during construction
- Significant on street parking and traffic congestion
- Dangerous access onto A272
- Danger to cyclists
- Already a narrow lane
- Increased pollution
- Access is in a poor position, making exit from other properties dangerous
- No improvements have been made to the road surface
- A care home is unlikely to cover the costs of making good this road, including repairing potholes
- Lack of construction management plan to protect wellbeing of neighbours
- Inadequate consideration of sustainability
- Pleased that Norway Maple and Beech trees on frontage are being retained
- Hope rustic hedge is retained rather than replaced with urban style railing
- Adjoins nature corridor
- Loss of wildlife in the hedges
- Protected species are present in this area
- Valuable to walkers
- Light pollution
- Drainage issues
- Little room for amenity for future residents
- Outlook from neighbouring properties would be totally transformed
- Overlooking of adjoining buildings and gardens
- Loss of light and privacy
- Too close to boundaries

SUMMARY OF CONSULTEES

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

MSDC Consultant Ecologist

No objection, subject to condition.

MSDC Contaminated Land Officer

No Comment.

MSDC Design Review Panel (22 October 2020)

On balance, the panel support the scheme subject to the existing boundary trees being retained/safeguarded and providing changes are made that allow for more soft landscaping to mitigate the size of the building. The south-west corner flank

elevation needs to be reviewed and a well-worked sustainability strategy is also required that demonstrates it is fully integrated with the overall design.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Housing Enabling Officer

The applicant is currently proposing a C2 residential care home which will accommodate 67 en-suite bedrooms along with a range of support facilities. As a result an affordable housing requirement would not be triggered. If however the building subsequently falls within a C3 use 30% affordable housing will be required.

MSDC Leisure Officer

As this is a residential care home providing specialist accommodation for older people there is no requirement for contributions toward outdoor playspace, formal sport or community buildings.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

Broadly from an arboricultural perspective I am happy with the proposed development, largely due to the revised positioning of the building relieving the pressure and possible negative impact on the boundary trees particularly on the western boundary, subject to pre-commencement conditions being imposed.

MSDC Urban Designer

The proposed development is significantly bigger than the existing houses along Bolnore Road. However, the principle of the loss of the existing house at no.25 and the comprehensive redevelopment of the site has been accepted with the previous planning consent (DM/18/1274). While this scheme is a single structure rather than a series of buildings, the overall development footprint is similar to the consented scheme. Both the DRP and I feel it is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. It successfully responds to the character of the existing houses by reinterpreting traditional features. The revised drawings have employed more soft landscaping in and around the front parking court and pulled the building away from the western boundary. The latter will ensure the existing tree belt and shrubs will be retained and together with the retained trees on the street frontage and the rear boundary, the development will generally be well screened and softened from most vantages. For these reasons, I

withdraw my objection to the planning application as it now sufficiently accords with the design principles in the Council's Design Guide and policy DP26 in the District Plan. To secure the quality of the design, I would nevertheless recommend conditions requiring the submission and further approval of the following drawings and information:

- Detailed hard and soft landscaping including boundary treatment and retaining walls.
- Details of the facing materials.
- 1:20 scale sections and elevations of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades.

WSSC Lead Local Flood Authority

No objection.

WSSC Highways

No objection to the proposed use, subject to conditions.

WSSC Infrastructure

Financial contributions requested towards Library facilities and Transport improvements.

WSSC Minerals and Waste

No objection.

West Sussex Fire & Rescue Service

1 hydrant to be secured by condition.

Environment Agency

To be reported.

Southern Water

No objection.

Sussex Police

No major concerns with the proposals.

TOWN COUNCIL OBSERVATIONS

The Town Council SUPPORTED the amended application because the building mass had reduced thus making the boundaries suitable and the view from Bolnore

Road less intrusive. As a result, all of the issues outlined by the Town Council in its original objection were deemed to have been addressed. As a further note, the Town Council also stated that the development must have a robust Construction Management Plan to manage delivery/lorry stacking, hours of work, contractor parking and wheel washing to reflect and mitigate the effect on Bolnore Road, which is a very busy road.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the Woodside Pavilion.

INTRODUCTION

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

RELEVANT PLANNING HISTORY

In April 2018, planning permission was withdrawn for the demolition of the dwelling at No. 25 and the garage at No. 23 Bolnore Road and redevelopment to form 16 sheltered dwellings, including communal facilities, access, car parking and landscaping (DM/17/1615).

In May 2019, planning permission was granted for the demolition of the dwelling at No. 25 and the garage at No. 23 Bolnore Road and redevelopment to form 15 sheltered dwellings for the elderly, comprising 8 retirement cottages and 7 retirement apartments, including communal facilities, access, car parking and landscaping (DM/18/1274). This permission has not been implemented but is extant.

SITE AND SURROUNDINGS

The site is located on the south side of Bolnore Road and consists of two large detached 2 storey properties set in substantial gardens, with land levels dropping by 4.5m from front to rear. A pedestrian footpath runs along the side of no.25. The houses are both of a traditional arts and crafts design.

Opposite the site are two large detached properties and adjacent to these Beech Hurst Close, with more modest houses in smaller plots. To the north are further large detached properties in Bolnore Road, immediately to the south west there is a footpath and beyond this is a block of sheltered flats (Joan Nightingale House), while at the rear are further sheltered accommodation flats in Amberley Close (Oakwood and Hanover Court).

The site is located within the built-up area of Haywards Heath and backs onto an area of Ancient Woodland.

APPLICATION DETAILS

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The total floorspace of the building will be 3,795 sq. m GIA across 3-storeys, plus part of a lower ground floor area, together with 20 car parking spaces (including 2 designated disabled bays), 1 ambulance bay and 6 cycle parking spaces. The main entrance will be in the same position to that already serving no. 23. This property will be retained, albeit with a truncated rear garden and the driveway relocated to the east. The internal drive to the main entrance, drop off area, car parking and turning areas and refuse and cycle storage areas will be located on the eastern part of the site, with the building taking up much of the western half, and across much of its depth. A separate pedestrian access will be provided from Bolnore Road, and a secure courtyard and landscaped area will be provided to the west, as a safe social space for residents. An orchard will be planted in the far south-east corner.

The lower ground floor area will be limited to the south-eastern arm of the building, and will accommodate the 'back of house' areas, including staff common room, changing facilities and plant provision.

The ground floor area will consist of the main entrance and reception area (directly visible from Bolnore Road and located within this south-eastern arm), residents' lounges/dining rooms, residents' amenities, staff facilities and 20 residents' bedrooms.

The first floor area will consist of residents' lounges/dining rooms, residents' amenities and 24 residents' bedrooms, spread throughout the floor to provide variation and choice.

The second floor area is similar and will consist of residents' lounges/dining rooms, residents' amenities and 23 residents' bedrooms, but this time set within the roof space.

The siting of the building has been broadly aligned with the consented scheme, which proposed a building to the front and 4 to the rear, leaving the circulation space to the east. In broad comparison, the current proposal is for a single block, which is narrower than the front building and narrower than the line of buildings to the rear, but utilises the approved central space between.

Elevationally, the scheme proposes parapet details and chimneys which allows a breakdown into individual elements and roof forms, reducing the apparent scale of the building. This is emphasised by changes in materials throughout, which include brick, tile hanging, clay roof tiles, curtain wall glazing, coloured precast panels and dormers with windows of aluminium frames. The windows decrease in size the higher up the building, which respects the traditional order of fenestration.

A concept landscaping scheme has been provided, which is intended to enhance the site boundaries and create a natural screen to neighbours. The entrance is well set back from the main road and includes resting and seating areas for residents either side, plus sensory planting to create a relaxing approach to the building. The residents' garden to the west and front provides seating as an extension to the dining areas within the building, and includes water features, bird baths and climbing trellis, with a wide, circular walking route and regular resting areas. Raised beds are provided, together with a shed for storage of gardening equipment. The orchard to the south-east is incorporated into the scheme, which includes seating areas and sculptures. Existing vegetated boundary treatments to the south and west will be retained and protected throughout the construction phase, with further enhancements by native tree and shrub planting. New evergreen, structural planting will be provided along the eastern boundary, capable of reaching 3m in height, together with 4 trees.

The maximum height of the building (including lower ground floor, depending on the adjacent ground level) will be approximately 13.5m, and excluding the lower ground floor, 10.5m. Maximum dimensions are approximately 39m in width by 54m in depth.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.'

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

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 and the Haywards Heath Neighbourhood Plan.

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP1: Sustainable Economic Development
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 DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP30: Housing Mix
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E7: Sustainable Drainage Systems
Policy E8: Sustainable Development
Policy E9: Local Character

Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context

and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Relevant design principles include:

Principle DG2: Site appraisal

Principle DG3: Work with the site's natural features and resources

Principle DG4: Establish a landscape and green infrastructure network

Principle DG5: Water features and sustainable drainage systems

Principle DG6: Design to enhance biodiversity

Principle DG13: Provide positive frontage to streets

Principle DG19: Provision of off-street parking

Principle DG21: Consider and allow for servicing, refuse collection and deliveries

Principle DG22: Integrate refuse and recycling into the design of new development

Principle DG24: Plan for cyclists

Principle DG27: Integrate tree planting and soft landscape

Principle DG31: Focus development in sustainable locations

Principle DG37: Deliver high quality buildings that minimise their environmental impact

Principle DG38: Design buildings with architectural integrity and a sense of place

Principle DG39: Deliver appropriately scaled buildings

Principle DG40: Design buildings that respond to and animate the street scene

Principle DG41: Addressing sloping sites

Principle DG42: Consider the location and design of services and external pipes

Principle DG45: Privacy of existing and future residents

Principle DG46: Provide attractive and usable external amenity space for all homes

Principle DG47: Provide homes with sufficient daylight and sunlight

Principle DG48: Design to minimise the impact of noise, air and light pollution

Waste Storage and Collection Guidance for New Developments (May 2015)

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

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

only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 of the NPPF states: *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

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.

In addition, paragraphs 11 (presumption in favour of sustainable development), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites) and 180 (noise and light pollution) are considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

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

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;
- The design and visual impact on the character of the area;

- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

Principle of development

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 spatial strategy of the Mid Sussex District Plan is to focus the majority of housing and employment development at Burgess Hill with the remainder of development delivered at the other towns and villages (including Haywards Heath) to support economic, infrastructure and social needs whilst maintaining the settlement pattern. A settlement hierarchy has been developed which Haywards Heath is defined as a Category 1 settlement, i.e. with a comprehensive range of employment, retail, health, education, leisure services and facilities ... [with] good public transport provision and will act as a main service centre for smaller settlements. Within defined built-up area boundaries, development is accepted in principle.

The preamble to Policy DP30 of the District Plan makes clear in respect of C2 uses, *'... provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision making process.'*

The policy itself states (in part):

To support sustainable communities, housing development will:

- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;*

As the site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable, in accordance with Policies DP6 and DP30 of the Mid Sussex District Plan.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high-density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/center; larger (300+ unit) schemes will also normally be expected to incorporate a mixed-use element;*
- *optimizes the potential of the site to accommodate development.'*

Policy E9 of the Neighbourhood Plan states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*

- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

The Mid Sussex Design Guide SPD is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles (listed in the section above) to deliver high quality new development that responds appropriately to its context and is inclusive and sustainable.

The Council's Design Review Panel and Urban Designer have considered the scheme from the pre-application to the application stage. Their comments are reported in full in Appendix B but in summary they raise no objection to the scheme.

The Panel made comments during the original consultation period for the application, supporting the scheme on balance, but requesting that the boundary trees are safeguarded and more landscaping provided to soften the impact of the scale of the building. The scheme has been revised subsequently addressing the concerns raised by the Panel and the Council's Urban Designer.

The Urban Designer has reviewed the scheme in response to these amendments. He considers that the impact from Bolnore Road will be reduced, as it will give an appearance of a stand-alone house similar in height and size to others on Bolnore Road and that the remainder of the building is well set back from the frontage. This will be enhanced by a soft landscaping scheme, which also seeks to retain the Norway Maple and the verdant character of the area. The building was repositioned away from the western boundary so addressed the concerns about the impact on the mature vegetation screen there. The entrance is clearly defined with a direct line of view from Bolnore Road, albeit well set back.

The Urban Designer considers that the crisp, contemporary detailing works well with a traditional building shape and roof form and echoes the scale and form of existing houses. Overall, he and the Design Review Panel consider that the proposal is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. Your officers agree with this assessment and accordingly consider that the proposal complies with Policy DP26 of the Mid Sussex District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD taken as a whole.

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 21 and 23 Bolnore Road. The latter is currently within the applicant's ownership.

There would be a distance of approximately 15.5m from the proposed building to the side elevation of no. 23, with the new access road between. There are two first floor windows and a ground floor window and door to the side, facing the site. The previously approved scheme was 14m distant in comparison.

The nearest corner-to-corner distance between the proposed building and no. 23 is approximately 32.5m. There will be a minimum distance of approximately 19.6m from the side elevation of the building to the garden boundary. This will be reinforced with hedging and additional tree planting to reduce the impact from overlooking. However, it is considered that the proposed development will not have a significantly harmful impact on the amenities of these occupiers, subject to this additional planting being secured by condition.

There would be a minimum distance of approximately 35m front-to-front towards no. 24 opposite, which is an acceptable relationship and distance (and certainly within an urban area) not to result in any significant loss of privacy or overbearing impact to these occupants.

There would be a minimum distance of approximately 55m from the west elevation of the proposed building to Joan Nightingale House which in any case has an existing footpath with mature trees in between. There would be no adverse impact to these residents.

There is no adverse impact to the south, due to a dense vegetation screen along this boundary, separating the site from Oakwood Court.

As with the consented scheme, the proposed development will introduce parking to the rear of no. 23 and there is the potential for noise and disturbance. However, the proposal for boundary planting will effectively screen the parking area from these existing dwellings and therefore this aspect of the proposal is considered acceptable.

Conditions are imposed to mitigate the impact of demolition and construction on neighbouring residents.

Accordingly, it is considered that the scheme would comply with Policies DP26 and DP29 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 minimize 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 E8 of the Neighbourhood Plan states:

'New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:

- provision of recycling, including commercial waste within the scheme*

- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community.'*

The application has been accompanied by a Transport Statement and Travel Plan. The estimated trip generation would not cause capacity or safety issues on the local road network, and this has been compared to the consented scheme. The Travel Plan includes proposals to reduce the level of traffic and although the Highway Authority consider that the details are not sufficiently specific, this can be conditioned as part of any planning permission.

The Highway Authority further advise that road access to the site can be provided to acceptable standards, the turning space for larger vehicles is adequate and parking for 20 vehicles is considered reasonable for the proposed use. Conditions are recommended to secure the access, Construction Management Plan and Travel Plan.

Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy E8 of the 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.'

Policy E7 of the Neighbourhood Plan states:

'New development proposals will be required to incorporate Sustainable Drainage Systems (SuDS), where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.'

The Council's Drainage Engineer has advised that the site is within flood zone 1 and is at low fluvial flood risk. The site is not within an area identified as having possible surface water flood risk. Because of the incorporation of a basement level within this development with external access, use of flood management areas in this area may be required. The area has high infiltration potential, so use of permeable paving or soakaways may be possible on site.

The application has been supported by an Outline Drainage Strategy which states that infiltration would be the preferred means of managing surface water drainage on site. However, it also provides details of how surface water would be attenuated and discharged to the public surface water sewer should it be found that infiltration would not be possible on site.

The outline drainage strategy focuses on the discharge to sewer option and states that a maximum of 487m³ of storage would be required on site to limit discharge to the Greenfield QBar runoff rate for the entire site for all events up to and including the 1 in 100-year storm event, with 40% allowance for climate change.

Surface water drainage can be controlled by means of a condition.

It is proposed that the development will manage foul drainage through gravity fed drains to a pumping station before waste is pumped to the existing main foul sewer beneath Bolnore Road.

Again, this can be controlled by means of condition.

Accordingly, the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy E7 of the Neighbourhood 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.'*

Policy E8 of the Neighbourhood Plan states:

'New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:

- *provision of recycling, including commercial waste within the scheme*
- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community.'*

The application has been accompanied by a Sustainability Statement, which proposes the following measures:

- The proposed performance of the building U- values will be beyond the 2010 building regulations.
- The building will have high-efficiency artificial LED lighting with automatic control strategy for internal spaces to maximise the energy saving.
- All sanitary wares will be high-efficiency, low water flows to reduce the water demand and hot water system energy consumption.
- The mechanical ventilation will be with high efficient fans to reduce the ventilation system energy consumption and will be provided with a high-efficiency heat recovery system that recovers the heat during the winter and allow for free cooling during summer.

- The building will have a centralised, high-efficiency, gas condensing boiler plant for heating and domestic hot water. The system can be integrated with renewable technologies such as thermal solar panels which can provide the hot water requirement very effectively during summer.
- The building location, use and demands (especially the high domestic hot water demand) lead the renewable technologies feasibility as described in section 6 of this report.
- The proposed central heating system can be integrated with renewable technologies such as thermal solar panels which can provide the hot water requirement very effectively during summer.
- The proposed central heating is adaptable and can be connected to a future low/zero carbon district heating network without major impact on the whole system.

In addition, a dedicated refuse/recycling store is located to the south-east of the building.

These measures can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan, Policy E8 of the Neighbourhood Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

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

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

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

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

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The application has been accompanied by an Arboricultural Report, which has been revised in response to the Council's Tree Officer's comments. The Report states that the proposals will required the loss of 11 trees/mature shrubs (all Category C), 3 groups of mixed shrubs/small trees (all Category C) and 4 hedgerows (all Category C). No Category A or B removals are necessary. 16 replacement trees are proposed, together with several other landscape enhancements.

The significant boundary vegetation to the site will be retained, as all the removals will be internal to the site. In particular, the mature Norway Maple (T1) at the front of the site, will be retained. This is a Category C1 tree, described as being in a poor structural condition and fair physiological condition. However, some Members may be aware from considering the previous application on this site at committee on 22 November 2018 of the following paragraph within the committee report:

'The only area of concern was a large mature tree to the front of the site, a Norway Maple which was to be felled as it was close to the new access to the site. Unlike the other trees to be felled, the Norway Maple tree is highly visible to the public views and makes a significant contribution to the street scene and character of the area. Following negotiation the tree is now to be retained and a 'no dig' construction method to be used for this section of the access.'

While it is noted that the site is not within a Conservation Area and that there are no trees subject to TPOs, the removal of this Norway Maple would have a detrimental impact on the street scene, therefore its retention is welcomed. This will be located immediately adjacent to the proposed access and the Arboricultural Report sets out how this will be achieved: by use of a Root Bridge System - a steel framed

construction that bridges the root protection area of the tree, which ensures a no-dig, no-concrete and no-compaction solution. Beforehand, the soil closest to the tree will need to be displaced using a compressed air lance to expose the size, number and depth of roots within the existing driveway to inform the detailed engineering design and construction. The Council's Tree Officer has confirmed that this can be secured by way of a pre-commencement condition.

The Council's Tree Officer has also confirmed that a detailed proposed landscaping plan and protection measures can be submitted by way of a pre-commencement condition. Therefore subject to these measures and to adherence with the contents of the Arboricultural Report, the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimizes habitat and species fragmentation and maximizes opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

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

An Extended Phase 1 Habitat Assessment has been submitted as part of this application, including a Bat Scoping Assessment and Great Crested Newt Habitat Suitability Index Survey. The building at 25 Bolnore Road was assessed as a confirmed Bat roost, with previous ecological surveys confirming the presence of a day roost for 3 Bat species. Great Crested Newts are present in the wider landscape and habitat removal may have a detrimental impact on the local population. The disused swimming pool on the site is considered unsuitable but does act as an opportunity for DNA samples to be analysed, as it would have been used if GCNs had been present on the site. This can be done between April and June. If this sampling confirms absence from the swimming pool, then it is unlikely that GCNs are

frequently present within the site and as such no further surveys or mitigation will be required. However, if they are found to be present, then there is a significant risk that they will be present within the development area and at risk of injury or killing. As such, a GCN mitigation strategy will be required to minimize the risk of harm. They may require a Natural England License which may require further surveys to confirm the population size.

A Bat Survey Report (February 2021) has been submitted in response to the Extended Phase 1 Habitat Assessment. Hibernation surveys found no evidence of hibernating Bats at 25 Bolnore Road. However, as previous nocturnal surveys in 2017 and 2020 found 5-day roosts, the proposed demolition of this building will only be able to proceed under license from Natural England. The mitigation strategy is set out within this report in order to minimize the impact of the development on roosting Bats, and a sensitive lighting scheme is included to avoid illuminating areas of most value to Bats. Mitigation measures include the installation of 3 Bat boxes prior to demolition - on a mature tree in a sheltered location at least 3m above the ground. In addition, a single Bat box should be installed on a tree at a height of 2m above ground to move relocated Bats to during demolition. All this shall be carried out under Ecologist supervision and timing during September to April, plus provision of 6 additional permanent replacement roost features into the new building (3 integrated crevice Bat boxes, 2 integrated cavity Bat boxes and 1 externally mounted hibernation roost box) and 2 long eaves spaces (minimum 10m long and 1.4m tall and 1.7m wide). Overall, these measures are intended to provide more roost features than the number previously existing on site.

Additional opportunities for biodiversity enhancement include provision of Bird boxes, House Sparrow nest boxes, Hedgehog boxes/corridors, Invertebrate boxes, Bug houses, additional tree and shrub planting, development of informal scrub areas, log piles, a diverse range of trees in the proposed orchard.

The Council's Ecological consultant has raised no objection to the proposal, subject to adherence to the measures set out in both the reports referenced above, which can be secured through condition. Therefore the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment 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.

Infrastructure contributions

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

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

and:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

On 25 July 2018 the Council adopted a Supplementary Planning Document on Development Infrastructure and Contributions, which sets the amount of contributions. As set out in the consultation responses by MSDC Leisure and WSCC Infrastructure, this proposal does not trigger any requirement for contributions towards education facilities, outdoor playspace, formal sport or community buildings - only library and transport contributions. A fire hydrant is secured by condition.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

| | |
|-----------------------|---------|
| Education - Primary | N/A |
| Education - Secondary | N/A |
| Education - 6th Form | N/A |
| Libraries | £10,654 |
| Waste | N/A |
| Fire & Rescue | N/A |
| No. of Hydrants | 1 |
| TAD | £59,404 |

District Council Contributions:

| | |
|----------------------|-----|
| Equipped play | N/A |
| Kickabout facilities | N/A |
| Formal sport | N/A |
| Community Buildings | N/A |

Local Community Infrastructure N/A

TOTAL £70,058

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

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.

Other matters

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.

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 site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable.

Weighing in favour of the scheme is that the development will provide specialist accommodation in a sustainable location and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure (libraries and transport).

Weighing against the scheme is the loss of an existing arts and crafts dwelling. However, this building is not listed, nor is the site within a conservation area.

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

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the proposal is deemed to comply with Policies DP1, DP6, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8 and E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD 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 shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

4. No development shall commence until section and elevation drawings at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority showing the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

5. No development shall commence 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, plus details of replacement tree, shrub and hedge planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved and in accordance with the Arboricultural Report by Tim Moya Associates (ref: 200121-PD-11d, dated March 2021). 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 of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan and Policy E7 of the Haywards Heath Neighbourhood Plan.

7. No development shall take place until details of the existing and proposed site levels, including retaining walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

8. 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
- 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 and DP26 of the Mid Sussex District Plan and Policy E8 of the Haywards Heath Neighbourhood Plan.

9. No development shall commence until a method statement and site plan are submitted detailing all measures required to mitigate and compensate impacts on wildlife and incorporate features to enhance biodiversity are submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with Policy DP38 of the Mid Sussex District Plan and paragraph 175 of the NPPF.

Construction phase

10. 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.

11. Deliveries or collection of plant, equipment or materials for use during the demolition and construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

12. 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.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing TB15694-GA-001.

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

14. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan.

15. 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 and Policy E8 of the Haywards Heath Neighbourhood Plan.

16. The development hereby permitted shall not be first occupied until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. Prior to first occupation of this development, the applicant shall at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Policy DP20 of the Mid Sussex District Plan and in accordance with The Fire Services Act 2004.

Post-occupation monitoring / management conditions

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

18. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policies E8 and E12 of the Haywards Heath Neighbourhood Plan.

19. The recommendations set out in the Preliminary Ecological Appraisal by Tim Moya Associates (ref: 200121-ED-01a, dated April 2020) and Bat Survey Report by Tim Moya Associates (ref: 200121-ED-03b, dated February 2021) shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements and Policy DP38 of the Mid Sussex District Plan.

20. The lighting scheme installation shall confirm to that plan submitted by Ramboll, dated 19th August 2020, reference 1620009452, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and in the interests of the biodiversity of the site, and to comply with Policies DP26, DP29 and DP38 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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 0800-1800hrs; Saturdays 0900-1300hrs; 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.

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 | 01-001 | | 25.09.2020 |
| Existing Site Plan | 02-001 | | 03.09.2020 |
| Proposed Site Plan | 02-101 | A | 12.03.2021 |
| Proposed Floor Plans | 03-101 | C | 12.03.2021 |
| Proposed Floor Plans | 03-102 | D | 29.03.2021 |
| Proposed Floor Plans | 03-103 | D | 29.03.2021 |
| Proposed Floor Plans | 03-104 | D | 29.03.2021 |
| Proposed Roof Plan | 03-105 | C | 12.03.2021 |
| Existing Sections | 04-001 | | 03.09.2020 |
| Existing Sections | 04-002 | | 03.09.2020 |
| Proposed Sections | 04-101 | B | 12.03.2021 |
| Proposed Sections | 04-102 | B | 12.03.2021 |
| Existing Elevations | 05-001 | | 03.09.2020 |
| Existing Elevations | 05-002 | | 03.09.2020 |
| Existing and Proposed Elevations | 05-003 | | 03.09.2020 |
| Proposed Elevations | 05-101 | E | 29.03.2021 |
| Proposed Elevations | 05-102 | C | 29.03.2021 |
| Sections | DT-010 | | 03.09.2020 |
| Sections | DT-011 | b | 12.03.2021 |
| Sections | DT-012 | b | 12.03.2021 |
| Lighting Layout/Light Pollution | 00002 | | 03.09.2020 |
| Landscaping Details | 2001-LP-01 | F | 12.03.2021 |
| Landscaping Details | 2001-LP-02 | | 03.09.2020 |
| Landscaping Details | 2001-LP-03 | | 03.09.2020 |
| Landscaping Details | 200121-LP-04 | b | 12.03.2021 |
| Other | 200121-PD | 11d | 12.03.2021 |
| Design and Access Statement | WP-PP-03 | March 2021 | 12.03.2021 |

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council SUPPORTED the amended application because the building mass had reduced thus making the boundaries suitable and the view from Bolnore Road less intrusive. As a result, all of the issues outlined by the Town Council in its original objection were deemed to have been addressed. As a further note, the Town Council also stated that the development must have a robust Construction Management Plan to manage delivery/lorry stacking, hours of work, contractor parking and wheel washing to reflect and mitigate the effect on Bolnore Road, which is a very busy road.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the Woodside Pavilion.

MSDC Consultant Ecologist

Further to my previous comments and subsequent submission of the updated bat survey report incorporating hibernation survey results, I am satisfied that there is now adequate information to rule out likely hibernation roosts. Whilst the proposals will involve the loss of summer roosts, these are assessed to be of relatively low conservation significance and, subject to MSDC considering consent to be in the public interest in all other respects, I would anticipate a licence being granted by Natural England.

The updated bat survey report contains clear mitigation and compensation proposals whilst the suggested enhancements in respect of other species within the preliminary ecological appraisal report are generic options rather than firm proposals. There are mitigation recommendations in respect of other species, but I would recommend that these elements are all brought together in a single concise method statement and plan for reference on site to avoid essential requirements getting overlooked during demolition or construction. Therefore, if consent is granted, the following condition is recommended:

No development shall commence until a method statement and site plan are submitted detailing all measures required to mitigate and compensate impacts on wildlife and incorporate features to enhance biodiversity are submitted and approved in writing by the local planning authority.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

MSDC Contaminated Land Officer

No Comment.

MSDC Design Review Panel (22 October 2020)

It was agreed this scheme was a significant improvement upon the pre-application proposal and the panel felt the elevations had now been successfully articulated with the more fragmented façades succeeding in providing more elevational interest and breaking down the scale of the building. The front entrance is now better positioned where it will be visible

from Bolnore Road. The drainage issues appear to have been addressed (subject to the assessment of the Council's drainage engineer).

The panel nevertheless still have some concerns. The double-gabled flank elevation on the south west corner of the site (and featured in the perspective view of the rear elevation) is punctuated by a glazed projection that appears to incongruously overlap the main building face; it consequently appears unresolved and is likely to generate weathering problems and will be both costly and difficult to detail. These issues also risk undermining the quality of the finish and this element therefore needs to be re-designed. There was a comment that the wide double dormers had a heavy appearance, but this was not shared by everyone.

There were differences of views amongst the panel in respect of the building's footprint with some feeling that intensifying the site was an appropriate approach believing it should still be possible to create small well-landscaped spaces around the building.

Other members felt the building was still too big and it consequently looked too tight on the site with limited space for landscaping and outside amenity for the residents (conversely, the amount of parking also appeared insufficient). For instance, on the east side, the turning circle in the drop off area appears to be touching the building and bedroom windows leaving no defensible/privacy space. The space around the building was criticized for appearing to be more a pathway than a terrace. There were also concerns that the retaining structure on the western boundary may impact upon tree T13. T12 and T30 also look vulnerable.

Sustainability has still not been satisfactorily considered which is especially a concern because of care home's significant energy requirements. It is unclear where the air source heat pump will be positioned and there appears to be insufficient space on the roof for both solar thermals and PV's to be incorporated in enough quantity. The detailed section also indicates there is limited space for insulation.

Overall Assessment

On balance, the panel support the scheme subject to the existing boundary trees being retained/safeguarded and providing changes are made that allow for more soft landscaping to mitigate the size of the building. The south-west corner flank elevation needs to be reviewed and a well-worked sustainability strategy is also required that demonstrates it is fully integrated with the overall design.

MSDC Drainage Engineer

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site 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 proposed development incorporates a basement level with external access. We would advise the applicant to consider the potential flood risk associated with sunken basement access points. Use of flood management measures at basement level may be required.

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site.

The application has been supported by an Outline Drainage Strategy which states that infiltration would be the preferred means of managing surface water drainage on site. However, it also provides details of how surface water would be attenuated and discharged to the public surface water sewer should it be found that infiltration would not be possible on site.

The outline drainage strategy focuses on the discharge to sewer option and states that a maximum of 487m³ of storage would be required on site to limit discharge to the Greenfield QBar runoff rate for the entire site for all events up to and including the 1 in 100-year storm event, with 40% allowance for climate change.

We would advise the applicant that investigations should be undertaken into the potential for the use of infiltration as a means of drainage as part of the detailed drainage design. However, should infiltration not be possible on the site then runoff should be restricted to the Greenfield QBar rate for the positively drained area, or a rate agreed by Southern Water.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will manage foul drainage through gravity fed drains to a pumping station before waste is pumped to the existing main foul sewer beneath Bolnore Road.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS/UNITS

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

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

MSDC Environmental Protection Officer

The current information submitted shows that the lighting scheme will confirm to E2 lighting conditions pre-curfew in line with Guidance Note 1 for the reduction of obtrusive light 2020. The 2011 guidance previously stated that were no curfew had been stated by the local authority, a curfew of 23:00 hours was recommended.

A condition should therefore be attached with regards to ensuring the lighting scheme is installed as detailed. While it could be argued that the lighting should be timed condition, given it is only the lux levels to the north that would go over the post curfew levels marginally, where there is already street lights and trees that have not been factored in, it is not seen as a necessary condition.

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise. Conditions are therefore recommended in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

1. The lighting scheme installation shall confirm to that plan submitted by Ramboll, dated the 19th August 2020, reference 1620009452. Any changes to be agreed with LPA.
2. 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 to Friday: 08:00 - 18:00 Hours
 - Saturday: 09:00 - 13:00 Hours
 - Sundays and Bank/Public Holidays: no work permitted
3. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
 - Monday to Friday: 08:00 - 18:00 hrs
 - Saturday: 09:00 - 13:00 hrs
 - Sundays and Bank/Public Holidays: None permitted
4. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

MSDC Housing Enabling Officer

The applicant is currently proposing a C2 residential care home which will accommodate 67 en-suite bedrooms along with a range of support facilities. As a result an affordable housing requirement would not be triggered. If however the building subsequently falls within a C3 use 30% affordable housing will be required.

MSDC Leisure Officer

Thank you for the opportunity to comment on the amended plans submitted on 12 March.

As the use has not changed and this will be a residential care facility, there is no requirement for financial contributions toward leisure infrastructure and I have nothing to add to my previous comments.

i.e.

As this is a residential care home providing specialist accommodation for older people there is no requirement for contributions toward outdoor playspace, formal sport or community buildings.

MSDC Street Naming and Numbering Officer

Weekly list date: 24 Sep 2020 to 30 Sep 2020

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/streetsnaming or by phone on 01444 477175.

Planning applications requiring SNN informative:

DM/20/3310

MSDC Tree Officer

Broadly from an arboricultural perspective I am happy with the proposed development, largely due to the revised positioning of the building relieving the pressure and possible negative impact on the boundary trees particularly on the western boundary.

There are a few issues that I have previously pointed out that I believe are still outstanding:

Landscaping proposal:

A proposed landscape plan has been submitted showing locations of new trees, which in essence is suitable. There are indications of planting ideas within the DAS, but I cannot find the detailed specifications of trees to be planted. Please can these be submitted. A maintenance plan is included within the DAS, but I would like to see included the added point that should any trees die/ be damaged within the first five years after completion they should be replaced like for like (Note: page 69 of the DAS - last bullet point cuts off mid-sentence?)

Detailed landscaping specifications would be acceptable as a pre commencement condition if necessary.

Impact on T1 - Proposed entrance:

The proposed entrance over the root zone of T1 continues to be an issue of concern.

Following concerns regarding the impact of the proposed entrance adjacent to T1 a feasibility assessment has been undertaken, concluding that an investigation to uncover the driveway using a compressed air lance and provide the necessary engineering details to provide a solution that incorporates a mixture of cellular confinement systems, steel plates and the Green Grid System is required.

The feasibility of constructing the drive is deemed acceptable (within the arboricultural report) and it is noted that further investigation work will be required to provide a detailed construction and design for this proposed entrance. The details of the design and construction for the proposed entrance should be submitted and agreed prior to commencement of the project.

I have previously noted that these details may be acceptable as a pre commencement condition, however it would be preferable to have these details submitted as soon as possible in order to agree a solution that will not detrimentally impact the long term health of the tree.

Protection measures:

As per my previous comments:

As indicated in section 4.23 of the report the site compound and construction access has not yet been designed. This should be agreed and shown on the Tree Protection Plan prior to the works commencing as outlined in the report, to ensure the tree protection measures are correctly installed.

The Tree Protection Plan (TPP) should include details of temporary ground protection (see s.7.8 of report) particularly around T12, T13 and T14. Furthermore, once the design of the main entrance has been agreed the TPP will need to be updated to ensure the protection around T1 (and T2) is clarified.

In addition to the above issues I would request that the contents of the arboricultural report and the DAS (with regard to trees) are fully adhered to throughout the development.

Providing the above issues are addressed I would not object on arboricultural grounds to the proposed (as revised) development.

MSDC Urban Designer

Layout

The overall building footprint is similar to the consented scheme, both in terms of its position on the site and its overall extent, but it has been designed as a single building, rather than multiple buildings. The Bolnore Road frontage has been designed to give it the appearance of a stand-alone house that is a similar size and height as the other houses along Bolnore Road (and the house that it will replace).

The rest of the building will be less apparent from Bolnore Road as it is set back behind the street frontage and will only be visible between the gap in the building frontages where the site entrance will be.

The recent amendments involve more soft landscaping and tree planting that will soften and screen the elevations and the front forecourt parking area. The vehicle entrance has been carefully designed to enable the retention of the existing Norway Maple and other street trees that will continue to give this part of the Bolnore Road a mature verdant character that along with supplementary planting along the front boundary will allow the scheme to comfortably sit within its street context.

The revised scheme involves a small reduction in the overall size and footprint of the building but crucially the changes involve the reconfiguring and repositioning of the building away from the western boundary in response to concerns about the impact upon the trees and the environment around the adjacent footpath. I previously expressed concerns about the size of the building when viewed from the footpath; this would still be a problem but for the fact that this elevation will now be largely screened by the retained trees and shrubs along the western boundary. This has been achieved by setting-back the west elevation and its raised terrace that provides additional space to safeguard the existing trees, shrubs and undergrowth and consequently the rural character of the footpath will also be maintained.

Additional trees are also proposed at the junction of Bolnore Road and the footpath that should screen the development from this vantage.

In response to the DRP's criticism of the pre-application scheme, the building entrance now faces Bolnore Road and the revised drawings have improved the threshold by incorporating soft landscaping on both sides and providing a generous lobby area.

Elevations

The architectural approach has focussed on subdividing all the facades into a series of vertically proportioned bays that are further articulated through projections and recesses. I agree with the DRP's assessment that *'the elevations have now been successfully articulated with the more fragmented façades succeeding in providing more elevational interest and breaking down the scale of the building.'*

Overall, the crisp contemporary detailing works well with a traditional building shape and roof form and sensibly avoids a pastiche interpretation of the original building. The Bolnore Road frontage is especially successful in echoing the scale and form of the existing houses, as it follows the ridge and eaves line of its neighbours, and benefits from a subdivided frontage. Other traditional features including chimneys and dormer windows have been reinterpreted in a modern idiom to further help ingrain the building with the existing street frontages. The use of local / natural facing materials (including clay hung tiles) also responds to the character of the existing street and is employed in all the facades.

The quality of the detailing is demonstrated in the detailed sections which have been helpfully included in the drawing package. These feature hidden gutters that will help enable a crisp, clutter-free facades; the details also show deep window reveals that will give the façade a sense of structural depth and increase the play of light and shade. I would recommend these details are included in the list of drawings which are subject to approval.

In addition to this, I would also like a condition to be included that requires the details of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing.

The revised drawings have produced some changes, most significantly this has involved the south west corner flank elevation which the DRP previously felt was unresolved. It now benefits from a clearly structured double gable that integrates well with the rest of the elevations by echoing the arrangement of the other flank returns.

Summary and Overall Assessment

The proposed development is significantly bigger than the existing houses along Bolnore Road. However, the principle of the loss of the existing house at no.25 and the comprehensive redevelopment of the site has been accepted with the previous planning consent (DM/18/1274). While this scheme is a single structure rather than a series of buildings, the overall development footprint is similar to the consented scheme. Both the DRP and I feel it is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. It successfully responds to the character of the existing houses by reinterpreting traditional features. The revised drawings have employed more soft landscaping in and around the front parking court and pulled the building away from the western boundary. The latter will ensure the existing tree belt and shrubs will be retained and together with the retained trees on the street frontage and the rear boundary, the development will generally be well screened and softened from most vantages. For these reasons, I withdraw my objection to the planning application as it now sufficiently accords with the design principles in the Council's Design Guide and policy DP26 in the District Plan. To secure the quality of the design, I would nevertheless recommend conditions requiring the submission and further approval of the following drawings and information:

- Detailed hard and soft landscaping including boundary treatment and retaining walls.
- Details of the facing materials.
- 1:20 scale sections and elevations of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades.

WSSC Lead Local Flood Authority

Thank you for consulting with us.

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk.

We have no further comments to submit following our submission of 22nd October 2020.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSSC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

WSSC Highways

7 April 2021: The Local Highway Authority (LHA) note the changes to the layout plan as outlined under drawing 02-101 rev A and would not have any concerns that would warrant a change in recommendation from our last comments from the 23rd October 2020.

21 October 2020: The highway authority has no objection to the proposed use.

The authority has reviewed in detail the following documents:

- Transport Statement dated 27 August 2020
- Travel Plan dated 27 August 2020
- Email from a local resident dated 15 October 2020.

Various other documents and drawings have been used as background information.

Table 5.1 of the transport statement (TS) shows that the estimated vehicle trip generation of the proposal is not such that would cause capacity or safety issues on the local road network. Totals of 12 site vehicle movements between 08:00 and 09:00 and 10 site vehicle movements between 17:00 and 18:00 are shown in the table.

For comparison, the TS also includes estimates for vehicle trips on the current approved use on the site. Estimated traffic for the care home is rather higher than that for the sheltered housing, but is still well within the capacity of local roads and junctions.

The level of traffic is not such that an improvement to the junction of Bolnore Road and Butlers Green Road can be justified. Proposals for and questions about junctions should be made to start with via: <https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/>

However, the travel plan does include proposals to reduce the level of traffic due to the development even further. It would be helpful if the travel plan could include more specific information related to the development, e.g. how staff are expected to travel to and from work, a named travel plan coordinator. At present the plan is too generic. Further details of the highway authority's expectations on travel plans can be found at: <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plans/>. A condition is suggested to cover these matters.

Road access to the site can be provided to accepted standards, as demonstrated in drawing TB15694-GA-001. A formal highway agreement will be needed in order to construct the access, which is proposed in crossover form. The site is within reach of bus and train services, and access on foot and by bicycle is straightforward.

The parking proposal in the TS is for 20 spaces, and this appears reasonable for the proposed use. Space for turning larger vehicles is adequate.

Conditions

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing TB15694-GA-001.

Reason: In the interests of road safety.

Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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.

Travel Plan

No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

WSSC Infrastructure

The amount of parking can be difficult to ascertain on a property, but I've had a look at aerial photos of 25 Bolnore Road and I'm happy to accept that it could accommodate two parking spaces. So, I've added this to our calculator and it does reduce the Highways (TAD) element of the contribution requirements slightly (attached) and we now have:

Libraries: £10,654

Transport (TAD): £59,404

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The calculations have been derived on the basis of an increase in 67 net dwellings, and an additional 20 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2021. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on providing additional stock at Haywards Heath Library.

The contributions generated by this proposal shall be spent on the South Road pedestrian improvement scheme and/or Commercial Square junction improvement

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

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

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

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

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

WSSC Minerals and Waste

West Sussex Joint Minerals Local Plan (July 2018)

The site is not located within an identified mineral safeguarding area, and therefore no mineral sterilisation would occur as a result of the development. Therefore the MWPA would offer no objection to the proposed development on these grounds.

West Sussex Waste Local Plan (April 2014)

There are no identified waste operators or waste infrastructure within a proximity to the development that would have their operations prevented or prejudiced as a result of proposal. The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

West Sussex Fire & Rescue Service

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

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

1. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
2. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Environment Agency

To be reported.

Southern Water

Thank you for your letter dated 22/03/2021.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

All other comments in our response dated 04/11/2020 remain unchanged and valid for the amended details.

Sussex Police

Thank you for your recent correspondence of 19th March 2021 advising me of an amended planning application for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment (Amended plans received 12 March 2021) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

I have concluded that no further crime prevention advice is required. My previous comments within correspondence PE/MID/20/11/A dated 22/10/2020 remain extant.

I thank you for allowing me the opportunity to comment.

MID SUSSEX DISTRICT COUNCIL

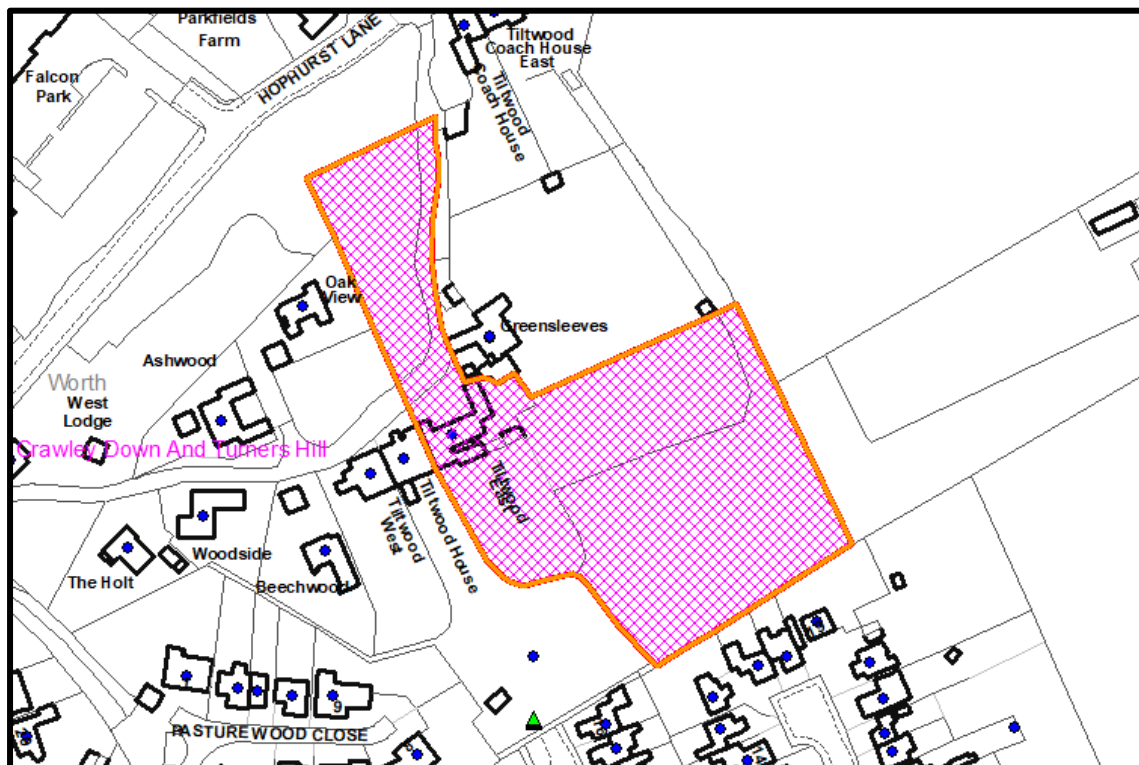
Planning Committee

15 JUN 2021

RECOMMENDED FOR PERMISSION

Worth

DM/20/4659



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**LAND SOUTH EAST OF TILTWOOD EAST HOPHURST LANE CRAWLEY
DOWN CRAWLEY RH10 4LL
FOR 3 NEW DETACHED DWELLINGS WITH GARAGE AND ASSOCIATED
AMENITY AREAS.
MR ROBIN COOK**

POLICY: Area of Special Control of Adverts / Ashdown Forest SPA/SAC /
Built Up Areas / Countryside Area of Dev. Restraint / Methane Gas
Safeguarding / Planning Agreement / Planning Obligation /
Aerodrome Safeguarding (CAA) / SWT Bat Survey / Trees subject to
a planning condition /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 29th July 2021

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Susan Dubberley

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 full planning permission for the construction of three dwellings each with a detached garage on land south east of Tiltwood East, Hophurst Lane.

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

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

As the application site is contiguous with the built-up area of boundary of Crawley Down and proposes only three dwellings then this application complies with policy DP6. The proposal does not result in an incursion into the wider countryside and therefore the quality of the rural and landscape character of this part of the District is maintained, thereby complying with policy DP12. While the application site lies in the countryside, in this case the site is contiguous with the built up area of boundary of Crawley Down and proposes less than ten units and for the reasons set out above would be compliant with policies DP6, DP12 and DP15 of the District Plan.

The development is also considered to be compliant with policy CDNP05 of the Crawley Down Neighbourhood Plan although limited weight can be given to this policy.

Weighing in favour of the scheme is that the development will provide 3 new dwellings in a sustainable location in terms of its location to a Category 2 settlement. In addition, the proposal would result in the provision of construction jobs, the (minor) benefit to housing supply and an increased population likely to spend in the

community. The scheme would also support the Government's objective of significantly boosting the supply of homes.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. The proposed dwellings are considered to be of an appropriate design size and scale that is appropriate and sensitive to the character of the area.

There will be a neutral impact in respect of a number of issues such as highways, landscaping, drainage and sustainability. A legal agreement would also secure monies to mitigate the impact on the Ashdown Forest. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

The Council would also receive a new homes bonus.

It is also a material consideration that planning permission was granted on the site for 2 houses in 2018 under reference DM/17/0402.

The proposal is therefore deemed to comply with policies within the development plan. DP6, DP12, DP13, DP15, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Policies CDNP04.2, CDNP05, CDNP06, CDNP08, CDNP09, CDNP10 and CDNP11 of the Neighbourhood Plan and the provisions of the National Planning Policy Framework.

RECOMMENDATIONS

Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary SAMM and SANG contributions and the conditions listed in the appendix.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary SAMM and SANG payments by 15th October 2021 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the District Plan and Paragraph 175 of the National Planning Policy Framework.

SUMMARY OF REPRESENTATIONS

3 letters of representation have been received objecting to this application for the following reasons:

- The existing garden of Tiltwood East will be reduced considerably, to build a 3rd house within close proximity of the existing property of Tiltwood East. This could detrimentally impact upon the existing character of the Tiltwood Houses and is not sympathetic to the existing structure. Contrary to policy CDNP05.
- The proposed development is situated outside the built-up area boundary and within the countryside and contrary to DP6, DP12, DP15 & DP26.
- Access would be limited to access from the Eastern access only which has limited visibility when exiting onto Hophurst Lane.
- Could set a precedent for incremental planning applications for further homes on the Tiltwood Estate.
- Loss of more green space and subsequent damage to ecology.
- Tree Protection Order: Oak T4 on WP/03/TPO/80 overhangs the boundary. This is a safe distance from the proposed buildings; need to ensure the developers and builders are aware of it to avoid accidental damage. There is no mention of this order in the developers' Preliminary Ecological Appraisal.
- Adequate pedestrian access on Hophurst Lane should be provided particularly for safety of children.
- The Preliminary Ecological Appraisal mentions Giant Hogweed and Japanese Knotweed, which were treated in 2017 and treatment must continue for a few years, so presume these will be adequately managed.

SUMMARY OF CONSULTATIONS

MSDC Street Naming and Numbering Officer

Request informative is added to any decision notice granting approval.

Ecologist

No objection subject to conditions

Aboriculturist

No objection.

Southern Water

No objection.

WSCC Highways

No objection subject to conditions.

West Sussex Fire and Rescue

Evidence will be required that the access to the three new dwellings meets with the requirements of Approved Document B Volume 1 2019 Edition B5 section 13.

Worth Parish Council

STRONGLY OBJECT

WPC objects as the proposed development, although contiguous with the BUAB, forms part of a piecemeal development of, by our calculation, 18 properties that are either built, approved or under consideration, with the subsequent loss of affordable housing to MSDC. We consider that this does not comply with DP6.

WPC consider this site to be significantly overdeveloped, with 9 at Pasture Wood, 5 at Gage Close and 18 within the main site, a total of 32 dwellings in addition to the existing 7.

The narrow access and egress to Hophurst Hill in our view does not comply with CDNP10.1 or DP21. We strongly request that WSCC Highways make their assessment on the basis of the cumulative total of the original 7 dwellings plus the 18 potential development dwellings, bearing in mind the type of mix on the site. We would add that there is no satisfactory pedestrian footpath facility providing pedestrian connection to the village.

INTRODUCTION

Full planning permission is sought for the erection of 3 detached dwellings with detached garages and associated amenity areas.

RELEVANT PLANNING HISTORY

Application site:

DM/17/0402: Demolish existing detached garage, proposed 2 No. five bedroom detached dwellings and detached garages. Approved 25.06.2018.

There have also been numerous approved planning applications on the Tiltwood Estate including:

Planning permission was granted for erection of 2 no. 4 bed detached houses and garages, including the demolition of existing garage 15 May 2019 on land r/o west lodge, Tiltwood. (DM/18/4013).

Planning permission was granted for a 2 storey 4 bedroom detached dwelling with side attached single garage on 5 October 2017 at Tiltwood House. (DM/17/3021).

Planning permission was granted for a 3 Bedroom detached chalet bungalow with attached double garage at Tiltwood Coach House East (DM/16/5620).

Planning permission was granted for a detached 4 bedroom house on 4 January 2016 (DM/15/4482).

Planning permission was granted in May 2015 for 2 new dwellings within the rear garden of Tiltwood Coach House for - Rebuild and extend outbuilding to form a single storey 2 bedroom cottage. Karen's Cottage - Convert and extend workshop/store to form a single storey 1 bedroom cottage" (14/04424/FUL).

Planning permission was allowed on appeal for 5 new dwellings and ancillary storage accommodation within the rear garden of Tiltwood House. (DM/15/2734).

Planning permission was granted for the erection of 2 new dwellings on adjoining land to the west of ownership of Tiltwood House (DM/15/4482 and DM/15/4478).

Planning permission was granted for erection of one 4 bedroom detached house on land to the southwest of Tiltwood House (DM/16/2544).

Planning permission was granted for the erection of a 4-bed detached house and detached garage arranged over 2-storeys to the north west of Tiltwood West in Crawley Down. (DM/16/2552).

SITE AND SURROUNDINGS

The site comprises part of the garden of Tiltwood East a 1930s end of terrace two storey dwelling adjoined by Tiltwood House and Tiltwood West and located on the Tiltwood Estate accessed off Hophurst Lane.

To the south are residential properties in Aviary Way, to the north is Greensleeves and its garden, a detached property on the estate and to the east is open countryside.

The application site is designated as within the countryside in the District Plan and the site is within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The application site is contiguous with the defined built up area boundary of Crawley Down which runs along the southern edge of the site.

APPLICATION DETAILS

Full planning permission is sought for the erection of three detached dwellings with detached garages located in what is currently the garden of Tiltwood East. Tiltwood East would retain a rear garden and the houses would be site to the south east. An existing garage would be demolished in order to provide access onto the site and a new driveway. Access onto Hophurst Lane would be from the existing shared driveway with the other Tiltwood properties.

The houses would have L-shaped footprints with a two storey element and a single storey wing with a pitched roof. The two storey wing is set at a right angle to a single

storey section and would have a catslide roof that integrates with the single storey wing.

Plot 1 and 2 would have double garages with an additional two parking spaces, while plot 3 would have a double garage with home office and spaces for additional visitor parking.

The proposed roof materials are plain red/brown clay roof tiles. The elevations would be clad with dark oak timber panelling with a minimal brick plinth base. The windows and doors are to be metal grey aluminium framed.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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 District Plan and Worth - Crawley Down Neighbourhood Plan.

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

MID SUSSEX DISTRICT PLAN

The Mid Sussex District Plan was formally adopted on the 28th March 2018 and forms part of the development plan.

Relevant policies include:

DP4 Housing
DP6 Settlement Hierarchy
DP12 Protection and enhancement of countryside
DP13 Preventing Coalescence
DP15 New Homes in the Countryside
DP17 Ashdown Forest SPA and SAC
DP21 Transport
DP26 Character and design
DP27 Space Standards
DP37 Trees, woodland and hedgerows
DP38 Biodiversity
DP39 Sustainable design and construction
DP41 Flood risk and drainage

Worth - Crawley Down Neighbourhood Plan

The CDNP was 'made' in January 2016 and so forms part of the development plan. The most relevant policies are:

Policy CDNP04.2: Infill Housing
Policy CDNP05: Control of New Developments
Policy CDNP06: Sustainable Drainage Systems
Policy CDNP08: Prevention of Coalescence
Policy CDNP09: Protect and Enhance Biodiversity
Policy CDNP10: Promoting Sustainable Transport
Policy CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Development Viability Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

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

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

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

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

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.

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and the Crawley Down Neighbourhood Plan.

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is located within the Countryside Policy DP12 of the District Plan is relevant. It 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.*

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates Crawley Down as a Category 2 Settlement, it states:

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

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 settlement edge, and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

As the application site is contiguous with the built-up area of boundary of Crawley Down and proposes only three dwellings then this application complies with policy DP6. The proposal does not result in an incursion into the wider countryside and therefore the quality of the rural and landscape character of this part of the District is maintained, thereby complying with policy DP12.

Policy DP15 of the District Plan relates to new homes in the countryside and allows for development:

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.*

The application is therefore also in compliance with Policy DP15 as the development meets the requirements of Policy DP6.

The proposal must also be assessed against the Crawley Down Neighbourhood Plan Policy CDNP05 which states:

Policy CDNP05: Control of New Developments Subject to the other policies of this Neighbourhood Plan, Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) The development is arranged such that it integrates with the village.*
- j) Housing need is justified.*
- k) The development does not impact unacceptably on the local highway network.*

- l) Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*
- n) Includes affordable homes as required by District policy.*
- o) Proposals for new housing developments must meet the standards set out in Appendix 1*
- p) Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes.*

Policy CDNP05 is permissive in nature and the principle of housing development is not constrained by the location of development (i.e. whether it is within or outside the built up area boundary). Policy DP12 of the District Plan has a more restrictive approach and there is therefore conflict with the adopted spatial strategy of the District Plan. It is important to take account of the law and section 38(5) of the Planning and Compulsory Purchase Act 2004 states that 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 - in this case the District Plan. Therefore, only limited weight can be given to policy CDNP05 of the Neighbourhood Plan in support of the application.

It is also a material consideration that planning permission was granted on the site for 2 houses in 2018 under reference DM/17/0402.

Given the above it is considered that the principle of development is acceptable as it accords with policies DP12, DP6 and DP15 of the District Plan. It also accords with CDNP05(b).

Design and visual impact

Policy DP26 in the District Plan seeks to ensure a high standard of design in all new development and requires new development to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place.

Neighbourhood Plan policy CDNP05 (a) requires developments to fit unobtrusively with the surrounding character of the area.

The design of the dwellings is considered to be appropriate to its semi-rural setting. The design is also in keeping with other recent planning approvals for residential development on the Tiltwood estate, including the permission previously granted on the site for 2 houses under ref: DM/17/0402.

In terms of the coalescence, Policy DP13 of the District Plan and policy CDNP08 of the Neighbourhood Plan seeks to prevent coalescence. The proposed dwellings would be seen in the context of the recent planning approval and development in the area; therefore, it is not considered to impact on the gaps between neighbouring settlements.

As such, it is considered that the proposal would meet the above policies and guidance.

Standard of accommodation

Policy DP26 of the District Plan stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

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

The plans show that the proposed scheme can achieve these standards and would be in excess of these standards.

Impact on neighbouring amenity

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

A similar ethos is found within of CDNP05 the Neighbourhood Plan which states 'amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

In instances where there are discrepancies between policies in the development plan, the law requires that more weight should be given to the policy / plan that was last adopted. Thus, when assessing impact upon neighbouring amenities, the test is whether the proposal would result in significant harm, as set out under District Plan policy DP26.

In this case to the north of the site is the single storey property, 'Greensleeves', whose boundary consist of a substantial 1.8 to 2 metre high brick wall. An annexe to 'Greensleeves' abuts the angled wall in the area just to the east of the garage. To the eastern boundary there is screening in the form of a boundary wall and mature trees and shrubs screen and beyond this are open fields.

To the south are the rear boundaries of properties in Aviary Way and the proposed houses would be sited some 40m to 50m from the boundary and there is also dense vegetation in the form of mature trees and shrubs that would remain.

The proposed new western boundary between the retained area of garden for Tiltwood East and the new houses would be in the form of a close boarded 1.8m high fence. The nearest of the proposed new houses would be some 8m south of Tiltwood East with the detached double garage located between the proposed house and Tiltwood East. The single storey wing of the house would be some 3.8m from the side boundary, however this elevation has no facing windows onto the boundary, the two storey element of the house, which has windows at first floor level would be set some 14m from the side boundary.

Due to these distances, boundary treatments and orientations it is not considered that the proposed dwellings would not be overbearing or result in any significantly harmful loss of privacy to adjoining properties.

The proposal is therefore considered to comply with policy B3 of the Local Plan and policy DP24 of the District Plan.

Access, parking and impact on highway safety

Policy DP21 the District Plan requires development to: be sustainably located to minimise the need for travel, promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking, not cause a severe cumulative impact in terms of road safety and increased traffic congestion, be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages, and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Policy CDNP10 (a) states:

Development that does not conflict with other Policies will be permitted provided that it promotes sustainable transport within the Neighbourhood Area by:

a) Providing safely located vehicular and pedestrian access with adequate visibility.

The concerns raised regarding the increased usage of the existing access onto Hophurst Lane, including those of the parish council are noted however the WSCC Highways Authority has raised no objections commenting:

The applicant proposes to utilise the existing shared access on the privately maintained residential road. Access to the maintained highway is via two access points onto Hophurst Lane. The western most access would provide a more direct route of ingress to the site; however, there are no restrictions on which access can be used. The LHA do not wish to raise any highways concerns with the use of the existing accesses. In addition, the LHA does not anticipate that the addition of three dwellings would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing

access are operating unsafely or that the proposal would exacerbate an existing safety concern.

The parking and cycle parking provision are considered to be sufficient the LHA also considers that there appears to be sufficient space for on-site turning to be achievable. The Highway's Engineer has advised that the proposed garages fall slightly short of the minimum internal specifications for double-car garages of 6m x 6m, as set out in Manual for Streets (MfS) as the garages as proposed measure 5.8m x 5.4m and 6m x 5.4m. However, notwithstanding this, the LHA is satisfied that there will be sufficient parking available on-site.

The proposal is therefore considered to comply with policy DP21 of the District Plan and policy CDNP10 (a) of the neighbourhood plan.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The applicant has submitted plans, details, calculations and a maintenance plan which the MSDC Drainage Engineer has considered and is satisfied that in this case there is sufficient information for approving the proposal without the requirement for further information to be submitted by condition.

In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

Impact on trees

Policy DP37 of the District Plan states that:

"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."

While the development of the site would involve the removal of some category U and C trees to facilitate the development, the trees on the site are not protected. However, all the boundary trees would be retained and also the majority of the mature trees in the southern half of the plots. A landscaping scheme has been submitted that includes soft landscaping with grassed areas and new shrub planting.

It is noted that one of the representations is concerned that an Oak tree that is protected by a TPO overhangs the southern boundary and that developers and builders should be made aware of it to avoid accidental damage. The MSDC Tree Officer has considered the issue and is satisfied that the tree would not be impacted in any way by the proposed development and that the TPO offers sufficient protection.

In view of the above It is considered that the proposal would comply with the policy DP37.

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 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 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.

This planning application is within the 7km zone of influence and generates a net increase of 3 dwellings, and as such, **mitigation is required**. An appropriate scale of SAMM mitigation for the proposed development is £1,170 (note that the SAMM contribution is based on one house only as there is permission on the site for 2 houses (DM/17/0402), and the SAMM contribution for two houses has already been paid under the earlier consent) and if the approved scheme provides for a strategic SANG contribution, this would be £6,099.

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

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

The financial contributions to SAMM and SANG would be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation"). On completion of the agreement the proposal would therefore accord with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing the appropriate mitigation.

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

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed would provide sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development

Ecology

Para 170 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ;

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

A few of the objections received relate to the potential loss of wildlife and habitats. The Consultant Ecologist has reviewed the Preliminary Ecological Appraisal Report that has been submitted with the application documents and has raised no objections, subject to a condition to ensure that the recommendations set out in the are implemented in full. A further condition is recommended to ensure that there is no external lighting unless details of measures to avoid impact on bats are first approved by the local planning authority.

In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan of and the NPPF.

Other Matters

West Sussex Fire and Rescue have commented on the application and refer to the Building Regulations Approved Document B Volume 1 2019 Edition B5 section 13, stating that the access route to the new dwellings is 60 to 70 metres long with no evidence of a suitable turning area for a fire appliance. Building Regulations would require a turning facility for a fire appliance for any dead-end access more than 20 metres in length. This is to enable all points inside each dwelling to be within 45 metres of a fire appliance.

While the comments are noted they are clearly related to Building Regulation requirements and are not planning matters.

Planning Balance and Conclusions

This application seeks full planning permission for the construction of three dwellings each with a detached garage on land south east of Tiltwood East, Hophurst Lane.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore

necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

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

As the application site is contiguous with the built-up area of boundary of Crawley Down and proposes only three dwellings then this application complies with policy DP6. The proposal does not result in an incursion into the wider countryside and therefore the quality of the rural and landscape character of this part of the District is maintained, thereby complying with policy DP12.

While the application site lies in the countryside, in this case the site is contiguous with the built up area of boundary of Crawley Down and proposes less than ten units and for the reasons set out above would be compliant with policies DP6, DP12 and DP15 of the District Plan.

The development is also considered to be compliant with policy CDNP05 of the Crawley Down Neighbourhood Plan although limited weight can be given to this policy.

Weighing in favour of the scheme is that the development will provide 3 new dwelling in a sustainable location in terms of its location to a Category 2 settlement. In addition, the proposal would result in the provision of construction jobs the (minor) benefit to housing supply and an increased population likely to spend in the community. The scheme would also support the Government's objective of significantly boosting the supply of homes.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers. The proposed dwellings are considered to be of an appropriate design size and scale that is appropriate and sensitive to the character of the area.

There will be a neutral impact in respect of a number of issues such as highways, landscaping, drainage and sustainability. A legal agreement would also secure monies to mitigate the impact on the Ashdown Forest. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

The Council would also receive a new homes bonus.

It is also a material consideration that planning permission was granted on the site for 2 houses in 2018 under reference DM/17/0402.

The proposal is therefore deemed to comply with policies within the development plan. DP6, DP12, DP13, DP15, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Policies CDNP04.2, CDNP05, CDNP06, CDNP08, CDNP09, CDNP10 and CDNP11 of the Neighbourhood Plan and the provisions of the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

1. TIME LIMIT - FULL

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

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

2. 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. MATERIALS

The development shall be carried out in accordance with the approved details of materials and finishes to be used for external walls, roofs, windows and doors of the proposed buildings specified on the approved plans, application form and material schedule, unless otherwise agreed with the Local Planning Authority.

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

4. LANDSCAPING

Hard and soft landscape works shall be carried out in accordance with the approved details. The recommendations set out the Arboricultural Method Statement report by David Archer Associates (January 2021) setting out measures for the protection of retained trees and hedgerows in the course of development shall be implemented in full. 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 of the environment of the development and to accord with Policy DP26 of the District Plan.

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

7. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces have been provided and approved in writing by the Local Planning Authority. These spaces 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 accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

8. The building shall not be occupied until the car parking on the approved plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To provide adequate on-site car parking space for the development and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

9. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the approved plans. These spaces 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 accord with Policy DP21 of the District Plan.

10. The recommendations set out the Preliminary Ecological Appraisal report by David Archer Associates (Dec 2020) shall be implemented in full and there shall be no external lighting unless details of measures to avoid impact on bats are first approved by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

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. 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. 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.

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 |
|------------------------------------|--------------|---------|----------------|
| Proposed Elevations | 223.TWE.104 | H | 17.12.2020 |
| Existing Floor and Elevations Plan | 223.TWE.105 | | 17.12.2020 |
| Existing Roof Plan | 223.TWE.105 | | 17.12.2020 |
| Proposed Floor and Elevations Plan | 223.TWE.106 | A | 17.12.2020 |
| Proposed Roof Plan | 223.TWE.106 | A | 17.12.2020 |
| Location and Block Plan | 223.TWE.100 | C | 05.01.2021 |
| Proposed Site Plan | 223.TWE.101 | C | 17.12.2020 |
| Proposed Floor Plans | 223.TWE.103 | I | 17.12.2020 |
| Drainage Details | 6681_200 | | 10.06.2021 |
| Drainage Details | 6681_251 | A | 10.06.2021 |
| Drainage Details | 6681_250 | | 10.06.2021 |
| Landscaping Details | 223.TWE.1100 | | 08.06.2021 |

APPENDIX B – CONSULTATIONS

Parish Consultation

Strongly Object

WPC objects as the proposed development, although contiguous with the BUAB, forms part of a piecemeal development of, by our calculation, 18 properties that are either built, approved or under consideration, with the subsequent loss of affordable housing to MSDC. We consider that this does not comply with DP6.

WPC consider this site to be significantly overdeveloped, with 9 at Pasture Wood, 5 at Gage Close and 18 within the main site, a total of 32 dwellings in addition to the existing 7.

The narrow access and egress to Hophurst Hill in our view does not comply with CDNP10.1 or DP21. We strongly request that WSCC Highways make their assessment on the basis of the cumulative total of the original 7 dwellings plus the 18 potential development dwellings, bearing in mind the type of mix on the site. We would add that there is no satisfactory pedestrian footpath facility providing pedestrian connection to the village.

Ecologist

Recommendation

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England. Subject to this, in my opinion there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The recommendations within the Preliminary Ecological Appraisal report by David Archer Associates (Dec 2020) shall be implemented in full; and

There shall be no external lighting unless details of measures to avoid impact on bats are first approved by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 (biodiversity) of the District Plan and 175 of the NPPF.

WSCC Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

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.

Summary

This proposal is for the erection of three detached dwellings, with garages. The site is located off Hophurst Lane, a C-classified road subject to a speed restriction of 40 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application. The LHA previously provided consultation advice for this site for application DM/17/0402, raising no objections. The LPA approved the application.

Access and Visibility

The applicant proposes to utilise the existing shared access on the privately maintained residential road. Access to the maintained highway is via two access points onto Hophurst Lane. The western most access would provide a more direct route of ingress to the site; however, there are no restrictions on which access can be used. The LHA do not wish to raise any highways concerns with the use of the existing accesses. In addition, the LHA does not anticipate that the addition of three dwellings would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access are operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The applicant proposes 14 car parking spaces for this development. This includes three double-car garages and eight parking bays in front of the garages. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least nine car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient. In addition, there appears to be sufficient space for on-site turning to be achievable.

The LHA does note that the proposed garages fall slightly short of the minimum internal specifications for double-car garages of 6m x 6m, as set out in Manual for Streets (MfS). The garages as proposed measure 5.8m x 5.4m and 6m x 5.4m. Therefore, the LHA cannot consider the garages for vehicular/cycle parking provision and advise the applicant to enlarge them to meet MfS specifications. Notwithstanding this, the LHA is satisfied that sufficient parking will be available on-site.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Regarding cycles, each of the proposed garage buildings are to be provided with a dedicated cycle store. The inclusion of secure and covered cycle parking provision will help promote the use of sustainable transport methods.

Sustainability

Although there is no direct footway link adjacent to the site, the nearest bus stop is approximately 20 m south of the western access with services on to Crawley. Crawley Down village provides a limited range of retail, services, and amenities. Cycling is a viable option in this location.

Conclusion

The LHA does not consider that this 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.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details required)

No part of the development shall be first occupied until the car parking 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 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 to be 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.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Drainage Engineer

I have received the attached Maintenance and Management plan for the above planning application.

It is the intention of the developer to avoid the suggested pre-commencement condition. For this to happen, the developer would need to provide all of the detail design information at application stage.

I can confirm that the plans, details, calculations and maintenance plan is sufficient for approving this proposal without condition. This is based upon the attached information.

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.

Southern Water

Thank you for your letter dated 25/01/2021.

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

To make an application visit: www.southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

- www.water.org.uk/sewerage-sector-guidance-approved-documents/
- www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Arboriculturist

I do not consider that the tree would be impacted in any way by the proposed development, therefore it would not be 'necessary' or 'relevant' to include it as part of a planning condition.

The representation suggests that it was not included in an ecological survey. It would not be normal practice to do so, particularly as it is not impacted by the development and not within the red line. It would therefore be inappropriate and unnecessary to require the tree to be surveyed.

Any damage to a protected tree constitutes a criminal offence, therefore the planning system protects the tree in the normal way.

West Sussex Fire and Rescue

Having viewed the details for planning application no. DM/20/4659, evidence will be required that the access to the three new dwellings meets with the requirements of Approved Document B Volume 1 2019 Edition B5 section 13; the access route to the new dwellings is 60 to 70 metres long with no evidence of a suitable turning area for a fire appliance. Para 13.4 requires a turning facility for a fire appliance for any dead-end access more than 20 metres in length. This is to enable all points inside each dwelling to be within 45 metres of a fire appliance.

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MID SUSSEX DISTRICT COUNCIL

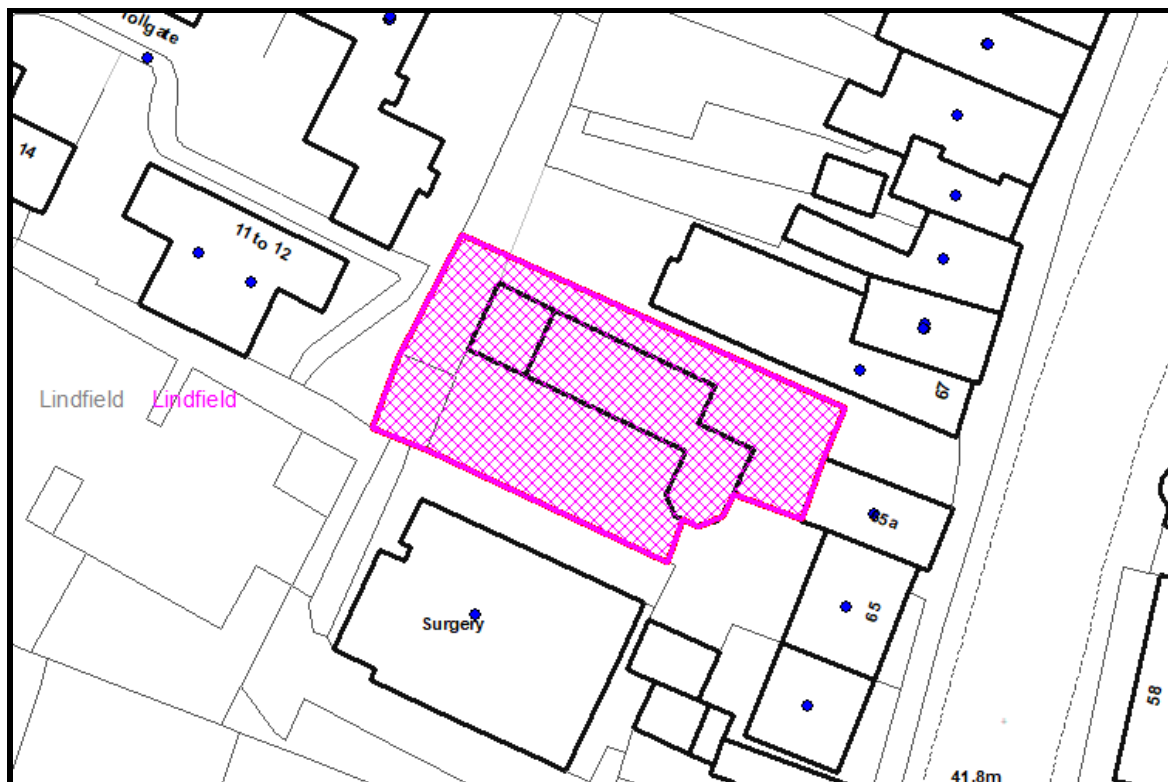
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Lindfield

DM/21/0041



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**HUMPHREYS BAKERY 65 HIGH STREET LINDFIELD HAYWARDS HEATH
CHANGE OF USE OF BAKEHOUSE TO RESIDENTIAL C3 USE.
(AMENDED DESCRIPTION, AMENDED PLANS AND HERITAGE
STATEMENT 19.03.2021)
MISS K WILES**

POLICY: Article 4 Direction / Built Up Areas / Conservation Area / Pre 1974
Conservation Area Boundary / Classified Roads - 20m buffer / Listed
Building / Aerodrome Safeguarding (CAA) / Sewer Line (Southern
Water) / Archaeological Notification Area (WSCC) /

ODPM CODE: Change of Use

8 WEEK DATE: 16th July 2021

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Hamish Evans

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought to change the use of the bakehouse to residential C3 use to the rear of 65A High Street Lindfield RH16 2HN.

The application has been called-in to be determined at planning committee by Councillors Andrew Lea, Anthea Lea and Jonathan Ash-Edwards, due to concerns regarding loss of commercial premises and impact upon the appearance and character of the conservation area and on the setting of the listed building.

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.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built-up area of Lindfield. The proposed conversion of the bakehouse to C3 use would not result in the existing retail use at 65A High Street being lost.

There are other material considerations that also need to be taken into account when assessing the principle, such as the guidance in the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited.

The proposal is considered to preserve the setting and special interest of the listed building, the character and appearance of Lindfield Conservation Area, be in-keeping with the existing site and wider street scene and not have an impact on the historic core of Lindfield in terms of archaeology.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal will not result in significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

The Council would also receive a new homes bonus and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

The application is deemed to comply with Policies DP3, DP6, DP17, DP21, DP26, DP27, DP34 and DP35 of the Mid Sussex District Plan, Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Design Guide, The West Sussex County Council Parking Guidance September 2020, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990. Accordingly, the application is recommended for approval.

RECOMMENDATION

Recommend permission be granted subject to the conditions outlined at Appendix A.

Summary of Representation Letters

13 representation letters have been received in respect of this application objecting to the proposal. In summary their objections are:

- The proposed change of use would be unacceptable and contrary to policy DP3 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.
- The proposed change of use would remove an A1 use.
- There has been no attempt to market the site since it had closed.
- Dangerous precedent.
- No turning available at the site.
- Inaccuracies in the plans of the driveway and no right of access.
- Loss of history and culture.
- No Heritage Statement submitted.
- 65A High Street would be unviable.

- Addition of first floor element disproportionate and have a negative impact on character of the High Street.
- Impact on existing businesses.
- The proposed residential property would be in close proximity to commercial properties.
- Negative impact on the character of the High Street.
- Site plan drawn outside land owned by applicant.
- First floor extension would dominate the setting of the Grade II* listed building and the wider conservation area.
- First floor extension would directly overlook neighbouring properties private amenity space.
- Overbearing impact on neighbouring properties.
- Unsympathetic and inappropriate development.
- Loss of bakery.
- Source of employment.

SUMMARY OF CONSULTEE RESPONSES

MSDC Conservation Officer

I consider that the proposal will preserve the setting and special interest of the listed building and the character and appearance of Lindfield Conservation Area. This meets the requirements of District Plan Policies DP34 and DP35, the Council's Design Guide and the relevant paragraphs of the NPPF

I would suggest a condition requiring new windows to match existing.

Historic England

No comment.

West Sussex County Council Highways Authority

West Sussex County Council Highways Authority raise no objection to the proposal.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council objects to the proposal due to the loss of the bakehouse and its impact on the existing bakery. It also raises concern over the proposed parking arrangement.

INTRODUCTION

Full planning permission is sought to change the use of the bakehouse to residential C3 use to the rear of 65A High Street Lindfield RH16 2HN.

RELEVANT PLANNING HISTORY

CU/248/77 - Rebuilding and extension to rear of bakery to provide accommodation for new oven. PERMISSION

LF/060/92 - Extension to bakehouse and hardwood conservatory. PERMISSION

LF/059/92 - Extension to bakehouse and hardwood conservatory. PERMISSION

SITE AND SURROUNDINGS

The existing site is located within the Lindfield built up area boundary, the Lindfield Conservation Area, a West Sussex County Council Archaeological Notification Area, and within the setting of a Grade II* listed building. The existing building is a single storey building that has been used as a bakehouse in association with the bakery at 65A High Street, however, the bakery has been closed since the summer of 2019. It is characterised by a mixture of brown clay roof tiles and grey felt roofing, brown bare brickwork walls, a mixture of dark metal, dark timber and white uPVC window frames and a mixture timber and uPVC door frames.

To the north of the site is a private road and the rear of an existing commercial unit, to the east of the site is an existing paved area leading to the rear of 65A High Street Lindfield, to the south of the site is a mixture of brick walls and timber fencing which is some 2.0 metres high and leads to an existing doctors surgery and to the west of the site is some 2.0 high closed board fencing. To the west of the site is also a single storey garage and a driveway which together provide some two off-street parking spaces. To the east of the site there are also a row of three buildings which are Grade II* listed buildings consists of 63, 65 and 65A High Street Lindfield.

APPLICATION DETAILS

The proposal seeks to convert the existing outbuilding which has formerly been used as a bakehouse to a C3 residential use. The proposal does not seek to extend the existing building, however, it seeks to alter the existing window frames to timber window frames. The proposed change of use will provide 2 bedrooms, a bathroom, living room, kitchen area, hallway and toilet room. The existing conservatory and garage space will be retained. As part of the original proposal the application sought to extend above the existing single storey building to provide a first-floor element, however this element has since been removed.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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 District Plan and Lindfield and Lindfield Rural Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP3 - Village and Neighbourhood Centre Development
- DP6 - Settlement Hierarchy
- DP17 - Ashdown Forest SPA and SAC
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP34 - Listed Buildings and other Heritage Assets
- DP35 - Conservation Areas

Lindfield and Lindfield Rural Neighbourhood Plan (adopted March 2016)

Relevant policies:

Policy 4 - Lindfield Village Centre

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

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

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

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.

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

West Sussex County Council's Guidance on Parking at New Developments - September 2020

ASSESSMENT

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

- Principle of Development
- Character, Design and Impact on Heritage Assets
- Neighbouring Amenities
- Parking
- Space standards
- Ashdown Forest
- Archaeology

Principle of development

Policy DP3 of the District Plan relates to village and neighbourhood centre development. This states in part that:

"Village Centres

These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

To support the village centres, development, including for mixed uses, will be permitted providing it:

- *helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and*
- *is appropriate in scale and function to its location including the character and amenities of the surrounding area; and*

- *is in accordance with the relevant Neighbourhood Plan."*

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

"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"

Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan states:

"The Neighbourhood Plan defines the Lindfield Village Centre on the Proposals Map. Within the Centre, development proposals that will result in the loss of any village centre units within existing A1 use will be resisted. Proposals to create new A1 use village centre units will be supported."

The site is located within the Lindfield built up area boundary and the proposed use would add to the mix of uses within the locality. There is not a formal record of when the existing building was constructed, however, there is photographic evidence of the building being in situ from 1955. The building has been used as an ancillary bakehouse to the bakery at 65A High Street Lindfield until it closed some 2 years ago which is considered a retail use. However, the shop at 65A is not included within application site and as such is not being proposed to be altered as part of this application. As such the proposal does not seek to remove any existing retail shop units.

The proposal's design and character and impact on neighbouring amenities are to be assessed in a subsequent section of this report. Taking into account the above, the proposed change of use is considered to be acceptable in principle and complies with policies DP3 and DP6 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Lindfield Parish Council have objected to the proposal due to the loss of the bakehouse and its impact on the existing bakery. A number of representation letters have been received which object to the proposal asserting that the change of use is unacceptable and would remove a retail unit, the Bakery at 65A High Street would be unviable and that the proposal would result in the loss of a bakery. Due to the changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 01.09.2020, the use of the site is now Class E use, 'Commercial, Business and Service'.

Class E covers the following uses:

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality

- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

Planning permission would not be required for the use of the application building to any use falling within class E.

As of 01.08.2021 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the conversion of a building under use class E to a residential property under use class C3 subject to it compliance with the prior approval process as set out within the above class. As such it is relevant to note that as from the 01.08.2021, planning permission would not be required to convert the existing bakehouse to a residential property.

This application does not seek to change the use of the bakery shop at 65A High Street, which is located outside the site boundary. As such its commercial use would be retained. No evidence has been submitted in terms of whether the proposal would have an impact on the viability of the bakery at 65A High Street Lindfield. However, the bakery has been closed since 2019 and the bakery is not the subject of this application as such it is considered unreasonable to request evidence regarding the viability of bakery at 65A High Street. It should also be noted that there are no specific policies contained within the development plan that requires 65A to be retained specifically as a bakery. As set out above the building could be used for a number of commercial uses within class E.

Taking into account the above planning policies the principle of the change of use of the site to residential is considered to comply with policies DP3 and DP6 of the Mid Sussex District Plan and policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Character, Design and Impact on Heritage Assets

The application site lies within the Lindfield Conservation Area and within the setting of a grade 2* listed building. The following policies are thus relevant to the assessment of this application.

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy DP35 of the District Plan states:

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*

- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area. New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

Policy DP34 of the Mid Sussex District Plan states:

Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets:

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

The site is located within the Lindfield Conservation Area, as designated in 1969. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Lindfield Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is located within the setting of a grade II* listed building, the listing encompasses 63, 65 and 65A High Street which are located to the east of the site. As such the LPA is also under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."

The Courts further stated on this point "This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."

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

"Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity."

The Council's Conservation Officer has raised no objection to the proposed works and has stated that the proposal will preserve the setting and special interest of the grade II* listed building to the east of the site and the character and appearance of

Lindfield Conservation Area. These views are supported by your Planning Officer. Due to the proposal being within the setting of a grade II* listed building Historic England have been consulted on the application and they do not wish to offer any comments. Due to the modest nature of the proposed works and that the building will retain its modest and subordinate nature to the buildings within the wider street scene the proposal is considered to preserve the heritage assets, specifically the listed building and Conservation Area.

The proposed external works are modest in their nature and are to be constructed of materials that are similar in appearance to those used in the existing building and the wider street scene, details of which can be secured by a suitably worded condition. The existing highways access will be retained and the proposed parking arrangement will be assessed in a subsequent section of this report.

Taking into the above and in accordance with the Conservation Officers comments, the proposal is considered to preserve the setting and special interest of the listed building to the east of the site, the character and appearance of Lindfield Conservation Area and be in-keeping with the existing site and locality. As such the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Listed Building and Conservation Area (LBCA) Act 1990 and the Mid Sussex Design Guide SPD.

Several representation letters have objected to the proposal due to its impact on the character of the High Street, asserting that the first-floor element would dominate the setting of the Grade II* listed building and it would be an unsympathetic development. The proposal originally included a first-floor element however this has been removed from the proposal and the building will remain single storey in its nature. In accordance with the Conservation Officer's comments the proposed works are considered modest in their nature and they would be similar in appearance to the existing building and wider street scene. A representation letter has stated that no heritage statement was submitted. A heritage statement was submitted 19 March 2021.

The Conservation Officer has suggested a planning condition that the proposed window frames will match those used in the existing building. The proposed plans and application form state that the window frames will be of timber construction which is similar in appearance to external materials used in the existing building and wider street scene. A planning condition is recommended to secure that the materials on the proposed plans and application form will be used.

The Conservation Officer has also advised that there is no certainty on when the existing building was constructed, however, there is photographic evidence that it was in situ in 1955. Historical mapping also shows that the building was in situ post-1955, there is no evidence that the existing building was in situ before 1948. If the building or structure was built after 1948, it cannot be curtilage listed. As such the existing building is not considered to be curtilage listed and an application for Listed Building Consent would not be required for the works to the building itself.

Taking into account the all of the above, the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Listed Building and Conservation Area (LBCA) Act 1990 and principle DG11 of the Mid Sussex Design Guide SPD.

Neighbouring Amenities

Policy DP26 in part states:

"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);"

Principle DG45 of the Mid Sussex Design Guide SPD in part states:

"Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided."

The first-floor element of the proposal has been removed and as such existing building will remain single storey. The proposal does not seek to install any new side facing windows or doors and only seeks to replace existing. There is a mixture of some 2.0 high metre fencing and walls to the south and west of the site. There is private road to the north of the site and a paved area to the east of the site. Taking into account the existing boundary treatment, the single storey nature of the proposal and that the proposal does not include the installation of any new window or doors, there would be no direct overlooking of private amenity space from habitable rooms and it would not have a significantly additional impact on the neighbouring properties amenities in terms of overlooking and loss of privacy, reduction in sunlight and daylight and a loss of outlook.

There are a number of commercial units within the locality that may have an impact on the future occupiers of the application site in terms of air, noise and light pollution. The site is, however, located within a village centre location where this relationship is common, there are also a number of residential properties within the area and between the proposed dwelling and the commercial units is an existing private road and a paved area. Taking the above into account the proposed relationship between the proposed residential property and the existing commercial units is not considered to cause a significant impact on the amenities of future occupiers specifically in terms of air, noise and light pollution. As such the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Representation letters have been received which object to the proposal due to first-floor windows having direct views into neighbouring properties, the proposal is within close proximity to commercial properties and asserting that the proposal would have an overbearing impact on neighbouring properties. Given the above assessment and that the originally proposed first-floor element has been omitted the proposal is not considered to have a significant impact on the amenities of neighbouring properties or future occupiers and as such complies with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Highways

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

"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;"

The West Sussex County Council September 2020 Parking Guidance outlines that for a development of this size in this location 1.1 parking spaces should be provided. The proposal seeks to convert an existing bakehouse to a two-bed residential property. There is an existing single storey garage to the west of the site which is to be retained and provides one off-street parking space. There is also an existing driveway to the west of the site which is to be retained and also provides one off-street parking space. As such the resulting parking arrangement would consist of some two off-street parking spaces. A condition to secure one EV charging point at the site will be included on any permission in compliance with principle B of the West Sussex County Council September 2020 Parking Guidance. West Sussex County Council Highways Department have commented on the application and have stated that the proposed parking arrangement and access would not result in a severe impact on the maintained highway network or in terms of highways safety. As such the proposal is considered to comply with the above part of policy DP21 of the Mid Sussex District Plan and the West Sussex County Council September 2020 Parking Guidance.

West Sussex County Council Highways Department do recommend that the LPA make an assessment of the parking arrangement and access in terms of amenities. The proposal seeks to use an existing access and parking arrangement which will remain unchanged. As such the proposal is considered acceptable in terms of amenity implications of the highways access and parking arrangement.

Lindfield Parish Council have raised concerns over the proposed parking and access arrangements. A number of representation letters have also objected to the proposal citing a lack of turning space and inappropriate parking and highways arrangement. The proposal uses the existing parking spaces and access arrangement on the site and does not seek to alter them. The local highways authority have raised no objection to the proposed works.

A representation letter has also objected due to the alleged inaccuracy of the submitted plans and how the parking spaces and access have been demonstrated on the plans. After undertaking a site visit it is considered that the plans do demonstrate the existing parking arrangement and highways access accurately.

A representation letter also states that there is no right of access through the private road to the north of the site. The existing site has access to this private road and the proposal does not seek to alter the existing access. However, land ownership and rights of access issues are separate legal issues that are not dealt with through the planning regulations.

Dwelling Space Standards

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 61 square metres plus 2.0 square metres of built-in storage is recommended for a single storey 2 bed dwelling that can accommodate 3 persons. Plans show that the proposal would comply with this thereby providing a satisfactory standard of accommodation for future residents and according with policy DP27 of the District Plan.

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, 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.

Archaeology

Policy DP34 of the Mid Sussex District Plan takes into account a range of heritage assets, including archaeology, in a manner appropriate to their significance. The application site is located in an Archaeological Notification Area, as it formed part of the historic core of Lindfield. Due to the nature of the proposed development it is not considered there would be an adverse impact on this heritage asset; however a condition would be attached to any consent to ensure that if any remains are discovered appropriate action would be undertaken.

Other Matters

A number of representation letters have asserted that the plans are inaccurate. Following a site visit and confirmation from the agent the plans are considered to provide an accurate reflection of the existing site. A representation letter has stated that the application site as demonstrated in the submitted plans includes land not within the ownership of the applicant. The agent has confirmed that the application site is located within land that is wholly under the ownership of the applicant. If there are land ownership disputes then this is a separate legal issue not dealt with through planning regulations. A number of representation letters have raised objection to the proposal due to it reducing the employment opportunities within the district. The proposal does not seek to remove the existing retail use at 65A High Street and as such the proposal is not considered to reduce employment uses.

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.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The proposal is considered acceptable in respect of the principle with the development being sustainably located within the built-up area of Lindfield. The proposed conversion of the bakehouse to C3 use would not result in the existing retail use at 65A High Street being lost.

There are other material considerations that also need to be taken into account when assessing the principle, such as the guidance in the NPPF promoting the effective use of land for homes and making clear that one of the Government's objectives is to significantly boost the supply of homes. At a more local level, whilst the District Plan is up to date and the LPA can demonstrate a 5 year housing land supply, the requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained.

In this case the overall design and visual impact is considered acceptable with the external changes being limited.

The proposal is considered to preserve the setting and special interest of the listed buildings at 63, 65 and 65A High Street, the character and appearance of Lindfield Conservation Area and be in-keeping with the existing site and wider street scene and not have an impact on the historic core of Lindfield.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal will not result in significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

The Council would also receive a new homes bonus and there should be no likely significant effects on the Ashdown Forest SPA and SAC.

The application is deemed to comply with Policies DP3, DP6, DP17, DP21, DP26, DP27, DP34 and DP35 of the Mid Sussex District Plan, Policy 4 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Design Guide, The West Sussex

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. *Car parking space*

The existing parking spaces as detailed within the submitted plans and application documents shall be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply Policy DP21 of the Mid Sussex District Plan.

3. *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 to be 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 Policy DP21 of the Mid Sussex District Plan.

4. *Electric Vehicle Charging Spaces*

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

5. 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.

6. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

INFORMATIVES

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

Accordingly, you are requested that:

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

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

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

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|------------------------------------|-----------|---------|----------------|
| Location Plan | P100 | R4 | 03.02.2021 |
| Existing Site Plan | P01 | R4 | 03.02.2021 |
| Existing Floor and Elevations Plan | P10 | R4 | 03.02.2021 |
| Proposed Floor and Elevations Plan | P12 | R2 | 25.06.2021 |
| Heritage Statement | | | 19.03.2021 |

APPENDIX B – CONSULTATIONS

WSCC Highways Authority

Comments received by email 24.02.2021

I can confirm that a highways officer undertook a site visit on 23/02/2021. Following this site visit, the LHA can provide the following updated comments:

The gated access that serves the garage/parking area appears to be existing. It was noted that the gate opens outwards of the site into privately owned land. Whilst the applicant has not demonstrated vehicular access to the maintained highway, this arrangement is not anticipated to result in a severe impact on the maintained highway network. However, the LHA advises the LPA to consider the potential amenity impacts that could arise by this gated access arrangement on the private access drive and neighbouring properties.

In addition to the above, the LHA is satisfied with the parking/turning arrangement, which again appears to be existing. Collision data from the last five years shows no evidence to suggest the existing arrangement is operating unsafely. However, as mentioned above, the LHA advises the LPA to consider the amenity implications of the proposed access arrangement. The LHA adds that were a nil car parking provision to be proposed for this application, no objections would be raised, as the proposed change of use is likely to generate fewer movements to or from the site.

So to conclude, the LHAs overall view of this application remains unchanged and no objections are raised.

Comments dated 25.01.2021

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

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.

Summary

This proposal is for the change of use of an existing bakehouse to a two-bedroom dwelling (C3 Use). The site is located on High Street, a B-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes to utilise the existing vehicular access off High Street. From inspection of local mapping, there no apparent visibility issues with the existing point of access onto the maintained highway. The LHA does not anticipate that the proposed development would give rise to an intensification of vehicular movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site.

Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The application form states that two car parking spaces are proposed for use by the dwelling. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient.

There is suitable space within the existing yard for two car parking spaces, with room for on-site turning. It is unclear from the plans if the parking provision includes the two garages and what size these garages are. Notwithstanding this, the LHA is satisfied that adequate parking is available for use.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has not demonstrated cycle parking provision. The applicant should demonstrate secure and covered cycle parking in accordance with WSCC parking standards. The inclusion of cycle parking helps promote the use of sustainable transport methods.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of shops, schools and other amenities. Cycling is a viable option in the area. Regular bus services can also be obtained nearby on High Street.

Conclusion

The LHA does not consider that this 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.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details required)

No part of the development shall be first occupied until the car parking 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 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 to be 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.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Lindfield Parish Council

Comments received 22.04.2021

Lindfield Parish Council (LPC) continues to object to the loss of the bakehouse as a retail unit behind the shop front unit, given the impact that this is likely to have on the viability of the latter and that in any event it would (further) reduce the square footage available within the village for such use. The consequent impact negatively impacting the vibrancy, sustainability and economics of the village High Street, as well as reducing employment opportunities. This would be contrary to Lindfield and Lindfield Rural's Neighbourhood Plan Policy 4 and MSDC's District Plan Policy DP 3 "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; and ... To support a strong and diverse rural economy in the villages and the countryside"

LPC also remains concerned that the parking and access arrangements might be insufficient to provide the room for two spaces as specified and could result in vehicles being unable to turn around within the restricted access available, leaving them to reverse in to or out of the busy High Street and / or potentially blocking other owners' access.

LPC is cognisant of the wider challenges facing High Streets generally, exacerbated by the current Coronavirus pandemic, and seeks MSDC's support, in line with its policies, to resist the loss of another retail unit potentially undermining the very fabric of the village.

Comments received 28.01.2021

Lindfield Parish Council strongly objects to the proposed change of use and development of the bakehouse behind, and intrinsically important to, the listed building housing the bakery outlet in the High Street.

The village has already seen the loss of The Toll House from retail to residential use, following MSDC's approval, and the property has now been vacant and on the market for some considerable time. Further, the old Post Office (more recently barbers) is currently vacant. The loss of another retail unit would be contrary to Lindfield and Lindfield Rural's Neighbourhood Plan Policy 4 and MSDC's District Plan Policy DP 3 "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; and ... To support a strong and diverse rural economy in the villages and the countryside"

It is considered that without the bakehouse premises, the shop unit itself would likely become unviable as a unit and ultimately lead to its loss with consequent impact on the vibrancy, sustainability and economics of the village High Street, also reducing employment opportunities.

The proposal is considered to be in conflict with DP 34 and 35, with the former seeking to protect the setting of listed buildings, within which curtilage the old bakehouse lies, and the latter seeking that "...extensions are designed to reflect the special characteristics of the area in terms of scale..." as the proposed extension seeks to inappropriately raise the building's height.

LPC fully recognises the wider challenges facing High Streets generally, exacerbated by the current Coronavirus pandemic, and seeks MSDC's support, in line with its policies, to resist the loss of another retail unit potentially undermining the very fabric of the village.

MSDC Conservation Officer

Comments received 21.05.2021

The application has been amended and further information provided in the form of a Heritage Statement.

The submitted Heritage Statement is useful in many respects, although it does not resolve all relevant questions. In terms of the potential for curtilage listing of the building, the Statement is unable to provide an exact date of construction for the building, which it suggests replaced an earlier bakehouse on the site around the mid 20th century, being definitely in place by 1955 (from photographic evidence). What is not clear is whether the building a) predates 1948 or not or b) predates the date of listing of the frontage building (1951) or not. From the history of the site also contained within the Statement, it would be my opinion that the building would meet the criteria set out in the relevant Historic England guidance in terms of proximity, and of use historically and at the time of listing, and of ownership historically and at the time of listing (if indeed it was in place at that time), as it is set close to the rear of the listed building and has always been in the same use and ownership. However without a more accurate date of construction its potential for curtilage listing remains unclear. I would say, however, that even if it were to be curtilage listed, I would not consider that the issues raised in relation to any listed building application would be different than those discussed below.

The current (revised) proposal is for change of use of the building to residential, with minor external alterations including replacement of an external vent with a window.

In terms of the change of use, firstly it should be recognised that Humphrey's Bakery was for many years a much loved part of Lindfield High Street and of village life. The bakery use makes, in my opinion, a positive contribution to the character of the Conservation Area. However, it is also recognised that this application does not relate to the frontage building and that the use of this remains unaffected. It is also recognised that bakery use could continue in this building if production were off site. On this basis, I consider that an objection to the change of use to residential of the bakehouse in terms of the impact on the character and appearance of the Conservation Area, or on the special interest of the frontage building (which has been bakery for many years) would be hard to substantiate.

The proposed external alterations to the bakehouse itself are now very minor, and will have only a limited impact on its appearance. I do not consider that these will have any significant impact on the contribution that the building makes to the setting of the listed building or the character and appearance of the Conservation Area, especially given that the building has already been subject to some domesticating alterations including the addition of a conservatory.

I therefore consider that the proposal will preserve the setting and special interest of the listed building and the character and appearance of Lindfield Conservation Area. This meets the requirements of District Plan Policies DP34 and DP35, the Council's Design Guide and the relevant paragraphs of the NPPF

I would suggest a condition requiring new windows to match existing.

Comments received 08.02.2021

Firstly I note that Historic England has not been consulted on this application- this is within the setting of a Grade II* listed building so this will need to be done. The whole block at 63, 63 and 65a has been converted from a 14th century hall house and all three properties are part of the II* listing. The proposal affects the setting of all three properties.

Secondly, unless I have missed something there is no heritage statement with the application? This is a validation requirement. As such I would expect that the application should be made invalid until such a statement is received? (Please let me know if this is not correct). The statement should firstly consider the age of the building directly affected by the proposal, to establish whether it would be curtilage listed, and should secondly assess the impact on the setting of 63-65a High Street, according to the staged approach set out in the relevant Historic England guidance (GPA3 The Setting of Heritage Assets).

As such, I will hold off on providing detailed comments on the application until the above has been done and we have the heritage statement in front of us.

Historic England

Thank you for your letter of 14 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

MID SUSSEX DISTRICT COUNCIL

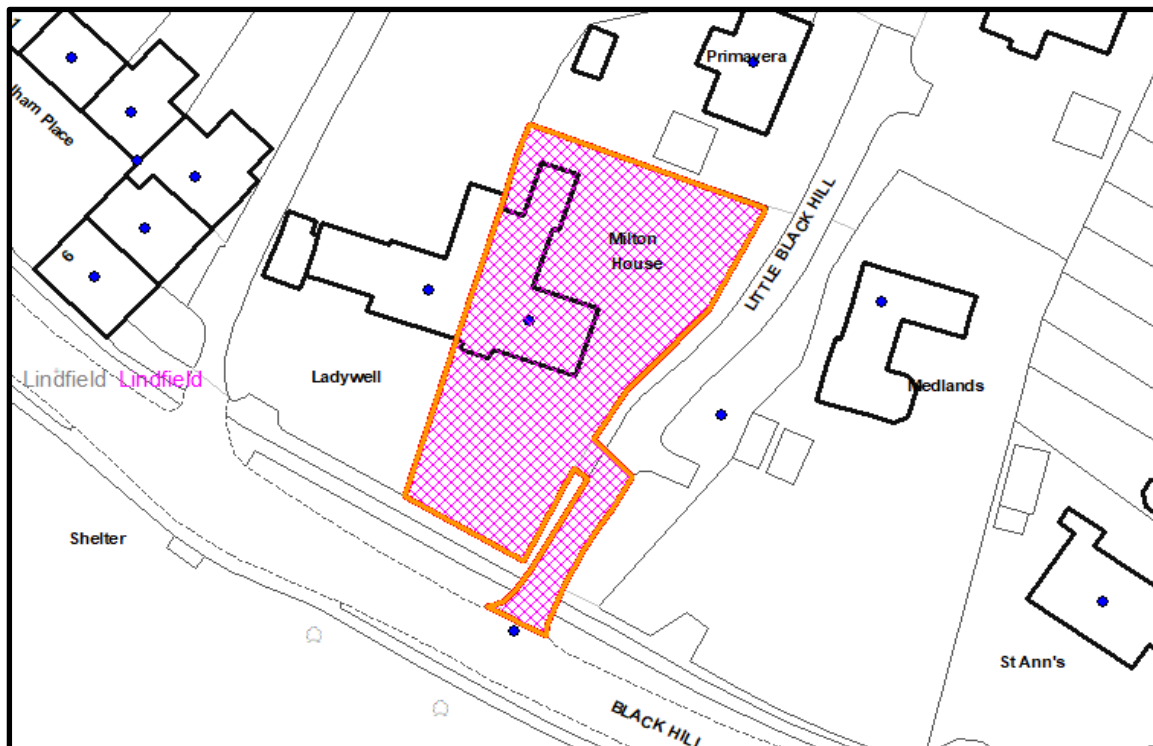
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Lindfield

DM/21/0485



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**MILTON HOUSE BLACK HILL LINDFIELD HAYWARDS HEATH
PROPOSED TWO STOREY REPLACEMENT REAR EXTENSION.
AMENDED PLANS RECEIVED 13.05.2021 (INCLUDING REVISED
LOCATION PLAN) SHOWING ALTERATIONS TO DESIGN, SCALE AND
FORM OF EXTENSION.
MRS JUDITH HEYBURN**

POLICY: Article 4 Direction / Built Up Areas / Conservation Area / Pre 1974
Conservation Area Boundary / Classified Roads - 20m buffer /
Common Land / Aerodrome Safeguarding (CAA) / Sewer Line
(Southern Water) / Archaeological Notification Area (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 19th July 2021

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Deborah Lynn

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission to add a two storey replacement extension to the rear of the dwellinghouse. The property lies in Lindfield conservation area.

The application has been called-in to be determined at planning committee by Councillors Andrew Lea and Jonathan Ash-Edwards, due to concerns regarding impact upon neighbouring amenities and the appearance and character of the conservation area.

Plans show that the existing modern two storey flat roofed extension to the rear of the dwellinghouse will be demolished and replaced with a two storey extension with increased footprint and gable pitched roof. A single storey extension is proposed to the west of the two storey extension, adjacent to the boundary with Ladywell; a new glazed single storey extension is also proposed, linking the two storey extension with the main part of the dwellinghouse.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Lindfield and Lindfield Rural Neighbourhood Plan.

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

The proposed extension is considered acceptable in terms of design, form and scale to the existing dwellinghouse and should enhance its appearance within the locality. Consequently, the proposal is considered to enhance the appearance and character of the conservation area, whilst protecting the setting of nearby listed buildings. The

proposal should not be harmful to Milton House, which can be considered as a non-designated heritage asset. Considering the existing relationship between properties, it is not considered that the proposal would be significantly harmful to adjoining amenities in terms of affecting light levels, outlook, privacy or appearing overbearing.

The proposal is therefore deemed to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan and relevant paragraphs of the NPPF.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

A total of 12 letters of objection received. 8 received in response to the original plans and 4 in response to the amended plans, raising the following concerns:

- Proposal will have unacceptable impact in terms of loss of amenity to neighbours, harmful to Lindfield conservation area and setting of listed buildings
- Land levels drop off steeply to north with adjoining property, Primavera, situated at a lower level. Increase in height of existing flat roof extension by 3 metres will create overbearing structure with significantly loss of outlook and sunlight to garden at Primavera
- Existing flat roof to extension appears in line with main roof of Milton House when viewed from Primavera; increase in mass will add to dominance of structure, creating sense of oppressiveness from adjoining gardens
- Extension lies 3 metres from boundary with Primavera and will be due south; extension will reduce sunlight, create overshadowing to greenhouse and garden at Primavera during critical growing season
- Extension will be constructed right up to boundary with Ladywell, with increase height of extension significantly reducing sunlight and outlook and creating overshadowing; will eliminate much of morning sun, especially in winter
- Extension will adjoin boundary with Ladywell, making it impossible to maintain without entering garden of Ladywell
- Intrusive and unneighbourly to both adjoining properties, contrary to policy DP26
- Proposal fails to preserve or enhance appearance and character of conservation area, in contravention of 1990 Act and policy DP35 of the District Plan
- Milton House is a handsome property that contributes to character of Lindfield's built environment. Pevsner refers to it as "good Victorian gothic Milton House". Is not listed but is of architectural / historic merit. The loss of two ground floor gothic windows contravenes policy DP34 of the District Plan
- Milton House forms part of setting of listed buildings of St. Ann's to the east and Pelham Place Cottages to the west. Fails to preserve the setting of the listed buildings, adversely affecting views, contrary to 1990 Act and policy DP34 of the District Plan
- Proposal would set precedent and signal to developers that similar schemes are viable across the district

- Applicant does not own all land within red line of application site; should serve notice on adjoining owners
- Size of extension rivals that of main house, does not reflect architecture of main building
- Proposed materials such as timber boarding and aluminium windows are not in keeping and contrary to policy DP35 and Design Principle DG49. Appropriate materials had to be used for Little Black Hill development.
- Consideration should be given to reducing size
- Access to Little Black Hill should be kept clear for emergency services and not blocked
- Services to the three houses in Little Black Hill run down both sides of the access road and could be damaged by excavations
- Whilst slight reduction in height of extension, no material change to overall bulk, will continue to have an unacceptable impact on neighbours, conservation area and setting of listed buildings
- Increase in height of 1.5 metres will still block sunlight and outlook to adjoining gardens and kitchen and rear bedroom at Ladywell
- Revised scheme creates awkward niche around Victorian gothic windows
- Size of footprint remains unchanged
- No objection to replacing existing ugly two storey extension
- Building right up to boundary wall with Ladywell will appear overbearing and oppressive. Gutter would sit just above boundary wall requiring garden hedge to be removed
- Gutter to roof impossible to maintain without accessing garden at Ladywell.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Comments received 21.06.2021

The application has been amended following officer advice to show a lower roofline and more sympathetic gabled roof form to the proposed replacement rear extension. The elevational treatment including the fenestration has also been amended to be less visually assertive and more in keeping with the existing building. The form and footprint of the link between the replacement extension and the main house have also been amended to ensure that the pair of characterful tripled arched Gothic windows to the rear elevation of the building remain both fully exposed to external views.

Subject to detail I consider that the revised proposal will, given the existing unattractive flat roofed rear addition to the building, enhance the character and appearance of the house and of the Lindfield Conservation Area. This would meet the requirements of District Plan Policy DP35, the Council's Design Guide, and the relevant paragraphs of the NPPF.

Comments received 20.04.2021

Having now had a chance to visit the above site I remain of the opinion that the replacement extensions raise concerns in terms of their height, bulk, form and detailed design...

As it stands I consider that for the reasons given in my previous comments the proposal is harmful to the character and appearance of the Lindfield Conservation Area, and to the special interest of Milton House in the local context, as a potential non designated heritage asset. This would be contrary to the requirements of District Plan Policies DP34 and DP35, and of the Council's Design Guide. In terms of the NPPF I would consider the harm caused to both assets to be less than substantial, such that paragraph 196 would apply.

LINDFIELD PARISH COUNCIL OBSERVATIONS

Comments received 08.06.2021

Lindfield Parish Council (LPC) considers that its previous objections remain apposite notwithstanding the slight reduction in the proposed roof height, although LPC welcomes the amendments to leave the gothic windows in plain view.

Comments received 11.03.2021

Lindfield Parish Council strongly objects to this application which as proposed would be overbearing and result in a loss of outlook for neighbouring property. Further, the changes to the property are considered to be unsuited to the Conservation Area and indeed to the property itself, which is considered to be a Heritage Asset...

The significant impact on the neighbouring properties Primerva and Ladywell, within the Conservation Area, when considered in the light of both DP 26 and DP 35, should be sufficient to refuse an application of this scale, especially recognising its proximity to the neighbouring properties. The further loss of two gothic windows within Milton House and wider impact on the setting of nearby Listed Buildings further underlies the unsuitable nature of the works as currently proposed.

INTRODUCTION

This application seeks planning permission to add a two storey replacement extension to the rear of the dwellinghouse.

This application has been called-in to be determined at planning committee by Councillors Andrew Lea and Jonathan Ash-Edwards, due to concerns regarding impact upon neighbouring amenities and the appearance and character of the conservation area.

RELEVANT PLANNING HISTORY

LF/041/85 - Erection six detached houses and garages and associated private roads rear of Ladywell/Milton House. Refused 22.11.1985.

LF/027/86 - Erection of four detached houses and garages/associated private roads. - Refused 13.06.1986.

LF/090/86 - Erection 3 detached houses and garages and associated private roads. Permission granted 30.03.1987.

LF/043/87 - Application for approval of reserved matters - erection of three detached houses and garages and associated private roads. Not Proceeded With - 31.03.1988.

LF/055/88 - Erection of three detached dwellings together with garages and private estate road. Permission granted 20.10.1988.

SITE AND SURROUNDINGS

Milton House is a large semi-detached Victorian dwellinghouse, built in the Gothic style. The building, together with the adjoining property, Ladywell, originally formed one detached house, but appears to have been divided into two dwellings in the mid 20th century. The property has previously been extended to the rear with a large two storey addition and sits in relatively large grounds with a large driveway to the front and garden area to the side and rear (northeast). The front boundary of the property is lined with an established hedge with established trees behind.

A private access road serving properties at Little Black Hill lies to the east of the site, with the detached property at Primavera lying to the north of the site at a lower level. The attached property at Ladywell adjoins the site to the west.

In terms of planning policy, the site lies within the built up area of Lindfield and Lindfield conservation area. Grade II listed buildings at Pelham Place Cottages are located further to the west of the site, with a grade II listed building at St. Ann's lying further to the east of the site, adjacent to Medlands.

APPLICATION DETAILS

Plans show that a replacement two storey extension is proposed to the rear of the dwellinghouse, replacing an existing two storey rear extension with flat roof.

Amended plans were submitted on the 13.05.2021 following discussions with your officers, who had raised concerns regarding the scale and design of the scheme as originally proposed.

Amended plans show that the replacement two storey extension will be sited in the same position as the existing but will be extended in width by 1.8 metres eastwards. It will measure a maximum of approximately 6.3 metres wide by 9.9 metres deep and will have a gable pitched roof that measures some 7.3 metres high. It will be finished

with matching brickwork and painted feather edge boarding to the first floor, with a traditional slate pitched roof.

A ground floor extension is proposed to the western side of the two storey extension, infilling between the extension and boundary wall and replacing the existing external flight of steps to the rear of the building. The extension will have a shallow lean-to roof that measures 3.3 metres high; 3 no. roof lights are proposed. The eaves of the roof and gutter are shown to be set above the boundary wall.

The existing single storey extension linking the two storey rear extension to the main house will be increased in width by 0.3 metres with the existing roof replaced. An upper glazed section is proposed that reaches a maximum of 5 metres high.

The extension will allow the existing layout of the lower ground and ground floor of the house to be reconfigured with the proposed extension providing a kitchen, utility, wet room and gym studio at lower ground floor level and a guest bedroom, dressing room and en-suite at ground floor.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Lindfield and Lindfield Rural Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

| | |
|------|--|
| DP26 | character and design |
| DP34 | listed buildings and other heritage assets |
| DP35 | conservation areas |

Lindfield and Lindfield Rural Neighbourhood Plan

The neighbourhood plan was 'made' on the 23rd March 2016 and forms part of the development plan.

There are no policies deemed relevant to this application.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

Paragraphs 124, 127, 192, 193, 194, 195, 196, 197 and 200 are relevant to this application.

'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.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

National Planning Practice Guidance

ASSESSMENT

The main issues considered relevant to this application are the proposed design and impact on the character of the conservation area, impact on the setting of the listed buildings and impact on neighbouring amenity.

Design and impact on the character of the area

Policy DP26 of the District Plan is deemed relevant when considering this application. This states in part that:

'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;*
- *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);'*

As the site lies within Lindfield conservation area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

This stance is reflected under policy DP35 of the District Plan which states in part that:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;'*

In the Council's guide to 'Conservation Areas in Mid Sussex' dated August 2018, Lindfield conservation area is noted as having the following features which contribute to its character, amongst others:

- the variety of buildings both in terms of age and architectural style and detail including timber framing, a variety of brick bonds, original features such as windows, chimneys and doors;
- the use of natural and traditional building materials including clay tiled roofs, sandstone, Horsham Stone roofs, mathematical tiles, tile hanging and stucco;
- the presence of trees and hedges around and between the buildings in Black Hill which contribute to the overall character and appearance of the area;
- the large residential properties in Black Hill set well back from the road in spacious grounds.

In addition to the above, the Council's Design Guide SPD is a material planning consideration with design principles DG49 and DG51 deemed relevant.

Design principle DG49 relates to general principles for extensions and recommends that 'extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling.'

DG51 relates to rear extensions and states that:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'

The existing modern two storey extension to the rear of the building has a flat roof and is considered unsympathetic to the host dwelling and the character and appearance of the conservation area. The principle of demolishing and replacing the extension is therefore not considered contentious.

The revised scheme shows that the two storey extension will be sited in the same position as the existing extension. The two storey extension is not considered to be significantly larger in size and scale than the existing extension, being increased in width by 1.8 metres. The existing extension has a height of 5.8 metres. The replacement extension will have a gable pitched roof which is shown to have a lower eaves height than the existing extension, measuring approximately 5 metres; the ridge of the roof will measure 7.5 metres high.

The replacement extension will sit subordinately in relation to the main building and is considered to be more sympathetic in design and form to the host dwelling, representing an improvement upon the existing extension. Traditional materials are proposed such as facing brickwork, a slate roof and timber weatherboarding. Whilst the timber weatherboarding is not a feature of the existing property, it is a feature of other properties within Lindfield conservation area and consequently is not considered to be out of keeping in the locality; such details can be controlled via a planning condition.

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

"The application has been amended following officer advice to show a lower roofline and more sympathetic gabled roof form to the proposed replacement rear extension. The elevational treatment including the fenestration has also been amended to be less visually assertive and more in keeping with the existing building. The form and footprint of the link between the replacement extension and the main house have also been amended to ensure that the pair of characterful tripled arched Gothic windows to the rear elevation of the building remain both fully exposed to external views.

Subject to detail I consider that the revised proposal will, given the existing unattractive flat roofed rear addition to the building, enhance the character and appearance of the house and of the Lindfield Conservation Area. This would meet the requirements of District Plan Policy DP35, the Council's Design Guide, and the relevant paragraphs of the NPPF."

With the above in mind, the proposal is deemed acceptable in terms of design, form and scale to the existing dwelling and should enhance its appearance within the locality. The proposal is therefore considered to enhance the appearance and character of Lindfield conservation area, thereby according with policies DP26 and DP35 of the District Plan.

Impact on setting of the listed buildings

Representations have been received, raising concerns that the proposed development will be harmful to the setting of nearby listed buildings.

A group of grade II listed buildings at Pelham Place Cottages, lie further to the west of the site, separated from Ladywell by a lane. A grade II listed building dating from the 1830s, St. Ann's, lies further to the east of the site, adjacent to Medlands.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

This stance is reflected under policy DP34 of the District Plan which states in part that special regard will be given to protecting the setting of a listed building.

The Council's Conservation Officer, in her initial comments advised that:

"I note that submissions made in respect of the application also refer to the impact on the setting of nearby listed buildings at St Anne's House to the south east, and Pelham Place Cottages to the north west. From my knowledge of the area I suspect that in fact intervisibility between the site of the proposed works at the rear of the building and these listed buildings will be limited or non-existent due to intervening screening by built form and/or vegetation. Although intervisibility is not the only determinant of an impact on setting, in this case given an apparent lack of historic relationship between the site and the listed buildings, and the different contexts within which they would be experienced, I am doubtful that the proposal will in fact impact on the settings of either listed structure."

It is considered that the proposed extension, being sited to the rear of the building, will have limited visibility with the locality. Glimpses of the extension may be visible from the private lane to the west of the adjoining property at Ladywell.

Given that the proposed extension is considered to enhance the appearance of Milton House within the locality, it is considered that the setting of the listed buildings will be protected in accordance with policy DP34 of the District Plan.

Representations have also been made that the development will be harmful to Milton House which should be considered as a heritage asset.

Policy DP34 of the District Plan refers to other heritage assets, stating in part that:

'Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

The Council's Conservation Officer, in her initial comments, advises that:

'The application site is an unlisted semi-detached property dating from the early-mid 19th century and originally a single dwelling (Milton House) set in extensive grounds. The house, a substantial building in the Gothic style, appears to have been divided into two dwellings in the mid 20th century. Although altered and extended to the rear, the building retains significant character and a number of distinctive features including Gothic arched windows and steeply pitched patterned slate roofs. The property, with its attached neighbour, makes a strong positive contribution to the character and appearance of the Lindfield Conservation Area, and may be regarded as a non designated heritage asset (NDHA).'

Officer concerns were raised in respect of the original scheme, which proposed the partial loss of one of the pair of triple arched Gothic windows to the rear elevation. The scheme has now been amended to ensure that the pair of characterful tripled arched Gothic windows to the rear elevation of the building remain both fully exposed to external views.

The scheme as revised is not considered to be harmful to the significance of the non-designated heritage asset at Milton House. The proposal therefore accords with policy DP34 of the District Plan and relevant paragraphs of the NPPF.

Impact on amenity

Policy DP26 of the District Plan relates to amenity and states in part that development proposals should 'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking

account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'.

Concerns have been raised by both neighbours at Primavera to the north and Ladywell to the west that the replacement extension will appear overbearing, restricting outlook and light levels to the adjoining properties and creating a feeling of oppressiveness.

The adjoining property at Primavera is situated at a lower level to Milton House, with the rear garden and a greenhouse located directly north of the proposed extension. The boundary between the properties is lined with a 1.7 metre high close boarded fence, with trees within the garden of Primavera serving as an effective screen during the summer months. The replacement extension will be sited no closer to the boundary with Primavera than the existing extension, which is sited approximately 3.4 metres away.

The replacement extension is not considered to be significantly larger than the existing, being increased in width by 1.8 metres and increased in height by 1.7 metres. Whilst the extension will appear relatively imposing from the adjoining garden area which is set at a lower level, considering the existing relationship between the properties, it is not considered that the proposal would result in significant harm to adjoining amenities, in terms of affecting privacy, outlook or light levels.

Neighbours at Primavera have raised concerns that the proposed extension will affect light levels to their green house during the growing season; the greenhouse is sited approximately 10.8 metres to the north of the extension. Given the distance between the buildings, it is not considered that the extension would result in significant overshadowing onto the greenhouse. The proposal would be likely to mainly affect light levels to the adjoining garden area; the main house and immediate garden area to the rear of the house should not be significantly affected. Two first floor windows are proposed to the northern wall of the replacement extension which will result in potential overlooking onto the adjoining garden area; these are shown to serve a guest bedroom. However, as there are two first floor clear glazed windows in the northern wall of the existing extension, it is not considered that the windows would result in a significant increase in potential overlooking; as such it is not deemed reasonable to impose a condition that such windows are obscure glazed. The trees at Primavera should help to screen the extension and windows during summer months.

The western boundary of the property with Ladywell is lined with a 1.8 metre high brick wall which appears to be topped with tree ivy. The existing two storey extension is sited approximately 2.6 metres from the western boundary.

The replacement two storey extension will be sited no closer to the western boundary than the existing extension and will not be increased in depth on its western side. The replacement roof will be higher than the existing structure but will have a reduced eaves height (by 0.8 metres) with the pitched roof sloping away from the property at Ladywell. With this in mind, and considering the existing relationship between the properties, it is not considered that the extension would appear

overbearing from Ladywell. Whilst there may be some impact upon light levels, particularly early morning sunlight, this should not be significant. The property at Ladywell benefits from a very large garden and the proposed extension is likely to affect light levels to just a small proportion of this. Light levels and outlook to the adjoining kitchen and rear bedroom, should not be significantly affected considering the extension relationship between the properties.

The roof of the adjoining single storey extension will be visible above the boundary wall, but this will sit subordinately against the wall of the two storey extension and should not appear overbearing. Whilst concerns are noted in respect of maintaining the gutter and roof to the single storey extension, this is not considered to be a planning policy consideration.

The proposal may result in the removal of vegetation covering the boundary wall such as tree ivy, however it is not considered that the proposal should result in the loss of a boundary hedge.

In view of the above, whilst there may be an impact upon neighbouring amenities in terms of affecting light levels, outlook and privacy, considering the existing relationship between properties it is not considered that the proposal would result in significant harm as to warrant refusal of the application. The proposal therefore accords with policy DP26 of the District Plan.

Other matters

All relevant land owners appear to have been notified with the applicant serving written notice on adjoining residents of Little Black Hill on the 19th May 2021.

Concerns have been raised that the development may damage services to the properties in Little Black Hill, which run down both sides of the access road. As the proposed works will be concentrated within the rear garden of Milton House, it is unlikely that this should be an issue, however the matter is not considered to be a material planning consideration and would be a private matter to be addressed, should an issue arise.

CONCLUSION

The proposed extension is considered acceptable in terms of design, form and scale to the existing dwellinghouse and should enhance its appearance within the locality. Consequently, the proposal is considered to enhance the appearance and character of the conservation area, whilst protecting the setting of nearby listed buildings. The proposal should not be harmful to Milton House, which can be considered as a non-designated heritage asset. Considering the existing relationship between properties, it is not considered that the proposal would be significantly harmful to adjoining amenities in terms of affecting light levels, outlook, privacy or appearing overbearing.

The proposal is therefore deemed to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan and relevant paragraphs of the NPPF.

It is therefore recommended that planning permission should 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 Applications".

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

3. No development above ground floor slab level shall be carried out unless and until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed extension 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 preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset to accord with policies DP34 and DP35 of the Mid Sussex District Plan.

4. No development above ground floor slab level shall be carried out unless and until detailed drawings at an appropriate large scale, including sections and annotated to show the materials and finishes of typical examples of new doors and windows, 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 preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset and to accord with policies DP34 and DP35 of the Mid Sussex District Plan.

5. No development above ground floor slab level shall be carried out unless and until detailed drawings at an appropriate large scale, including annotations to show the materials and finishes of a typical sectional detail through the link extension upper storey and roof structure, 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 preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset and to accord with policies DP34 and DP35 of the Mid Sussex District Plan.

6. No development above ground floor slab level shall be carried out unless and until detailed drawings at an appropriate large scale, including sections and annotated to show the materials and finishes of a typical eaves detail, 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 preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset and to accord with policies DP34 and DP35 of the Mid Sussex District Plan.

7. The roof lights hereby permitted shall be flush fitting metal framed conservation style rooflights.

Reason: To preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset and to accord with policies DP34 and DP35 of the Mid Sussex District Plan.

8. The rainwater goods hereby permitted shall be of painted metal.

Reason: To preserve or enhance the appearance and character of the conservation area and protect the significance of the non-designated heritage asset and to accord with policies DP34 and DP35 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|----------------------|-----------|---------|----------------|
| Existing Floor Plans | 01 | — | 08.02.2021 |
| Existing Floor Plans | 02 | — | 08.02.2021 |
| Existing Roof Plan | 02 | — | 08.02.2021 |
| Existing Elevations | 03 | — | 08.02.2021 |
| Proposed Floor Plans | 05 | A | 13.05.2021 |
| Proposed Roof Plan | 05 | A | 13.05.2021 |
| Location Plan | | | 13.05.2021 |
| Block Plan | | | 13.05.2021 |
| Proposed Floor Plans | 04 | B | 13.05.2021 |
| Proposed Elevations | 06 | B | 13.05.2021 |
| Proposed Elevations | 07 | — | 13.05.2021 |

APPENDIX B – CONSULTATIONS

MSDC Conservation Officer

Comments received 21.06.2021

Comments on the above application. Please read these in conjunction with my previous comments on the proposal as originally submitted.

The application has been amended following officer advice to show a lower roofline and more sympathetic gabled roof form to the proposed replacement rear extension. The elevational treatment including the fenestration has also been amended to be less visually assertive and more in keeping with the existing building. The form and footprint of the link between the replacement extension and the main house have also been amended to ensure that the pair of characterful tripled arched Gothic windows to the rear elevation of the building remain both fully exposed to external views.

Subject to detail I consider that the revised proposal will, given the existing unattractive flat roofed rear addition to the building, enhance the character and appearance of the house and of the Lindfield Conservation Area. This would meet the requirements of District Plan Policy DP35, the Council's Design Guide, and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- Details of roofing and facing materials
- Detailed drawings at an appropriate large scale including sections and annotated to show materials and finishes of:
 - typical examples of new windows and external doors
 - typical sectional detail through the link extension upper storey and roof structure
 - typical eaves detail
- new rooflights to be flush fitting metal framed conservation style rooflights
- rainwater goods to be of painted metal

Comments received 20.04.2021

Having now had a chance to visit the above site I remain of the opinion that the replacement extensions raise concerns in terms of their height, bulk, form and detailed design. As there is not an in principle objection to the replacement of the existing flat roofed rear addition it may

be that an online meeting to discuss a revised scheme may be beneficial, but it would be of course at your discretion whether this should form part of the current application or should follow on from withdrawal or refusal of the current scheme (I do consider that the amendments required would be quite significant).

As it stands I consider that for the reasons given in my previous comments the proposal is harmful to the character and appearance of the Lindfield Conservation Area, and to the special interest of Milton House in the local context, as a potential non designated heritage asset. This would be contrary to the requirements of District Plan Policies DP34 and DP35, and of the Council's Design Guide. In terms of the NPPF I would consider the harm caused to both assets to be less than substantial, such that paragraph 196 would apply.

Comments received 07.04.2021

Initial comments on the above planning application. Apologies for the delay in getting these to you, which has been caused by pressure of other work.

The application site is an unlisted semi-detached property dating from the early-mid 19th century and originally a single dwelling (Milton House) set in extensive grounds. The house, a substantial building in the Gothic style, appears to have been divided into two dwellings in the mid-20th century. Although altered and extended to the rear, the building retains significant character and a number of distinctive features including Gothic arched windows and steeply pitched patterned slate roofs. The property, with its attached neighbour, makes a strong positive contribution to the character and appearance of the Lindfield Conservation Area, and may be regarded as a non designated heritage asset (NDHA).

I note that submissions made in respect of the application also refer to the impact on the setting of nearby listed buildings at St Anne's House to the south east, and Pelham Place Cottages to the north west. From my knowledge of the area I suspect that in fact intervisibility between the site of the proposed works at the rear of the building and these listed buildings will be limited or non-existent due to intervening screening by built form and/or vegetation. Although intervisibility is not the only determinant of an impact on setting, in this case given an apparent lack of historic relationship between the site and the listed buildings, and the different contexts within which they would be experienced, I am doubtful that the proposal will in fact impact on the settings of either listed structure. However, I will reserve final comment on this until I have had a chance to visit the site in person (see below).

The current proposals relate to works to the rear of the building and are for the demolition and replacement of an existing two storey (basement and ground floor) flat roofed addition with a two storey extension on an enlarged footprint and with a significantly higher roofline. An enlarged link extension between this two storey element and the main house is also proposed.

The existing modern rear extensions to the property are not of a high architectural standard and are unsympathetic to the host building and the character and appearance of the Conservation Area. The principle of demolition and replacement and/or alteration is therefore not considered contentious. However, I have concerns regarding the scale of the proposed replacement/altered extensions, which appears excessive in relation to the host both in terms of footprint and roof height, the impact on the fabric of the house and significant features to the rear elevation including the partial loss of one of the pair of imposing triple Gothic arched windows, and the form and detailed design of the new or altered additions, which appear unsympathetic to the context.

I would suggest as I have not yet had a chance to make a site visit to view the proposal in person (the above comments being made from photographs of the site) that I should arrange this for a date after my return from leave next week. After this, an online Teams meeting with the applicant and/or their architect to discuss alternative proposals may be beneficial?

Lindfield Parish Council

Comments received 08.06.2021

Lindfield Parish Council (LPC) considers that its previous objections remain apposite notwithstanding the slight reduction in the proposed roof height, although LPC welcomes the amendments to leave the gothic windows in plain view.

Comments received 11.03.2021

Lindfield Parish Council strongly objects to this application which as proposed would be overbearing and result in a loss of outlook for neighbouring property. Further, the changes to the property are considered to be unsuited to the Conservation Area and indeed to the property itself, which is considered to be a Heritage Asset.

The proposal does not meet a number of Mid Sussex District Plan policies including:

DP 26 - Character and Design which requires development that "... 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 ..." It is notable that the topography of the site leads to a significant impact on surrounding property, which is not evident from the plans alone.

DP 35 - Conservation Areas which requires "...extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design..."

DP 34 - Listed Buildings and Other Heritage Assets which requires the council "...to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic..."

The significant impact on the neighbouring properties Primerva and Ladywell, within the Conservation Area, when considered in the light of both DP 26 and DP 35, should be sufficient to refuse an application of this scale, especially recognising its proximity to the neighbouring properties. The further loss of two gothic windows within Milton House and wider impact on the setting of nearby Listed Buildings further underlies the unsuitable nature of the works as currently proposed.

MID SUSSEX DISTRICT COUNCIL

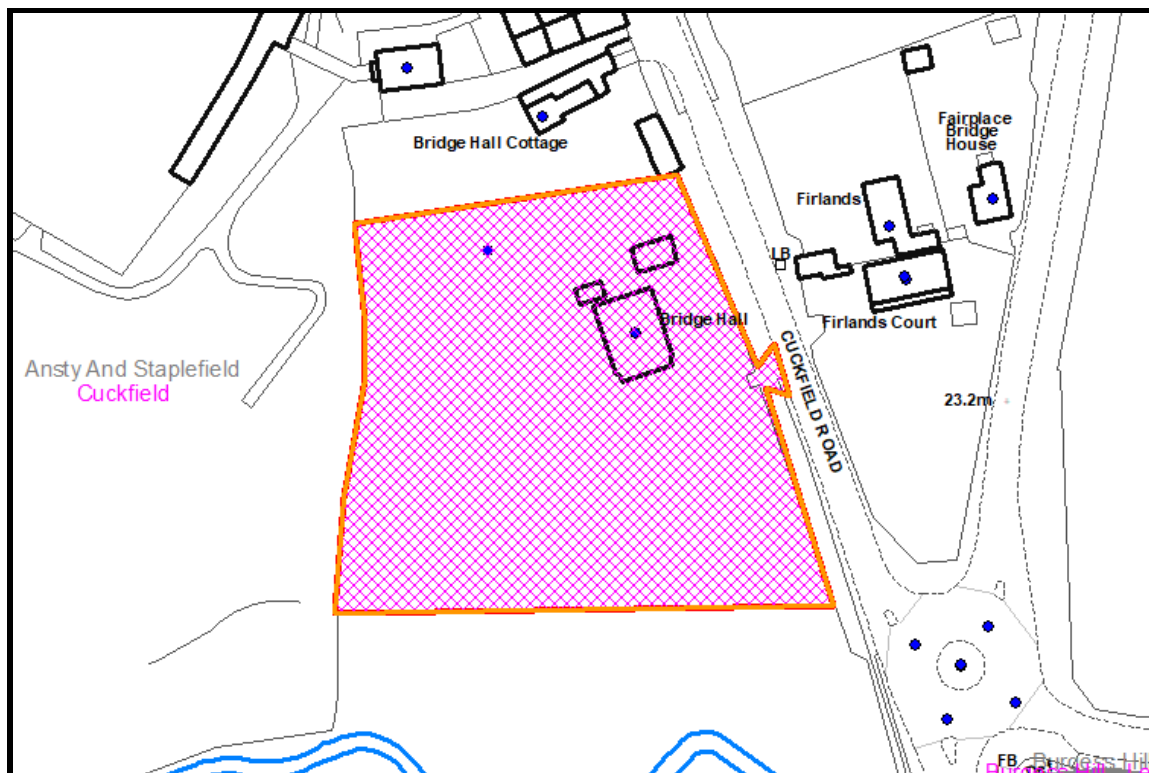
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/21/1524



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**BRIDGE HALL CUCKFIELD ROAD BURGESS HILL WEST SUSSEX
FULL APPLICATION FOR THE ERECTION OF 35 RESIDENTIAL
DWELLINGS WITH NEW ACCESS CREATED ONTO CUCKFIELD ROAD,
LANDSCAPING, OPEN SPACE AND PARKING.
BROOKWORTH HOMES LIMITED**

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) / Waste Local Plan Site (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th July 2021

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Steven King

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 full planning permission for the erection of 35 residential dwellings with a new access created onto Cuckfield Road, landscaping, open space and parking at Bridge Hall, Cuckfield Rd, Burgess Hill.

Planning law states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP). The site is not within an area covered by a Neighbourhood Plan.

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

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site and the subsequent approval for 40 dwellings granted by the Local Planning Authority (LPA). In relation to planning policy, the principle of developing the site accords with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make efficient use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage.

The scheme would deliver 35 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the

planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. Planning conditions can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Listed Buildings and Conservation Areas Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 35 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The boundary screening around the site will be retained to soften the impact of the development on the character of the area. The Ecological mitigation works that were secured with the previous approval on the site would be carried forward with this application.

To summarise, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 in the DP. There is a conflict with policy DP34 as there would be less than substantial harm caused to the setting of a listed building. However in light of all the above it is considered that the application complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- block of flats is entirely out of character with the area and will be an eyesore
- access would be hazardous at peak times
- a significant proportion of hedgerows would need to be cleared to provide visibility splays
- poor footpath access and no zebra crossing to get into town
- limited bus service
- lack of provision for electric car charging points
- more trees should be retained to support wildlife
- can't see provision for replacement bat homes on site
- nearest primary schools are at capacity
- water issues in Burgess Hill with regular burst mains, low pressure show demand is already high and further building on our town will further affect services
- inadequate infrastructure to support new residents
- no provision for allotments within site
- Burgess Hill doesn't need any more housing

SUMMARY OF CONSULTEES

County Planning Officer

To be reported

Highway Authority

No objection subject to conditions

Sussex Police

Recommend lighting is installed adjacent to the parking bays next to the footpath link to the Northern Arc and parking pergola. I recommend the postal arrangements for the flats is through the wall or external mounted secure post boxes. With respect to the blocks of multiple dwellings; from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only.

Ecological Consultant

To be reported

MSDC Drainage Officer

No objection subject to conditions

Community Facilities Project Officer

Requires infrastructure contributions

Urban Designer

No objection subject to conditions regarding details of pumping station, landscaping, boundary treatment and materials.

Conservation Officer

I remain of the opinion, as expressed in relation to the previous application, that the proposal will cause less than substantial harm to the setting of Firlands, a Grade II listed building which is located to the opposite side of Cuckfield Road. The proposal is therefore considered to be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 will apply.

Housing Enabling & Development Officer

This application is for 35 dwellings as opposed to the previously approved 40, however the developer is not proposing a reduction in the number of affordable homes (12) and consequently the amount of affordable housing has increased to 34%. In light of the 12 units being delivered as flats, we are willing to forgo the clustering policy of there being no more than 10 affordable housing units in a cluster, but a tenure blind approach will be required.

Environmental Protection Officer

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

Tree Officer

To be reported

Burgess Hill Town Council

The Committee expressed concern over the safety of the single access point onto Cuckfield Road, which had no provision for pedestrians or cyclists, and the lack of provision for footways and cycleways within the development. Photovoltaic panels and provision for electric vehicle charging points for dwellings should be a requirement. There was no provision for replacement habitats for the bats currently on site. The Committee requested that a credible archaeologist should be on site to monitor while the house platforms were excavated, as this was a historical site - the earliest records of this house were from 1250AD. The 381 Committee expressed concern over the lack of an equipped children's play area.

PARISH COUNCIL OBSERVATIONS

The Parish Council object to this application because it was not allocated in the Neighbourhood Plan and it will reduce the strategic gap between Ansty and Burgess Hill. They are also concerned at the single access junction which does not allow for cyclists or pedestrians.

INTRODUCTION

This application seeks full planning permission for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking at Bridge Hall, Cuckfield Road, Burgess Hill.

RELEVANT PLANNING HISTORY

Outline planning permission for the erection of 36 dwellings on the site was granted on appeal by the Planning Inspector on 30th January 2018 (reference DM/15/04667). The means of access to the site was approved at the outline stage.

Following on from this, full planning permission was granted by the Local Planning Authority (LPA) on 23rd March 2020 under reference DM/19/3123 for the demolition of existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings.

SITE AND SURROUNDINGS

The site of the application used to have a large detached house located within a large plot of land on the west side of Cuckfield Road, some 65m to the north of the Fairplace Bridge roundabout. The dwelling house has now been demolished. Ground works have commenced on the site pursuant to the previous planning permission for 40 dwellings on the site (DM/19/3123).

The house was located at the northeast side of the site. There is a fall in levels from north to south through the site. There were a large number of trees within the site. The trees on the boundaries of the site have been retained.

To the north of the site is Bridge Hall Cottage. On the opposite side of the road to the east is a collection of dwellings, including Firlands Court, a grade 2 listed building. To the west is the golf driving range.

The site lies within the built up area as defined in the DP. This is because the built up area boundary in the District Plan (DP) has been drawn to include the land allocated for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc.

APPLICATION DETAILS

This application seeks full planning permission for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space

and parking. The scheme is an amendment to the previously consented scheme (DM/19/3123).

The scheme would utilise a single point of access that would be located towards the centre of the eastern boundary of the site. The plans show a total of 49 allocated car parking spaces within the site and 9 visitor spaces.

The plans show that there would be two blocks of flats. One of these would be positioned towards the south eastern side of the site and the other would be positioned in the southwestern corner of the site. Along the eastern frontage of the site would be a terrace of 8 houses. There would be 8 houses to the western side of the site made up of four pairs of semidetached houses

The site would be laid out with the access road running around the eastern, southern and western sides of the site with the proposed dwellings fronting onto this access road. The plans show a 2m wide pathway to link to the Northern Arc on the western side of the site. Car parking would be provided in front of the proposed terrace of houses on the eastern side of the site and there would also be a car parking courtyard within the centre of the site.

In terms of the elevational treatment, the terrace of houses on the eastern side of the site would be a mixture of two and three storeys, with the third storey being set back. Materials would comprise Freshfield Lane first quality multi brick, zinc cladding with grey window frames. The block of flats at the southern end of the eastern side of the site would be three storeys in height and would feature brick elevations.

The block of flats at the southwestern corner of the site are three storeys with the upper storey being set back. This building would feature brick elevations on the first two floors with zinc cladding at the second floor.

The houses on the western side of the site would be two storeys with brick elevations with grey roof tiles. These dwellings would have two dormer windows on their front elevations facing westwards. The elevational treatment would follow the same contemporary approach as the blocks of flats.

The accommodation provided would be as follows:

Market Housing

2 x 1 bed flats

4 x 2 bed flats

1 x 2 bed FOG (flat over garage)

2 x 2 bed houses

14 x 3 bed houses

Total: 23 dwellings

Affordable housing

3 x 1 bed flats

9 x 2 bed flats

Total : 12 dwellings

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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 District Plan (DP). The site is not within an area covered by a Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy

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

DP20 Securing Infrastructure

DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed Buildings and Other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

The site is not within the Ansty and Staplefield Neighbourhood Plan (ASNP) area and is not covered by a Neighbourhood Plan.

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

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

only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

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

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

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;
- Design/layout
- Noise
- Air quality
- Energy efficiency
- Access and Transport
- Neighbour amenity
- Housing Mix and Affordable Housing
- Impact on heritage assets
- Impact on trees

- Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

Policy DP6 in the District Plan relates to the settlement hierarchy in the District. It states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs.

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

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 developer will need to satisfy the Council that:

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

The site lies within the built up area as defined in the DP. This is because the built up area boundary in the DP has been drawn to include the land proposed for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc. Accordingly the principle of development on the site accords with policy DP6 of the DP.

The planning history of the site is highly relevant to the assessment about the principle of this proposal. The principle of development on the site has been established by virtue of the outline planning permission for 36 dwellings on the site (reference DM/15/04667) and the subsequent full planning permission for 40 dwellings on the site (reference DM/19/3123).

In light of the designation of the site within the built up area of Burgess Hill, the planning history of the site and the fact that it is bounded by the 'Northern Arc', which

will result in a complete change in the character of this area over the coming years, there is no objection to the principle of redeveloping this site for housing.

Design/layout

Policy DP26 in the District Plan seeks a high standard of design in new development. It states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

It is considered that the overall layout of the site is sound. By placing the access road that would serve the development around the eastern, southern and western boundaries of the site it allows the dwellings to face outwards onto the boundary treatment around the site. This accords with Principle DG12 of the Design Guide SPD, which favours perimeter block layouts. The plans indicate that the existing boundary treatment to the Cuckfield Road would be retained. Within the centre of the site the plans show a central courtyard providing car parking. It is considered that this central courtyard of car parking will be well overlooked and will therefore be suitable in relation to designing out crime. This courtyard area will also be discreet meaning that it will not overly dominate the site.

Sussex Police have raised a number of detailed points in relation to the application concerning lighting and the means of entry into the blocks of flats. These points can be controlled by planning conditions, which will require details of lighting for the development and details of the system for controlling entry into the blocks of flats.

The basic layout of the site remains the same as was approved under application reference DM/19/3123. This was found to be acceptable by the LPA then and there are no reasons to come to a different view on this matter now.

The Council's Urban Designer has advised that in his view the scheme is an improvement on the 40 unit scheme in the following respects:

- *'The proposed flat roofed houses on plots 1-8 replace a block of flats. They benefit from a set-back top floor and a more modelled frontage that provides additional architectural interest, while the replicated arrangement provides greater underlying order and rhythm. They also have private gardens in place of the previous rather narrow communal garden.'*
- *'The pitched roof houses on plots 28-35 now all feature dormer windows which also gives this run of houses more order and rhythm.'*

The design approach to the external appearance of the proposed buildings follows that of the previous approval. It is considered that this will be a high quality development as sought by policy DP26 in the DP. The development will have a consistent approach and will be well proportioned. As such it complies with Principle DG38 in the Design Guide SPD.

This design approach was found to be acceptable for the 40 unit scheme that was approved on the site by the LPA and there are no reasons to come to a different conclusion on this matter now.

The plans show a pumping station located within an enclosure measuring 10.8m by 8m at the southern end of the site surrounded by a 1.8m enclosure. The Urban Designer states *'The downside of this application is the inclusion of a pumping station which I assume is a necessity. Because this is a tight development there is probably little option but to locate it in this regrettably prominent position along the ridge line.'* He has therefore recommended conditions regarding sections and elevations of the pumping station and access road shown in context together with hard and soft landscaping and boundary treatment around the pumping station.

Whilst the pumping station enclosure would be clearly visible from within the site, it is positioned at the southern end of the site and does not impinge on any of the proposed dwellings. It will also not be prominent in views from outside the site. Planting can be used to soften the enclosure around the pumping station. Your Planning Officer therefore agrees with the Urban Designer that the pumping station is not so problematic that it would justify a refusal of planning permission. The conditions suggested by the Urban Designer are recommended to soften the visual appearance of the pumping station enclosure.

The dwellings would comply with the national dwelling spaces standards in accordance with policy DP27 of the DP.

Noise

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

In relation to noise, policy DP29 states:

The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development ;'*

The source of noise for prospective occupiers of the properties would be the Cuckfield Road. The Councils Environmental Protection Officer (EPO) has raised no objection to the application based on noise subject to the imposition of a planning condition requiring details of noise protection measures for future residents. This was the same position as was adopted on the previously approved scheme. There have been no changes since the previous application was approved that would justify a different conclusion on this matter. A suitably worded condition is proposed to

require the details of a soundproofing scheme to be submitted to and approved by the LPA.

Air quality

In relation to air pollution policy DP29 in the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Paragraph 181 of the NPPF states:

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

The PPG states:

'Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.'

The Site Allocations Development Plan Document (DPD) contains a proposal to replace policy DP29 in the DP, with a new policy relating to air quality. The DPD commenced its examination by the Planning Inspector on 1st June 2021. As there are unresolved objections to the proposed new policy on air quality, this can be afforded little weight at present.

The Councils EPO has recommended that a planning condition is imposed to require the details of a scheme if mitigation measures to improve air quality.

In this case there is no evidence that the proposal would result in unacceptable levels of air pollution, or that there is an existing issue with poor air quality in the area. The site is not within an air quality management area (AQMA) for example. It is also the case that there is an extant planning permission for a larger number of dwellings on the site and this does not have a planning condition relating to air quality. In light of all the above it is not felt that there would be a policy justification for a separate planning condition concerning air quality matters in this case. It is therefore not considered that such a condition would meet the tests as set out in the PPG which says that all planning conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Energy efficiency

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development.

The application is accompanied by a Sustainability and Energy Statement. This sets out that the proposal will use a fabric first approach to energy efficiency to construct a development that will exceed building regulations standards. The development will also meet the requirement to limit water usage to 110 litres per person per day through water efficient taps and toilets, low output showers and flow restrictors to manage water pressures.

The application has therefore addressed policy DP39 in the DP.

Access and Transport

Policy DP21 in the District Plan 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.'

In assessing the transport matters associated with this development it is important to note the extant permission that exists for 40 dwellings on the site. This provides a baseline for development that already has planning permission. The Highway

Authority have raised no objection to the application, advising that there would be a reduction in the cumulative impact on the highway network from the reduction on the number of units proposed on the site. As such there would be no severe impact on the highway network from the vehicular traffic arising from this development.

The proposed access to the highway is the same as has been approved previously. This will provide a satisfactory access onto the highway in accordance with policy DP21 in the DP.

The scheme would provide a total of 58 car parking spaces. The County Council have a car parking demand calculator that predicts the parking demand based on the location of a development within the District. The site lies within the Cuckfield Ward for the purposes of the County Councils car parking calculator, which is a predominantly rural ward. However, geographically the site is just outside the Dunstall Ward in Burgess Hill. Given the fact that the site is now within the built up area boundary of Burgess Hill for planning purposes and the site is within the Northern Arc urban extension, it is considered to be reasonable to use the Dunstall Ward when considering car parking rather than the Cuckfield Ward. This was the approach adopted in the consented scheme on the site, reference DM19/3123.

The parking calculator predicts that if all the spaces were unallocated, 47 spaces would be required. The applicants propose that each house is to be provided with two allocated parking spaces and each flat with one allocated space.

The applicants have stated that each house would have 2 allocated spaces and each flat would have 1 allocated space. It is considered that in this location, this level of allocated parking is sufficient. This would mean that there would be 51 allocated spaces on the site. There is a discrepancy on the proposed layout plan which shows 9 visitor parking spaces. There is a total of 58 spaces and if 51 are allocated this leaves 7 visitor spaces. Clarification has been sought from the applicants on this point and an update will be provided for Members. Notwithstanding this point, overall if it considered that 58 car parking spaces will be sufficient for this development. Whilst an assessment of the level of car parking provision is a matter for the LPA, if the Highway Authority were of the view that this level of car parking was problematic and would result in highway safety issues (from displacement parking for example), then they would say so in their consultation response. The Highway Authority have no objection to the level of car parking proposed.

Neighbour amenity

Policy DP26 seeks to ensure that new 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.

Bridge Hall Cottage is located some 13m to the north of the site. This is a detached dwelling house that has first floor windows facing towards the site. The terrace of houses on plots 1 to 8 would be inset 2m from the mutual boundary. The first floor window in the north elevation of plot 1 facing towards Bridge Hall Cottage would serve a bathroom and would be obscure glazed. Plot 3, which steps up to three

storeys, would be inset some 9m from the end elevation of plot 1. There would be one window in the second floor of the north facing elevation of plot 3, which would serve a shower room and would be obscure glazed.

It is not considered that this terrace of housing would be overly dominant or overbearing to the occupiers of Bridge Hall Cottage. The third floor is inset sufficiently from the mutual boundary to mean that there will not be a loss of amenity. In terms of built form the relationship is similar to that which was found to be acceptable under the previously approved application, reference DM19/3123.

Firlands and Firlands Court are detached properties on the opposite of the road to the east of the application site. The terrace of houses on plots 1 to 8 would be some 50m away from Firlands and 45m away from Firlands Court. The submitted plans state that the existing boundary screening would be retained along the Cuckfield Road frontage. Nonetheless, the upper storey of the proposed houses is likely to be visible from these properties opposite the site. It is considered that the separation distances will mean that they will not be over bearing or overly dominant and there will be no unacceptable overlooking. As such there would be no conflict with this element of policy DP26. It should also be noted that this relationship would be very similar to the relationship of the flats to Firlands and Firlands Court on the previously approved scheme, reference DM/19/3123.

There is a two storey annexe building in the grounds of Firlands Court that is located some 32m away from the terrace of houses on plots 1 to 8. This was granted a lawful development certificate under reference 14/02559/LDE in 2014 to be used as a separate independent unit of residential accommodation because it was proven that it had been used as a separate dwelling for more than four years. Given the distance between the proposed development and this annexe and the fact that the existing boundary screening would be retained, the proposal would not have a significant adverse impact on this dwelling. Again it should be noted that this relationship would be very similar to the relationship of the flats to this annexe building on the previously approved scheme, reference DM/19/3123.

Housing Mix and Affordable Housing

Policy DP30 in the District Plan seeks to ensure that housing development provides a mix of dwelling types and sizes that reflect current and future housing needs. Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix.

The scheme provides a mixture of 1 bed (14% of the total), 2 bed (46% of the total) and 3 bed units (40% of the total). The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination provided the background information in relation to the future housing needs of the District. The HEDNA states on page 75:

'Table 31 indicates that over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person

households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'

It is considered that this is a good mix and reflects the need in the District for smaller units of accommodation.

It is considered that the overall mix of dwellings provided is satisfactory and complies with policy DP30 in the District Plan.

The scheme would provide 12 affordable units, which equates to 34% of the total. This is in excess of the 30% required by policy DP31, so this policy is met.

Impact on heritage assets

As the application affects the setting of a listed building, on the opposite side of the road to the east, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

Policy DP34 in the DP states in part:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraph 193 of the NPPF states:

'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.'

Paragraph 196 of the NPPF states:

'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 Conservation Officer has assessed the application and her comments are summarised at the start of the committee report. It was accepted on the previous application (DM/19/3123) that the proposal would result in some harm to the setting of the listed building opposite the site as the character of the area would change from the single house occupying the site being replaced with a high density residential development. This harm was categorised as 'less than substantial' in terms of the NPPF's classification.

In allowing the appeal for the first scheme (reference DM/15/4667) the Inspector stated that 'the public benefits outweigh the less than substantial harm to the setting of Firlands as a Grade II listed building.' It is a material planning consideration that there is an extant planning permission for 40 dwellings on the site. Nonetheless, it is still necessary to make an assessment as to the impact on the setting of the listed building from this proposal and to come to a view on the question of whether there is harm, and if so what level of harm this is.

It is considered that it remains the case that the proposal would result in some harm to the setting of Firlands. Firlands is a 19th century villa built as a country residence and as such its historical illustrative value is enhanced by the current rurality of its setting. It is for this reason that the development at Bridge Hall will detract from the contribution that this part of the setting makes to the special interest of the listed building. It is your Planning Officer's view that this would be classified as 'less than substantial' using the terminology of the NPPF. It is therefore necessary to carry out a balancing exercise to weigh the harm caused to the setting of the listed building against the public benefits associated with the proposal.

In this case there would be a number of clear public benefits from the proposal. Firstly, the proposal would make efficient use of the site and provide 35 dwellings, of which 12 would be affordable. Secondly the scheme would result in a greater spend in the economy as a result of the additional population. Thirdly there would be short term economic benefits arising from the construction of the dwellings. Taken together it is your Planning Officer's view that these public benefits clearly outweigh the less than substantial harm to the setting of Firlands.

Taking all of the above points into account, it is your Planning Officers view that the less than substantial harm to the setting of Firlands (which has been afforded significant weight to reflect the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990), and therefore by definition, the conflict with policy DP34 of the DP, is outweighed by the public benefits of the proposal.

Impact on trees

Policy DP37 in the District Plan seeks to prevent the loss of trees which are important to the landscape and ensure that sufficient consideration has been given to the spaces around buildings. This policy applies to trees irrespective of whether they do or do not have a Tree Preservation Order (TPO). None of the trees within the site are subject to a TPO.

The previously approved scheme involved the removal of a significant number of trees within the centre of the site. Ground works have started on the site and the trees that were shown as being removed in the previous approval in the centre of the site have been removed. These were mainly Apple trees but also included Silver Birch, Hawthorn, Silver Birch and Purple Leaved Plum. It was not considered that the loss of these trees would conflict with policy DP37 of the DP since these trees did not contribute significantly to the character of the area as they were within the site and were not widely visible from public vantage points.

The current plans show the same trees being retained as with the previous approval reference DM/19/3123. On the eastern boundary of the site, north of the access, the plans show the existing Beech Hedge and trees within it being retained. To the south of the access the plans show the majority of trees on this boundary being retained. On the western side of the site the boundary trees would be retained, including four Oaks.

In light of the above it is considered that there is no conflict with policy DP37 of the DP.

Ecology

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF states:

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

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest,

and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶ and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

The residential dwelling on-site supported a night roost for single numbers of soprano pipistrelle *Pipistrellus pygmaeus* and brown long-eared bat *Plecotus auritus*. A European protected species mitigation licence was granted on 29th October 2020 for the destruction of the roost on the grounds of preserving public health or public safety (licence ref: 2020-50065-EPS-MIT). The roost was destroyed in November 2020 under supervision of a suitably qualified ecologist. The house that used to be on the site has been demolished.

As part of the previous approval for 40 dwellings on the site, condition 10 of the planning permission required a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA. This condition was discharged in September 2020. All clearance works associated with the previous planning application have proceeded in line with the measures outlined within the previously-produced LEMP and CEMP.

All previously outlined mitigation, compensation and enhancement measures are still valid and are incorporated into this application. These measures are summarised below:

- Retained hedgerows to be enhanced through native infill planting;
- Creation of hedgerow wildflower margins and wildflower meadows;
- Creation of species-rich hedgerows along northern and eastern boundaries;
- New tree and shrub planting consisting of native varieties and non-native varieties with known benefit to wildlife;
- Installation of bat and bird boxes;
- Covering of trenches, provision of ramps within trenches and capping of pipes;
- Design of a sensitive lighting scheme;
- Creation of hedgehog highways; and
- Creation of hibernacula.

It is therefore considered that this application complies with policy DP38 of the DP.

Drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

The application is accompanied by a Flood Risk Assessment (FRA) and drainage strategy that is available on file for inspection. The entire site is located within Flood Zone 1: land having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any given year.

Surface water

It is proposed that surface water runoff will drain to cellular storage tanks located within the open space to the south of the site. Flows will be discharged from the tanks to the river to the south of the site. The proposed on site surface water drainage system is to be designed to accommodate flows from the 1 in 30 year storm event, and all surface water attenuation systems will be designed to accommodate the 1 in 100 year plus 40% climate change storm event.

The Council's Drainage Engineer has no objection to the principle of this method of draining surface water from the site. The details of the surface water drainage of the site have been approved under condition 8 that was attached to the previous planning permission for 40 dwellings on the site. The Council's Drainage Engineer is content for these details to be brought forward onto this application. The proposal therefore complies with policy DP41 of the DP in respect of surface water drainage.

Foul drainage

The proposed system will drain foul flows by gravity to a pumping station located to the south of the site. A rising main will convey flows to the south east and connect to the existing public foul sewer located within the A273 roundabout south of Fairplace Bridge. The principle of this method of foul drainage has been approved under condition 7 of the previous planning permission for 40 dwellings on the site. The Council's Drainage Engineer is content for these details to be brought forward onto this application. The final details of the foul drainage will be controlled by suggested condition 13 which replicates condition 12 on the previous planning permission for 40 dwellings. The proposal therefore complies with policy DP41 of the DP in respect of foul drainage.

Infrastructure provision

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses are available in the appendices.

West Sussex County Council Contributions:

The County Council have reassessed their requirements and are now requesting the following infrastructure contributions:

(To Be Reported)

- Library provision: £
- Education Primary: £
- Education Secondary: £

- Education 6th form: £
- Early years: £
- Special educational needs: £
- Total Access Demand: £
- Fire service: £

District Council Infrastructure Requirements:

- Childrens play space: £52,228 is required to make improvements to play equipment (£28,385) and kickabout provision (£23,843) at Stonefield Way Play Area
- Formal Sport: £32,508 is required toward facilities at the Centre for Community Sport site in Burgess Hill.
- Community buildings: £20,271 is required to make improvements to the Sheddingdean Community Centre.
- Local community infrastructure: £20,248 towards either the refurbishment of the storage shed at the Ansty Recreation Ground or the Green Crescent Arts Trail project south of Jane Murray Way (Hammonds Ridge/Malthouse Lane), Burgess Hill

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

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

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.

PLANNING BALANCE AND CONCLUSION

Planning law states that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. In making an assessment as to whether the proposal complies with the development plan, the

Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site and the subsequent approval for 40 dwellings granted by the LPA. In relation to planning policy, the principle of developing the site accords with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make efficient use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage

The scheme would deliver 35 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. Planning conditions can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Listed Buildings and Conservation Areas Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 35 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The boundary screening around the site will be retained to soften the impact of the development on the character of the area. The Ecological mitigation works that were secured with the previous approval on the site would be carried forward with this application.

To summarise, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and

DP41 in the DP. There is a conflict with policy DP34 as there would be less than substantial harm caused to the setting of a listed building. However in light of all the above it is considered that the application complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement

2. The development shall be implemented in accordance with the Construction Management Plan details that were approved under condition 2 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

3. The development shall be implemented in accordance with the Levels details that were approved under condition 3 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

5. No development above slab level shall be carried out unless and until details of the materials for the access roads, parking areas and footpaths have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

6. The development shall be implemented in accordance with the tree protection details that were approved under condition 6 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

7. The development shall be implemented in accordance with the foul drainage principle details that were approved under condition 7 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

8. The development shall be implemented in accordance with the surface water drainage details that were approved under condition 8 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

9. The development shall be implemented in accordance with the contamination remediation details that were approved under parts a, b and c of condition 9 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 180 of the National Planning Policy Framework.

10. The development shall be implemented in accordance with the ecological details that were approved under condition 10 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats to ensure that a habitat remains for them during and after development and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

Pre occupation

12. Prior to the occupation of plot 21, details shall be submitted to the Local Planning Authority for their written approval of the garage doors for all of the car parking spaces underneath this building. The approved details shall be implemented before unit 21 is occupied.

Reason: To ensure that the building is of an appropriate design that is resistant to crime and to comply with policy DP26 of the District Plan 2014 - 2031.

13. No dwellings shall be occupied until details of the foul drainage of the site have been submitted to and approved in writing by the Local planning Authority. No dwelling shall be occupied until all the approved foul water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

14. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled GENERAL ARRANGEMENT and numbered 18-307/001 Rev C.

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

15. The dwellings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031

16. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031

17. Prior to the occupation of any dwelling or building subject of this permission, details of external lighting shall be submitted to the Local Planning Authority for its written approval. No dwelling shall be occupied until the lighting details have been approved by the Local Planning Authority and installed in accordance with the approved plans.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

18. The development shall not be occupied until visibility splays of 2.4 metres by 90 metres have been provided at the centre of the proposed site vehicular access onto Cuckfield Road in accordance with plans and details 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 accord with Policy DP21 of the District Plan 2014 - 2031.

19. No dwellings shall be occupied until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB L_{Aeq} 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme.

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the District Plan 2014 - 2031.

20. Prior to the occupation of any dwelling subject of this permission, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures

for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

21. The dwellings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

22. The dwellings shall not be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.

- Detailed 1:20 sections and elevations of the pumping station and access road shown in context.
- Detailed hard and soft landscaping and boundary treatment around the pumping station.

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

23. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

24. No part of the development hereby permitted shall be occupied until details of the proposed entry system for the flats (including a schedule for their implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the building is secure and to prevent opportunities for crime in and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

Construction phase

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

26. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

Post construction

27. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

28. 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.

INFORMATIVES

1. In accordance with Article 35 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. 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.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|------------------------------------|-------------|---------|----------------|
| Landscaping | BRO22578 14 | | 14.04.2021 |
| Landscaping Details | BRO22578 13 | | 14.04.2021 |
| General | 18-307/001 | C | 14.04.2021 |
| Location Plan | PL-200 | | 19.05.2021 |
| Existing Site Plan | PL-201 | | 19.05.2021 |
| Proposed Site Plan | PL-202 | D | 19.05.2021 |
| Proposed Floor Plans | PL-205 | A | 19.05.2021 |
| Proposed Elevations | PL-206 | A | 19.05.2021 |
| Proposed Floor Plans | PL-207 | | 19.05.2021 |
| Proposed Elevations | PL-208 | A | 19.05.2021 |
| Proposed Floor Plans | PL-209 | | 19.05.2021 |
| Proposed Elevations | PL-210 | A | 19.05.2021 |
| Proposed Floor Plans | PL-211 | B | 19.05.2021 |
| Proposed Elevations | PL-212 | B | 19.05.2021 |
| Proposed Floor and Elevations Plan | PL-213 | A | 19.05.2021 |
| Proposed Floor and Elevations Plan | PL-214 | | 19.05.2021 |
| Proposed Floor and Elevations Plan | PL-215 | | 19.05.2021 |
| Proposed Elevations | PL-220 | C | 19.05.2021 |
| Proposed Elevations | PL-221 | A | 19.05.2021 |
| Proposed Sections | PL-222 | A | 19.05.2021 |
| Tree Survey | BRO23247-03 | | 20.04.2021 |

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council object to this application because it was not allocated in the Neighbourhood Plan and it will reduce the strategic gap between Ansty and Burgess Hill. They are also concerned at the single access junction which does not allow for cyclists or pedestrians.

County Planning Officer

To be reported

WSCC - Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

| | |
|---|----------|
| Current surface water flood risk based on 30year and 100year events | Low risk |
| <p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding although high risk exists along the southern boundary of the site.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> | |

| | |
|---|----------|
| Modelled groundwater flood hazard classification | Low risk |
| <p>Comments: The area of the proposed development is shown to be at Low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones.</p> <p>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p> | |

| | |
|---|-----|
| Watercourses nearby? | Yes |
| <p>Comments: Current Ordnance Survey mapping shows the River Adur running just south of the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p> | |

| | |
|--|----|
| Records of any historic flooding within the site? | No |
| <p>Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p> | |

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Statement included with this application states that permeable paving and below ground attenuation, with a restricted discharge, would be used to control the surface water runoff from the site.

The District Council Drainage Engineer may want to review this application to identify if there are any local site-specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

The EA should be consulted as the outfall for the surface water system is into a main river and confirmation that the developer has permission to cross third party land for this discharge.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Highway Authority

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and access.

A full planning application (DM/19/3123) was approved on 23rd March 2020 for the demolition of existing dwelling and erection of 40 new dwellings with new access created onto Cuckfield Road. The LHA in our consultation response raised no highway objections to the scheme. The latest application is supported by way of a Transport Statement (TS) which includes TRICS data and a Stage 1 Road Safety Audit (RSA).

Comments

The application will be served via an existing access and visibility splays of 2.4 by 43 metres are achievable from the point of access onto Cuckfield Road. The LHA has reviewed the latest accident statistics since the previous 2019 application and there has not been any recorded Road Traffic Collisions in the past 2 years as a result of the existing accesses design or layout.

Previously the LHA acknowledged that although the scheme involved a small increase in the number of dwellings over previous proposals no severe residual cumulative impact would result. The current application seeks to develop the site for 35 dwellings representing a reduction over the previously approved application for 40 dwellings and thereby resulting an in a consequent reduction in the cumulative impact.

Conclusion

Given the previous history associated with this site from 2019 the LHA would not wish to raise an objection to the proposals. The previously advised conditions and Informative would apply to this latest application.

WSCC Fire and Rescue Service

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

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

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

WSCC Minerals and Waste Authority

Please be aware that the MWPA would offer no comments on the proposed application as, while the application site is located within a Mineral Safeguarding Area for Brick Clay, the site is smaller (0.8ha) than what is required (1ha) for the consultation threshold criteria for Brick Clay.

The site is also not within the proximity of any operational or planned waste sites, and so the MWPA would offer no objection on these grounds.

Southern Water

Thank you for your letter dated 10/05/2021.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents
[www.ciria.org/Memberships/The SuDS Manual C753 Chapters.aspx](http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this planning application receive planning approval, the following informative is attached to the consent: *Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Thank you for your correspondence of 09th June 2021, advising me of a full planning application for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

The design and Access Statement (DAS) submitted in support of this application states; *This application follows on from the previously approved Outline Consent Approved at Appeal (APP/D380/W/17/3180077) for the construction of 36 residential dwellings on the Bridge Hall site. It is considered that the existing building offers little architectural merit and any application brought forward offers an opportunity to enhance the local context. This application also follows the withdrawn application DM/19/0164. This revised scheme has been developed through discussions with the design officer and planning officers at Mid Sussex District Council.*

I was pleased to note with the DAS the inclusion of crime prevention comments and measures to be implemented into the development.

The development's design has a U shaped street layout with a singular vehicle entrance point with no through vehicle route. There is a proposed pedestrian link to Burgess Hill Northern Arc on the western elevation. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked. There are vulnerable rear garden pathways present.

Parking has been provided with garages & covered pergola (car barns), overlooked parking bays and on-street parking bays, this should leave the street layout free and unobstructed. Where communal parking occurs it is important that they must be within view of an active

room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. The parking bays adjacent to the proposed Northern Arc link will need to be illuminated as the presence of the link make the vehicles vulnerable to unobserved attack. Additionally in order to create a safe and secure environment for the vehicles and users parked under the pergola parking, I recommend vandal resistant energy efficient dusk till dawn lighting is fitted.

I direct the applicant to SBD Homes 2019 V2 Chapter 54 for advice on increasing security of the garage vehicle door-set along with any garage pedestrian door-sets, or the interconnecting door-set to the dwelling. Consideration should be given to these door-sets due to the garage door-set being part of the building skin. This will also create an increased level of protection for the cycles stored within. Consideration should be given to providing anchorage points within the garages to secure the cycles to the wall.

With respect to the blocks of multiple dwellings; from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal door-sets serving 5 or more dwellings or bedrooms, should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication (preferably colour) between the occupant and the visitor.

I recommend the postal arrangements for the flats is through the wall or external mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Home 2019 V2 chapter 32.2.

Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance such as rear garden pathways. Trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Where gates provide access to gardens they must be placed at the entrance to the garden or rear garden pathway, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

I note the inclusion of a 2m pathway to Burgess Hill Northern Arc link on the development's western elevation. I ask that consideration is given to the pathway from an SBD perspective and that it supports the following SBD recommendations; When introducing public footpaths into developments caution should be used as the introduction of a footpath into or through a

development has the potential to generate crime if not adequately designed Para 8.3 of SBD Homes 2019 V2 states; *Whilst is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.*

Para 8.10 Footpath Design. *SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible o wide o well lit (within BS 5489-1:2013) o devoid of potential hiding places o overlooked by surrounding buildings and activities o well maintained so as to enable natural surveillance along the path and its borders.*

Cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document para 56 for advice on cycle security and para 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling. Consideration is to be given to these door-sets due to the garage door-set being part of the building skin and access into the dwelling can be obtained from the garage. Either one needs consideration, but I would recommend that the vehicle door-set security is increased.

Where secure cycle storage is being provided within a store in the garden for each new dwelling. I direct the applicant to SBD Homes 2019 V2 chapter 56 for cycle storage and chapter 57 for bin storage.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Ecological Consultant

To be reported

MSDC Drainage Officer

Recommendation: No objection subject to conditions

FLOOD RISK

The proposed development is located within flood zone 1 and would be at low fluvial flood risk. However, the site is near the watercourse and areas of Flood Zone 2 and 3, at medium and high risk respectively.

The proposed development is located within an area of very low surface water flood risk. However, an area of increased surface water flood risk is located adjacent to the watercourse and is in proximity to the site.

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

The application is supported by a Flood Risk and Drainage Statement dated April 2021. This report references drainage reports completed for earlier applications on the site. All referenced drainage reports have also been submitted as part of this application.

It is proposed that surface water shall be attenuated and discharged to the watercourse south of the site. The discharge rate is proposed to be at a maximum 4.3l/s up to the 1 in 100-year event with a 40% allowance for climate change. This discharge rate appears to be the Greenfield QBar equivalent for the whole site. We would advise the applicant that the detailed drainage design should limit discharge rates to the Greenfield QBar rate for the drained area only.

The surface water drainage system is required to cross third party land. The applicant has provided evidence that an agreement was reached with this third party in relation to easements for a previous application. We would advise that as part of the detailed drainage design an agreement for this development will be required.

The principle of the proposed surface water drainage method is acceptable, although further details and confirmations will be required as part of the detailed drainage design.

FOUL WATER DRAINAGE

The application is supported by a Flood Risk and Drainage Statement dated April 2021. This report references drainage reports completed for earlier applications on the site. All referenced drainage reports have also been submitted as part of this application.

It is proposed that foul water drainage shall flow via gravity to a pumping station to the south of the site. A new rising main will convey flows to the existing public foul sewer located within the A273 roundabout south of Fairplace Bridge.

The applicant states that Southern Water have confirmed there is enough capacity within the existing system. The applicant also states that the main foul sewers and pumping station shall be offered for adoption.

SUGGESTED CONDITIONS

For the principle of foul water drainage:

No development shall take place unless and until the principle of the proposed means of foul water drainage has been submitted to and approved in writing by the Local Planning Authority, following consultation with Environment Agency and West Sussex Highways. Details should include the means of crossing the Main River to allow connection to the existing public foul water sewer system.

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

Surface water drainage design:

The development hereby permitted shall not commence unless and until details of the proposed 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 surface water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

Foul water drainage design:

No dwellings shall be occupied until details of the foul drainage of the site have been submitted to and approved in writing by the Local planning Authority. No dwelling shall be occupied until all the approved foul water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

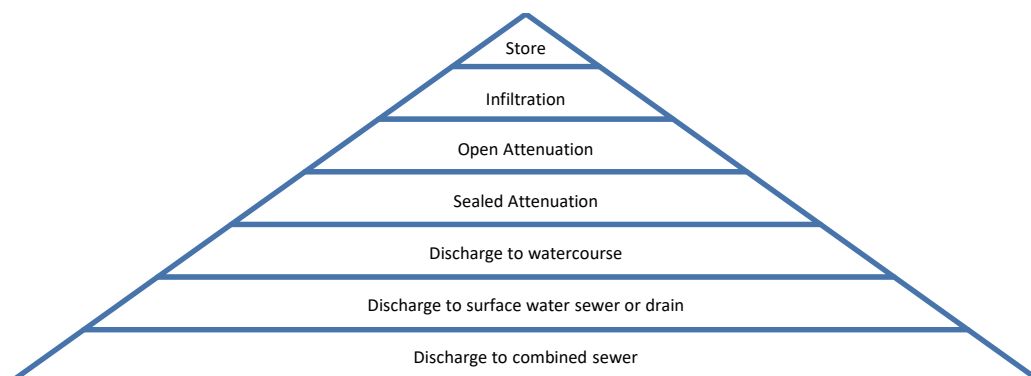
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide 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, as set out below.



- 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 FEH 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.

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

Further comments 28th June 2021

As the drainage design is the same as previously approved then happy for your suggested wording to be used instead of placing the conditions on again.

Community Facilities Project Officer

Thank you for the opportunity to comment on the plans for the development of 35 residential dwellings at Bridge Hall, Cuckfield Road, Burgess Hill RH15 8RE on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Stonefield Way Play Area, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £52,228 is required to make improvements to play equipment (£28,385) and kickabout provision (£23,843). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £32,508 is required toward facilities at the Centre for Community Sport site in Burgess Hill.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £20,271 is required to make improvements to the Sheddingdean Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Urban Designer

This proposal is similar to the 2020 consent for 40 dwellings on this site (DM/19/3123) but is an improvement in the following respects:

- The proposed flat roofed houses on plots 1-8 replace a block of flats. They benefit from a set-back top floor and a more modelled frontage that provides additional architectural interest, while the replicated arrangement provides greater underlying order and rhythm. They also have private gardens in place of the previous rather narrow communal garden.
- The pitched roof houses on plots 28-35 now all feature dormer windows which also gives this run of houses more order and rhythm.

The downside of this application is the inclusion of a pumping station which I assume is a necessity. Because this is a tight development there is probably little option but to locate it in this regrettably prominent position along the ridge line. Unfortunately, the drawings do not sufficiently demonstrate how this structure and the access will work with the topography and the landscaping. So, while I raise no objections to the application, I would recommend

conditions requiring the submission and approval of the following further drawings and information:

- Detailed 1:20 sections and elevations of the pumping station and access road shown in context.
- Detailed hard and soft landscaping and boundary treatment around the pumping station.
- Facing materials

Conservation Officer

The current proposal on the site is very similar to DM/19/3123 in terms of the height and bulk of the buildings and their positioning within the site. The associated site plan and landscaping also appears very similar. I therefore remain of the opinion, as expressed in relation to the previous application, that the proposal will cause less than substantial harm to the setting of Firlands, a Grade II listed building which is located to the opposite side of Cuckfield Road.

Firlands is a 19th century villa built as a country residence and as such its historical illustrative value is enhanced by the current rurality of its setting. The verdant backdrop also adds to its aesthetic value. For this reason, the development at Bridge Hall will detract from the contribution that this part of the setting makes to the special interest of the listed building. The existing screening along the Cuckfield Road frontage, which it does not appear it is intended to enhance, will only partially screen views of the substantial new development within the site, and will not entirely mitigate the harm caused.

The proposal is therefore considered to be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 will apply.

Housing Enabling & Development Officer

This application is for 35 dwellings as opposed to the previously approved 40, however the developer is not proposing a reduction in the number of affordable homes (12) and consequently the amount of affordable housing has increased to 34%.

The revised plans submitted show that the affordable units are located in the same area, but with different plot numbers. They consist of 3 x 1 bed / 2 person flats @ 50.5m² and 9 x 2 bed / 4 person flats @ 70.3m² - 73.3m² and therefore meet our occupancy and space standards. As the shared ownership units are not identified, we would recommend plots 12, 15 and 16 as these are all 2B/4P flats which can be accessed via a separate core. In light of the 12 units being delivered as flats, we are willing to forgo the clustering policy of there being no more than 10 affordable housing units in a cluster, but a tenure blind approach will be required.

Environmental Protection Officer

I recommend the following conditions should the proposed development be granted permission:

Conditions:

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

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

Reason: To protect the amenity of local residents.

- Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application (available at Supplementary Planning Documents - Mid Sussex District Council). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

- Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Contaminated Land Officer

My recommendations remain the same as in 2019, but I would recommend using our more up today wording for the contaminated land condition, reproduced below:

Recommendation: Approve with conditions

- 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

- 3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Tree Officer

To be reported

MID SUSSEX DISTRICT COUNCIL

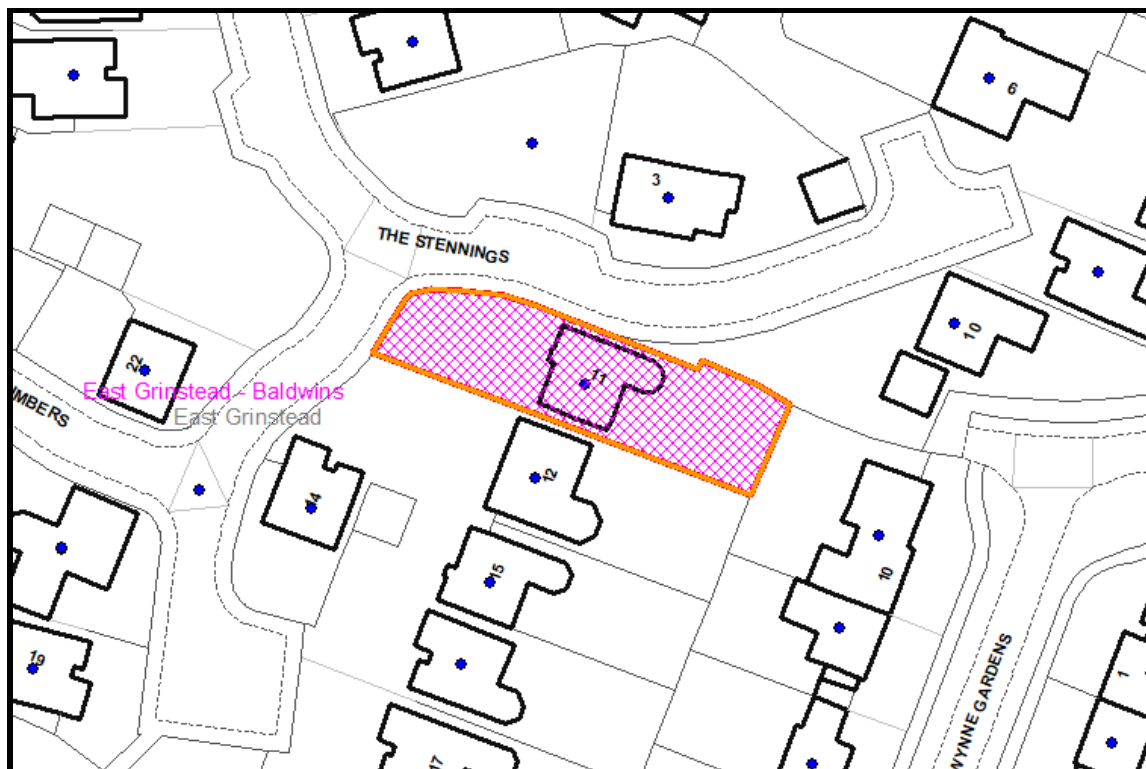
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

East Grinstead

DM/21/1963



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**11 THE STENNINGS EAST GRINSTEAD WEST SUSSEX RH19 1PF
1X CEDAR REDUCTION OF THE APEX OF BOTH STEMS BY UP TO 2M
AND THIN BY UP TO 30%
REX WHITTAKER**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Planning Agreement /
Planning Obligation / Aerodrome Safeguarding (CAA) / Tree
Preservation Order Points / Highways and Planning Agreement
(WSCC) /

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Norman Webster / Cllr Julie Mockford /

CASE OFFICER: Irene Fletcher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Permission is sought for the reduction of the apex of both stems of one Cedar by up to 2m and thin by up to 30% at 11 The Stennings, East Grinstead.

This application comes before Members as it is made by Cllr Whittaker.

The works will reduce the crown weight and are likely to make the tree safer in the short term. No more than 30% of the tree will be removed, in accordance with BS 3998 2010.

Recommendation

Permission is recommended.

Summary of Representations

None

Summary of Consultations

East Grinstead Town Council

21/06/2021 - The Committee would support this application provided there is no adverse report from the MSDC tree officer

Introduction

Permission is sought for the reduction of the apex of both stems of one Cedar by up to 2m and thin by up to 30% at 11 The Stennings, East Grinstead.

This application comes before Members as it is made by Cllr Whittaker.

The tree is located within the front garden of his property. It is a mature specimen with high public visibility. The development is characterised by green frontages, open spaces and a number of mature trees protected by Tree Preservation Order.

The tree recently dropped a large limb and wrote off Cllr Whittaker's car. There is, therefore, concern for the safety of the tree as it also has a high target location.

A tree report has been submitted with the application, referring to a pocket of decay and previous limb loss/damage.

Conclusion

Whilst the tree officer does not consider the proposed works to be the best solution for the tree, nevertheless, the works will reduce the crown weight and are likely to make the tree safer in the short term. No more than 30% of the tree will be removed, in accordance with BS 3998 2010.

Permission is recommended.

APPENDIX A – RECOMMENDED CONDITIONS

1. The tree works hereby permitted shall be begun before the expiration of 2 years from the date of this consent.

Reason: To accord with section 17 (4) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The work shall be carried out in accordance with BS 3998:2010 "Recommendation for Tree Work".

Reason: To ensure that the work is carried out to a satisfactory standard.

INFORMATIVES

1. Prior to the commencement of the works hereby permitted, checks shall be made for the presence of nesting birds and other wildlife protected under the Wildlife and Countryside Act 1981.

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

21/06/2021: The Committee would support this application provided there is no adverse report from the MSDC tree officer

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MID SUSSEX DISTRICT COUNCIL

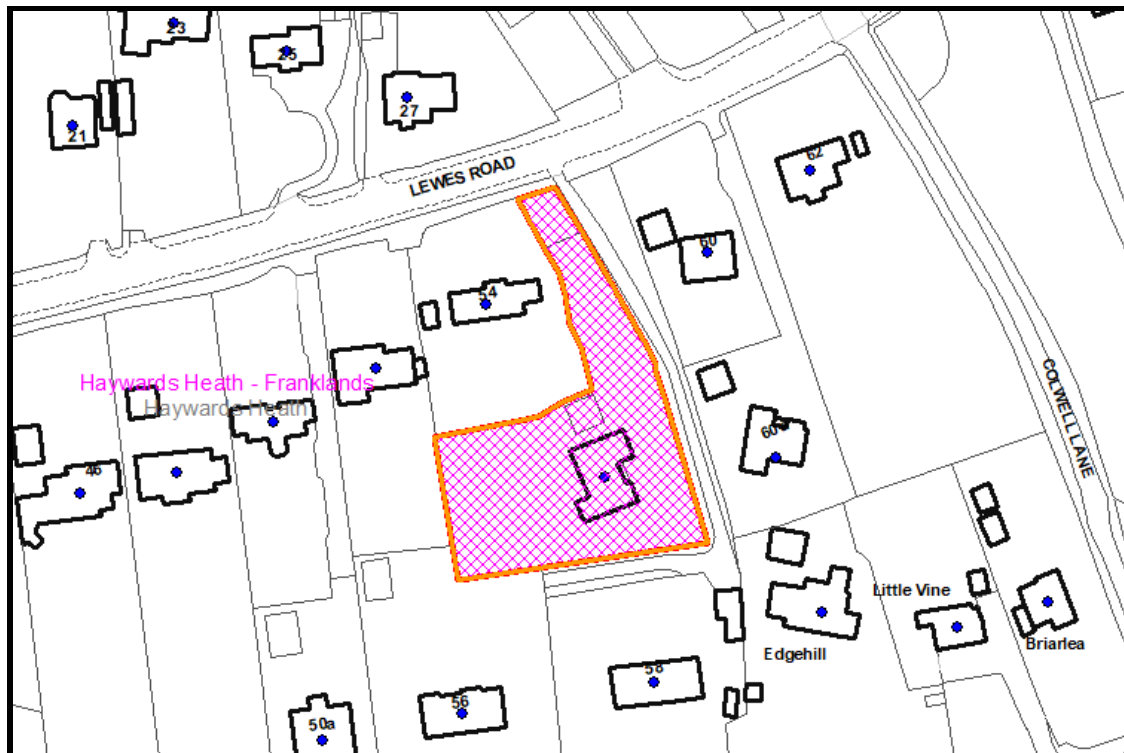
Planning Committee

15 JUL 2021

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/20/4676



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**HIGH TREES 54A LEWES ROAD HAYWARDS HEATH WEST SUSSEX
REPLACEMENT WINDOWS TO WHITE UPVC (AMENDED PLANS AND
DESCRIPTION 25/03)
MR KEVIN STAGG**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area
Boundary / Classified Roads - 20m buffer / Road Improvement Act
Agreement / Aerodrome Safeguarding (CAA) /

ODPM CODE: Householder

8 WEEK DATE: 11th February 2021

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Andrew Horrell

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the replacement of existing white painted softwood timber windows to white PVCu

It is considered that the proposal to change the existing softwood timber painted windows to white PVCu windows would be harmful to the Lewes Road conservation area.

The proposal would fail to meet the requirements of District Plan Policy DP35 and E9 of the Neighbourhood Plan, which state that development in a conservation area will be required to conserve or enhance its special character and appearance. In terms of the NPPF, the harm caused to the Lewes Road Conservation Area is considered to be less than substantial, such that the criteria set out in paragraph 196 of the NPPF would apply. Whilst such harm is considered to be less than substantial, it should be attributed significant weight, and when weighed against the public benefits of the scheme, it is considered that the harm caused to the Lewes Road Conservation Area would outweigh any public benefits of the scheme.

The proposal would therefore fail to conserve or enhance the special character of the conservation area, conflicting with Plan, policy DP35 of the Mid Sussex District Plan and the relevant paragraphs of the National Planning Policy Framework.

RECOMMENDATION

It is recommended that planning permission be refused for the reason outlined in Appendix A.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

This further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where Permitted Development rights have been deliberately withdrawn in order to

control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.

HAYWARDS HEATH TOWN COUNCIL

No Comment.

INTRODUCTION

The application seeks planning permission is sought for the replacement of existing white painted softwood timber windows to white PVCu.

Relevant Planning History

05/02902/FUL - Erection of two dwellings. (refused)

06/00686/FUL - Erection of one detached dwelling. Revised plans received amending the siting, size and design of the new dwelling. (approved)

07/00314/FUL - Two storey detached five bedroomed house and double garage (approved)

DM/21/1300 - Proposed erection of a new triple garage with workshop and storage above attached to main dwelling. (approved)

SITE AND SURROUNDINGS

54A Lewes Road is a modern two storey hipped roofed dwelling set back from Lewes Road. The existing white softwood windows are to be replaced by PVCu. The dwelling is characterised by the prevalent Sussex vernacular (face brickwork, hanging tiles and white timber doors and windows).

To the north of the site is the driveway and No.54 with the highway beyond, to the south of the site is woodland to No.58 beyond, to the east of the site is the driveway with woodland to neighbour at No.60A beyond and to the west of the site is rear garden with close boarded fencing to neighbour No.52 beyond.

The site is within the built-up area of Haywards Heath and Lewes Road Conservation Area.

APPLICATION DETAILS

The application seeks planning permission for the replacement of existing softwood timber windows to white PVCu (RD Goatley TS range). The size of each window is to be altered from the existing jambs measuring 105mm each with the proposed measuring 97mm each, the header of each window is to be reduced from 115mm to 97mm with the mullion to be increased from 146mm to 152mm each.

The original plans included the existing vertical tile hanging being changed to Enviro Build, Hyperion, Pioneer and Silver Birch Cladding with the timber windows being changed to plain grey aluminium. These elements have been amended and removed from the application.

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP26 (Character and Design)
DP35 (Conservation Areas)

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

Mid Sussex Design Guide SPD

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

National Policy

The National Planning Policy Framework (NPPF) from February 2019 is also a material consideration and paragraphs 8, 11, 15, 16, 124, 127, 192, 193 and 196 are considered to be of particular relevance to this application.

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority or, as the case may be, the Secretary of state shall have special attention to the desirability of preserving or enhancing the character or appearance of that area.

ASSESSMENT

Principle of Development

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

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

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

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

Section 38(6) 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 this part of Mid Sussex consists of the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan (2016).

Assessment of main Issues

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

- Design and Impact on the Character of the Conservation Area

Design and Impact on the Character of the Conservation Area

DP35 of the Mid Sussex District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area'*

E9 of the Haywards Heath Neighbourhood Plan states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site*
- *creates safe, accessible and well-connected environments that meet the needs of users*
- *Will not result in unacceptable levels of light, noise, air or water pollution*
- *Makes best use of the site to accommodate development*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *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'*

Part 6.34 of the MSDC Design Guide SPD states:

'UPVC windows are less successful in design terms, particularly in traditional buildings due to their bulky frames and glazing bars. Wherever possible, timber should be used unless an alternative material is shown to be more appropriate'.
Paragraphs 192 - 196 of the NPPF are most relevant and state:

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

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *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.

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.'

Lewes Road Conservation Area was designated in March 1989 and is characterised by low density development and represents the gradual transition from the countryside to the urban area.

The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;
- presence of trees and hedges around and between the buildings;

- the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and
- the low density of development which creates a gradual transition from the countryside to the urban area.

Permitted development rights were removed the dwelling under 07/00314/FUL to preserve the character of the locality to avoid harmful alterations to the conservation area. The alteration to PVCu windows is deemed a retrograde step to the dwelling as a non-traditional material and therefore contrary to DP35 of the Mid Sussex District Plan.

The design, materials and finish of the windows as approved in 2007 were carefully considered in order to complement the design and character of the new dwelling (also itself carefully considered) and the wider Conservation Area. The dwelling was deemed 'designed to reflect the scale and appearance of the prevalent Sussex vernacular'. Therefore condition 14 of that application as outlined above removed permitted development rights to protect this traditional vernacular. PVCu is not an appropriate material within the Conservation Area which is characterised by high quality natural/vernacular materials, albeit that the development is often relatively modern.

The agent has raised several cases within Lewes Road. In terms of the cases raised, these cases were decided on their own merits and differ in varying degree from the proposed.

In terms of the cases raised, the MSDC conservation officer was consulted on the approval at 60A Lewes Road (DM/16/2983 and DM/19/2205) and stated, *"The proposal is therefore considered to preserve (not to cause harm to) the character and appearance of the conservation area."* The extension at No.54 was approved on the premise as outlined within the application form that white painted windows to match the existing were to be used. The approval at No.50 Lewes Road (07/03840) removed permitted development rights and the officer stated, *'The House is of good design and will be constructed of materials appropriate to the locality'*.

No.49 Lewes Road (DM/20/4454) the materials were seen to match the existing dwelling and *'due to the design and scale of the proposal the extensions would preserve the character of the Conservation Area and not cause detriment to wider views in and out of this designated heritage asset.'*

It is also noted that several properties within Lewes Road likely benefit from householder permitted development rights allowing the alteration of existing windows to visually similar PVCu windows.

The views of the Council's Conservation Officer are set out in this report. In summary she states:

'This further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where Permitted Development rights have been deliberately withdrawn in order to

control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.'

These views are supported by your planning officer.

In this case with the dwelling having permitted development rights removed, the change to PVCu windows as a non-traditional is seen as a retrograde step to the existing dwelling characterised by a traditional Sussex vernacular. It is therefore considered that the proposed alteration to PVCu framed windows are a non-traditional feature out of keeping with the character of the locality and fail to preserve the appearance and character of the Lewes Road Conservation Area and therefore contrary to the requirements of policies DP26 and DP35 of the Mid Sussex District Plan, E9 of the Haywards Heath Neighbourhood Plan and MSDC Design Guide.

The Conservation officer considered the harm caused to this designated heritage asset (Conservation Area) to be less than substantial. Paragraph 196 of NPPF states that 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 proposed alteration to PVCu windows will not lead to any public benefits with the sole benefit being private to the occupier of No.54A Lewes Road.

The proposal is thus contrary to the Development Plan.

PLANNING BALANCE AND CONCLUSION

It is considered that the proposal to change the existing softwood timber painted windows to white PVCu windows would be harmful to the Lewes Road conservation area.

The proposal would fail to meet the requirements of District Plan Policy DP35 and E9 of the Neighbourhood Plan, which state that development in a conservation area will be required to conserve or enhance its special character and appearance.

In terms of the NPPF, the harm caused to the Lewes Road Conservation Area is considered to be less than substantial, such that the criteria set out in paragraph 196 of the NPPF would apply. Whilst such harm is considered to be less than substantial, it should be attributed significant weight, and when weighed against the public benefits of the scheme, it is considered that the harm caused to the Lewes Road Conservation Area would outweigh any public benefits of the scheme. The proposal would therefore fail to conserve or enhance the special character of the conservation area, conflicting with Plan, policy DP35 of the Mid Sussex District Plan and the relevant paragraphs of the National Planning Policy Framework.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed alterations to PVCu windows by virtue of their design, fail to relate sympathetically to the character of the existing dwellinghouse thereby appearing harmful to the character of the locality and failing to preserve the character and appearance of the Lewes Road conservation area and therefore contrary to policy DP35 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan and the NPPF.

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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|------------------------------------|-----------|---------|----------------|
| Existing Floor and Elevations Plan | LRHH.001 | Rev. A | 17.12.2020 |
| Location and Block Plan | LRHH.001 | Rev. A | 17.12.2020 |
| Proposed Floor and Elevations Plan | LRHH.002 | Rev.C | 25.03.2021 |
| Location and Block Plan | LRHH.002 | Rev.C | 25.03.2021 |

APPENDIX B – CONSULTATIONS

Parish Consultation

No Comment.

MSDC Conservation Officer - Emily Wade

Original Plans:

The application site is a modern detached house, dating from the early 2000s. It is located in a back-land position to the south of Lewes Road, within the Lewes Road Conservation Area. The current proposal is for alterations to the building including replacement of the existing tile hanging at first floor level with composite cladding, and replacement of the existing timber windows with powder coated aluminium.

While there is some variation of materials within the context of the development site, the Conservation Area is generally characterised by traditional building materials, reflecting the loosely 'vernacular' style of many of the buildings, and the edge of town location - this is reflected in the palette chosen for the application site at the time of the granting of planning permission and the construction of the house. In my opinion, the current proposal is a retrograde step, in introducing non-traditional, non-natural materials which are not typical of the area. I therefore consider that the proposal will detract from the character and appearance of the house and of the wider Conservation Area. This would not meet the requirements of District Plan Policy DP35 or of the Council's Design Guide. In terms of the

NPPF I would consider the harm caused to be less than substantial, such that paragraph 196 would apply.

Following the amended plans, the Conservation Officer stated the following:

Further comments on the above following the submission of further information by the applicant.

We have received a document titled 'LIST OF APPROVED PLANNING APPLICATIONS WITHIN APPROXIMATELY 500 METRES EAST AND WEST OF MY HOUSE (HIGH TREES 54A) ALONG THE LEWES ROAD.'

This lists a number of applications within the vicinity of the site which have included the use of uPVC window frames. Whilst I am afraid, I do not have the resources at the moment to examine each of these applications individually I would note the following general points:

- The majority of these applications fall outside of the lifetime of the current District Plan
- A number of them relate to extensions to properties where it is likely that uPVC windows may already have been in place, and it would therefore have been potentially considered unreasonable for the Council to require a different, higher quality material for an addition
- Where uPVC windows are mentioned in respect of the house and an addition, it is likely that the view was taken that as the house benefitted from householder PD rights it would be unreasonable to resist uPVC as part of a broader programme of works when it could otherwise be installed without the need for planning permission.
- These applications predate the adoption of the Council's Design Guide.

If you have been able to undertake a more in-depth analysis of these applications, I would be happy to discuss this. As it stands however this further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where PD rights have been deliberately withdrawn in order to control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

The applicant has also submitted a survey of properties within the Conservation Area showing that there are numerous examples of uPVC windows within the Area. While this may be the case, it does not mean that such windows are a positive feature of the Area and I am sure in many instances they would be considered to detract from the character and appearance of the properties concerned and of the wider Conservation Area. It is likely, although again I am afraid, I do not have the resources at present to confirm this, that the majority of these windows will have been installed under PD rights or may predate the designation of the Area.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.

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