
5 April 2022

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Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 14TH APRIL, 2022 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 meeting of the Committee held on 10 February 2022. | 3 - 6 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|-----------------|
| 5. | DM/19/3234 - Little Abbotsford, Isaacs Lane, Burgess Hill, West Sussex, RH15 8RA. | 7 - 68 |
| 6. | DM/21/3755 - Court Meadow School, Hanlye Lane, Cuckfield, Haywards Heath, RH17 5HN. | 69 - 132 |

7. DM/22/0204 - Little Park Farm, Marchants Close, Hurstpierpoint, Hassocks, BN6 9UZ. **133 - 178**
8. DM/22/0220 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ. **179 - 192**

Items Recommended for Refusal.

None.

Other Matters.

None.

9. 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, P Brown, R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Thursday, 10th February, 2022
from 4.00 - 4.19 pm**

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

P Brown
R Cartwright
J Dabell

B Forbes
C Phillips
M Pulfer

D Sweatman

Absent: Councillors R Eggleston and N Walker

Also Present: Councillors T Hussain, R Bates and R Salisbury

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Eggleston and Walker.

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

In relation to item DM/21/3785 – 6 Burma Close, Haywards Heath, West Sussex, RH16 3JE, Councillor Pulfer declared a prejudicial interest in the item as he is the landowner. He confirmed he would remove himself from the meeting for the discussion and voting on the item.

3 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING OF THE COMMITTEE HELD ON 13 JANUARY 2022.

The Chairman acknowledged an amendment to the minutes, which had been proposed by Councillor Brown. This was in relation to Item 10 DM/21/4173 – Community Centre, 124 Wyvern Way, Burgess Hill, West Sussex RH15. The Chairman read the amended text and took Members to a vote to agree the minutes as amended. The Minutes of the meeting of the Planning Committee held on 13 January 2022 as amended were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

Councillor Pulfer removed himself from the meeting at 4.05pm

5 DM/21/3785 - 6 BURMA CLOSE, HAYWARDS HEATH, WEST SUSSEX, RH16 3JE

Nick Rogers, Business Unit Leader for Development Management introduced the application which sought permission for works to a number of trees at 6 Burma

Close, Haywards Heath. The works, as amended, were considered appropriate to allow more light to reach the pond without undue harm to the health or amenity value of the trees, and as such the proposals comply with policy DP37 of the Mid Sussex District Plan. He drew Members' attention to the further information contained in the Agenda Update Sheet which detailed the recommendation that consent be granted subject to the conditions set out in appendix A.

The Chairman reminded Members the application had been brought before the Committee as the applicant is a Member of the Planning Committee. It would have otherwise been a delegated decision recommended for approval.

The Chairman took Members to a vote on the recommendation to approve the application as outlined in the report, and the conditions set out in Appendix A on the Agenda Update sheet. This was proposed by Councillor Coote and seconded by Councillor Phillips. The recommendation was approved unanimously.

RESOLVED

That consent be granted subject to the conditions set out in Appendix A and the Agenda Update Sheet;

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.

Councillor Pulfer returned to the meeting at 4.07pm

6 DM/21/3763 - CROSS CONSTRUCTION DEVELOPMENT SITE, ROCKY LANE, HAYWARDS HEATH, WEST SUSSEX, RH16 4XL

Caroline Grist, Planning Officer introduced the report which sought permission for the cross-construction development site at Rocky Lane, Haywards Heath, to erect 9 apartments within a single three storey building, along with access, parking and landscaping. It follows the refusal of a similar application for 9 dwellings in April 2021 (DM/20/3456). The Planning Officer drew Members' attention to the Agenda Update Sheet which includes an additional reason for refusal alongside the reason set out in Appendix A. She noted that there are matters that weigh in favour of the development, (such as providing 9 houses within the built-up area, 3 of which will be affordable housing with associated infrastructure contributions) and there have been no formal objections from the Highways Authority, Environmental Protection Officer and Network Rail. However, when considering the planning balance, the development is deemed to have a significantly harmful impact to the semi-rural character of the area, partly due to the loss of agreed landscaping which was a mitigation as part of the original Kilwood Apartments development, and an adverse impact to the existing trees which are to be relocated.

A Member noted that historically the land had been owned by Crest and under the terms of the application for the existing development was to be landscaped to mitigate the visual impact of the development into Haywards Heath. Under this application the new developer was proposing to develop land allocated for landscaping. He also noted his concern that current residential parking spaces would be lost as a result of the development.

A Member commented on the proposals of ample cycling storage for residents promoted by the developer, raising his concerns about the security of the site for existing cycle storage at block C following a site visit. He referenced DP21 of the Mid Sussex District Plan which promotes the increased use of alternative transport where suitable facilities for secure storage have been provided and did not feel that the current storage on site met this requirement. The Chairman advised the initial application was approved prior to the adoption of the District Plan but confirmed that any new applications would need to meet the requirements of DP21.

A Member emphasised it was important to keep the existing green spaces between the Towns and was supportive of the recommendation to refuse the application.

The Chairman took Members to a vote on the recommendations as set out in the report along with the additional reason for refusal set out in Appendix A and in the Agenda Update Sheet in relation to the S106 agreement not yet being agreed. This was proposed by Councillor Coote, seconded by Councillor Pulfer and approved by the Committee unanimously.

RESOLVED

That planning permission be refused for reasons outlined in Appendix A of the report and the Agenda Update Summary Sheet.

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

None.

The meeting finished at 4.19 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

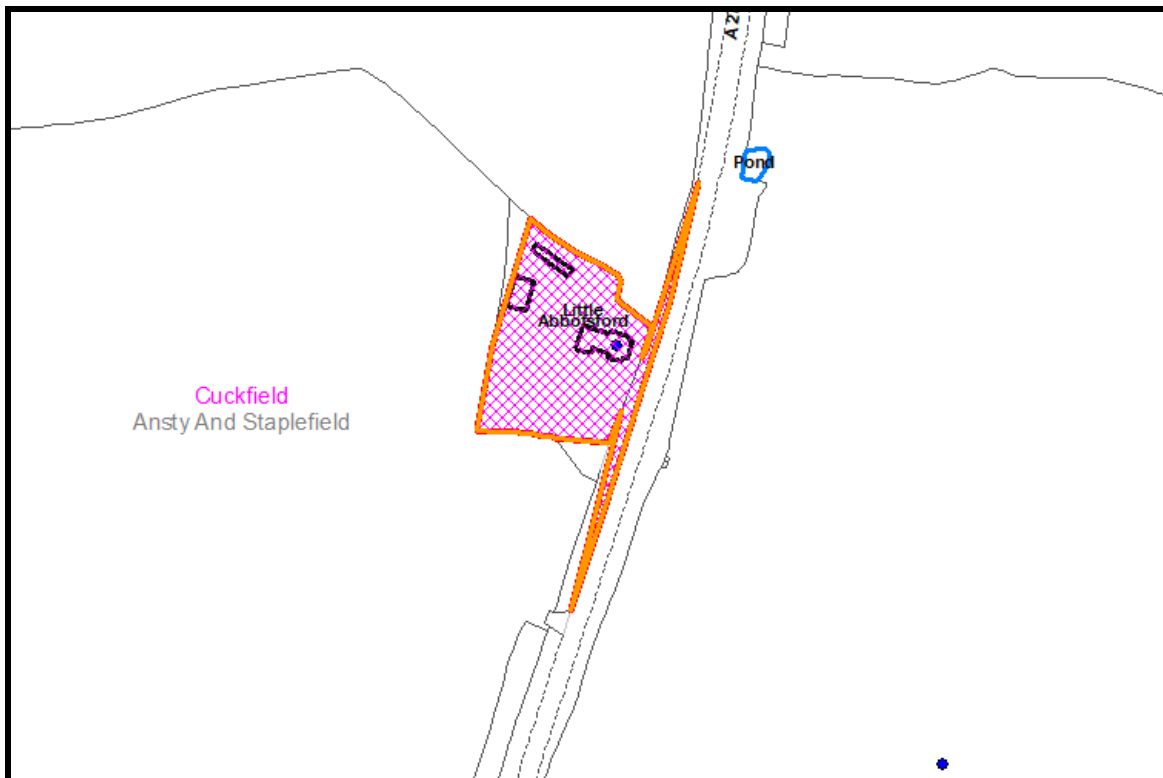
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/19/3234



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**LITTLE ABBOTSFORD ISAACS LANE BURGESS HILL WEST SUSSEX
PROPOSED ERECTION OF NINE DWELLINGS WITH ASSOCIATED
PARKING, TURNING AREAS AND NEW ACCESS ONTO ISSACS LANE.
ALL MATTERS RESERVED APART FROM ACCESS DETAILS REVISED
DRAWINGS RECEIVED ON 29TH OCTOBER 2021, 14TH JANUARY 2022
AND 10TH FEBRUARY 2022.**

MR J CLARKE

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified
Roads - 20m buffer / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 22nd April 2022

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Rachel Richardson

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission for the demolition of Little Abbotsford and its ancillary buildings, on Isaacs Lane and the erection of 9 new dwellings, with access via Isaac's Lane. The means of access is to be determined at this outline stage. All other matters would be considered as Reserved Matters.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP).

As the proposed development is within the built up area as defined in the MSDP, the principle of additional windfall housing development is acceptable under policy DP6 of the DP. The application site is also a category 1 settlement as defined within policy DP6 and will conform with the General Principles for Strategic Development at Burgess Hill as set out in policy DP7 of the DP. The proposed development is also covered by the strategic allocation set out in policy DP9 to the north and north west of Burgess Hill for a mixed use development to progress in accordance with a Masterplan, Infrastructure Delivery and Phasing Strategy.

The Council's Mid Sussex Design Guide Supplementary Planning Document has been adopted and is a material consideration in the determination of planning applications.

It is considered that the application is in accordance with the Development Plan and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF) in determining this planning application.

Given the fact that the site is bounded on three sides by the strategic allocation of the Northern Arc development, this is also considered to be a material consideration which further supports the proposed development. This outline application for residential development has been designed with consideration to the Masterplan and the Infrastructure Delivery and Phasing Strategy.

Provision of the proposed access onto Isaacs Lane is considered to be acceptable subject to a 'Grampian style' condition so that the development cannot be first occupied prior to the appropriate speed limits on Isaacs Lane being introduced and

the satisfactory outcome of a traffic regulation order.

There would be no adverse impact in relation to ecological or tree related matters and there will be additional opportunity for further landscaping at the reserved matters stage. There are no objections raised in relation to drainage matters. As such these points are neutral in the planning balance.

The proposed development will provide 9 new dwellings (a net gain of 8) which will assist with meeting the Council's housing requirements. There would also be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight.

The only aspect that may be considered to weigh against the proposal is that in the short-term the scheme could be wholly dependent on access by the private car because the proposed housing could be brought forward and constructed in advance of the adjacent Northern Arc development. However, this would be a short-term issue as there is a very high degree of certainty that the adjacent land will be developed in the relatively near future. It is also to be noted that a development to the north of this site on Isaacs Lane (Woodfield House - DM/19/3769), which proposed 30 houses and had similar planning circumstances, was granted planning permission by Members of the Planning Committee in June 2020.

Therefore, taking all the points into consideration, there are very compelling reasons to approve this application. This is a relatively small site, within the defined built up area and within the strategic 'Northern Arc' allocation of Policy DP9, which in the future will be completely surrounded by the Northern Arc development. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision and the imposition of suitable conditions, it should be approved.

RECOMMENDATION

RECOMMENDATION A

That outline permission be granted subject to conditions listed in the appendix and the satisfactory completion of a Section 106 Agreement to secure financial contributions for infrastructure improvements.

RECOMMENDATION B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 14 July 2022, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

Letters of objection have been received from the occupants of 2 households. Their concerns have been summarised as follows:

- Development of the application site would compromise the natural green space of the east-west wildlife corridor. The number of units proposed should be reduced and should follow the line of mature trees on the site.
- The proposed access will be prejudicial to highway safety given the proximity and other accesses for the Northern Arc development. At the very least there should be no right turn into, or out of the application site.

SUMMARY OF CONSULTEES (full comments in appendix)

County Planning Officer

Requires contributions towards education provision, libraries and TAD.

West Sussex County Council Lead Local Flood Authority

No objection subject to conditions.

West Sussex County Council Highway Authority

No objection. The LHA advised that the Road Safety Audit be revisited to review the revised access arrangements and provide an updated RSA and Designers Response. The applicant's have done this and the LHA has now withdrawn their original objection. The LHA has recommended that permission be subject to planning conditions, one of which should be a Grampian condition to ensure that the proposed development is not occupied prior to the appropriate speed limits introduced on Isaacs Lane and the approval of a Traffic Regulation Order (TRO).

West Sussex County Council Fire, Water and Access

No objection. The revised indicative layout Rev G indicates that the proposed dwellings are all accessible and within the required 45m hose length. A fire hydrant can be provided as a detail at the reserved matters stage.

West Sussex County Council Waste and Minerals

No objection.

Southern Water

No objection in principle. As there is no public foul and surface water sewers in the area to serve this development the applicant will need to find alternative means of disposal and the supporting documents for sustainable drainage systems can be adopted by Southern Water should this be requested by the developer.

Sussex Police

I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places.

Environmental Health Officer

No objection subject to a condition regarding construction working hours and from noise and dust to protect residential amenity.

MSDC Drainage Officer

No objection subject to conditions. The site is within flood zone 1 and is at low risk of flooding from main rivers and it is not an area identified as having possible surface water flood risk. The development proposal indicates the intention to install a new adoptable sewer along Isaacs Lane which is acceptable in principle.

MSDC Urban Designer

No objection to the revised indicative layout Rev G.

MSDC Community Leisure Officer

Requires contributions towards off site leisure provision.

MSDC Tree Officer

No objection to the amended layout and if permission is granted it is recommended that planning conditions be added requesting that an arboricultural method statement (AMS) (including tree protection plan) should be submitted and approved by the Planning Authority to ensure the trees being retained are adequately protected throughout the development.

A detailed landscaping plan (including specifications, planting and maintenance details) would also need to be submitted and approved by the Planning Authority.

MSDC Ecology Consultant

Recommends a condition that an updated report be submitted on submission of the reserved matters application.

TOWN/PARISH COUNCIL OBSERVATIONS

The Parish Council initially objected to the application and commented that the site is within an area of countryside restraint.

The PC has also commented that if permission is to be granted then the local communities infrastructure monies should be allocated to an electric car charging

point, which could be placed at Staplefield Common, Ansty Recreation Ground car park or in the layby at Brook Street.

INTRODUCTION

Outline planning permission is sought for the construction of 9 dwellings following the demolition of Little Abbotsford and its ancillary buildings. The detail to be considered at this stage is for access only with all other matters, appearance, landscaping, layout and scale, reserved for consideration under a subsequent Reserved Matters application.

RELEVANT PLANNING HISTORY

CD/025/99

Proposed Extension and Closure of Existing Access and Creation of New Access.
Permission 15.09.1999

SITE AND SURROUNDINGS

The site area totals 0.25 hectares and consists of an existing detached dwelling and associated garden which is generally to the north of Burgess Hill.

The site lies off the western side of Isaacs Lane (A273) and currently comprises a single detached two storey dwelling house, a dilapidated garage/car port building adjacent to its northern boundary and a two storey triple car port with rooms in the roof, which is situated to the western side of the plot. There are various shrubs and trees planted within and around the site. The site is relatively flat and adjoins open fields to the north, south and western boundaries. There is also an open field on the opposite side of Isaacs Lane to the east.

In terms of planning policy the site lies within the built-up area as defined in the Mid Sussex District Plan (MSDP) and within the Strategic development allocation for the north and north-west of Burgess Hill under policy DP9. However, it lies outside of the site of the outline planning permission for a phased mixed use development comprising approximately 3,040 dwellings and other associated community facilities for reasons of land ownership (DM/18/5114). Details for the Northern Arc residential redevelopment of the land surrounding the application site have not yet come forward, but this application proposal (illustrative layout) has been designed having regard to the Northern Arc Masterplan and Infrastructure Delivery Plan as well as the Phasing Strategy.

APPLICATION DETAILS

As stated above, this application is seeking outline planning permission for the construction of 9 no. three storey town houses following the demolition of Little Abbotsford and its ancillary buildings.

The means of access is to be determined at this stage.

Full details of the revised proposed access are included within the Redwood Partnership statement. A separate plan showing the revised access has also been submitted (REDW-3334-110 Rev B). This plan shows the proposed access and layby in the context of the proposed indicative site layout. The plan also shows how the new access can be implemented pre and post the Northern Arc improvements. A swept path analysis Drawing No. REDW-3334-113 for refuse and fire tender vehicles to turn within the site has also been submitted. A revised stage 1 road safety audit and the designers response report has also been submitted.

Amended drawings illustrating the indicative proposed site layout (Drawing No. B.062.18.01 Rev G), and north and eastern elevations have also been submitted for the consideration of this application.

Internally the layout that is shown on the submitted plan is for illustrative purposes to demonstrate that this amount of development could be accommodated on the site.

The amended indicative layout (Rev G) and elevations show a scheme for nine townhouses arranged in two terraces. One of the terraces (plots 6 to 9) is arranged on an east west axis at right-angles to Isaacs Lane. Plots 1 to 5 are in a terrace on a north south axis towards the frontage of the site with Isaacs Lane. The indicative layout shows the parking and turning areas for the proposed dwellings within a mews type layout. The turning area includes provision for emergency vehicle access. The layout also indicates how the proposed development can be designed to avoid the root protection areas of the boundary trees which are to be retained.

The highway access plan shows a track swept path analysis for larger refuse and fire lorries to turn within the site and parking spaces for the provision of 21 vehicles. Bins and cycle storage are illustrated as being positioned within the rear gardens of each property.

Materials would be vernacular using a mix of local stock bricks, with through colour rendered boarding or hanging tiles on the upper walls and plain machine tiles covering the roofs.

The illustrative housing mix is as follows:

5 X three bed houses (GIA of 90 sqm)
4 X four bed houses (GIA of 103 sqm)

The proposed illustrative layout shows that, compared to the position of the existing access, the proposed access has moved further south and will be more centrally positioned within the Isaacs Lane boundary frontage of the application site. The existing two accesses (at the north and southern ends of the existing boundary frontage) will be closed.

As well as the drawings, the application is accompanied by a planning statement, an amended design and access statement, transport assessment, existing topographical survey, amended sustainability statement, statement of community involvement, statement of conformity to the Northern Arc Design Guide,

arboricultural survey, an extended phase 1 habitat survey and preliminary bat roost assessment.

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.

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.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

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

DP4 Housing
DP6 Settlement Hierarchy

DP7 General Principles for Strategic Development at Burgess Hill
DP9 Strategic Allocation to the north and north-west of Burgess Hill
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP37 Trees, Woodlands and Hedgerows
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

The site is not within an area that is covered by a Neighbourhood Plan.

Development Infrastructure and Contributions 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 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 Nationally Described Space Standards

Northern Arc Masterplan (2018)

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc.

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

Northern Arc Design Guide (2019)

The Northern Arc Design Guide sets out the Design Principles to be applied across the Northern Arc. The document was approved as part of the Northern Arc Outline Planning Application (DM/18/5114). Whilst this site was not included in the Outline Planning Application, the site is part of the Northern Arc allocation in the District Plan and as such, the Northern Arc Design Guide is considered to be a material planning consideration for this application.

National Planning Policy Framework (NPPF) (July 2021)

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.

ASSESSMENT

As above, this is an outline planning application for the detailed consideration of only access. All other issues will be considered in detail under the reserved matters application to follow and can only be assessed under this application for indicative purposes only.

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

- The principle of development
- Design and impact on character of area
- Space standards
- Sustainability
- Neighbour amenity
- Highways
- Ecology
- Flood Risk/Drainage
- Infrastructure provision
- Ashdown Forest

Principle

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 this part of Mid Sussex consists of the Mid Sussex District Plan 2014-2031 (MSDP).

The MSDP is up to date and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

As the proposed development is within the built-up area as defined in the MSDP, the principle of additional windfall housing development is acceptable under policy DP6 of the MSDP, which states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs.'

Burgess Hill is a Category 1 settlement hierarchy listed under MSDP policies DP4 and DP6 with a comprehensive range of services and facilities and benefits from good public transport links. The site is located within the built-up area, is on land within the strategic allocation to the north and north-west of Burgess Hill (policy DP9 of the DP) and is surrounded by the Northern Arc development approvals.

As the application site is within the strategic development area at Burgess Hill policy DP7, General Principles for Strategic Development at Burgess Hill, is relevant in so far as it applies to this much smaller site. The application proposal endeavours to follow the general principles for the strategic development of the Northern Arc.

The Northern Arc Masterplan does not include the Little Abbotsford application site. However, the masterplan has informed the wider Northern Arc proposals and this application seeks to follow the general principles established in the Northern Arc Masterplan in terms of infrastructure delivery and the phasing strategy. This application will deliver financial contributions towards infrastructure provision, and in terms of phasing the application site is within close proximity to the proposed Eastern Neighbourhood Centre and will be adjacent to a primary school and the Northern Arc link road which are scheduled to be delivered at a relatively early stage in the overall phasing strategy.

As such, the development proposal is not considered to be premature to the development proposals on the adjoining Northern Arc land. The principle of developing this site separate to the Northern Arc adjoining land, is therefore considered to be acceptable, and is not therefore compromised by what may be seen as a piecemeal approach.

The application site is considered to be a highly sustainable location for residential development. Notwithstanding that, in the short-term the scheme could be wholly dependent on access by the private car because the proposed housing could be brought forward and constructed in advance of the adjacent Northern Arc development. However, this would be a short-term issue as there is a very high degree of certainty that the adjacent land will be developed in the relatively near future.

The principle of redevelopment of this site thus accords with the development plan.

Design and Impact on Character of the Area

MSDP policy DP26 concerns considerations of character and design and states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy 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.'

Chapter 4: Site Layout, Streets and Spaces of Mid Sussex Design Guide SPD contains certain principles which are relevant to this application proposal. These are DG12: to deliver a clear and connected structure of streets and spaces, DG13: provides positive frontages to streets, DG14 provides enclosure, DG15: legibility and image, DG16: creates a positive development edge, DG17: pedestrian friendly streets and street hierarchy, DG18: integrate parking to support attractive streets and spaces, DG19: provision of off-street parking, DG21: consider and allow for servicing, refuse collection and deliveries, DG22: integrate refuse and recycling into the design of new development, DG24: plan for cyclists, DG27: integrate tree planting and soft landscape, DG30: design for everyone and look to the future.

The applicant is expected to meet the requirements of all the relevant principles or provide justification for failure to do so.

Paragraph 124 of the NPPF states that 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 117 of the NPPF states in part 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses,

while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

Paragraph 122 of the NPPF states 'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.'

The Northern Arc Design Guide sets out the design principles that should be applied to development on the Northern Arc.

This is an outline scheme where matters such as appearance and layout are reserved for the detailed consideration under a subsequent planning (reserved matters) application.

However, as part of this application an indicative layout and elevational drawings have been submitted to demonstrate that the amount of development can be accommodated on the site. The elevations also provide an indication of height and scale. Amended drawings have been submitted to the Council in response to comments received from the Council's Urban Designer.

These illustrative plans reduced the number of units to 9 houses omitting plot 1 (4 bed house) of the original scheme. The relocation of the bin stores from the front boundary to the rear of plot 1 together with the omission of a unit has improved the provision for emergency/refuse vehicles. The houses fronting onto Isaacs Lane have been pushed further back (by 6.5m from the front boundary) to allow for planting (trees) which in turn has resulted in plots 6-9 (at the rear) being terraced creating more space from plot 6 to the existing tree on the northern boundary. A green planting buffer is also shown at the rear gardens of plots 6-9 to screen the parking area from the housing. The footpath to the north of plots 5 to 9 now continues across the full depth of the plot from the east to western boundaries to link to the Northern Arc adjoining land.

The Council's Urban Designer is now satisfied with this layout in terms of site constraints and the disposition of buildings about the site. The arrangement takes account of existing trees along the northern boundary and the future adjoining Northern Arc development plans in terms of height and density. Linkages in the form of the footpath proposed along the front and rear of plots 5-9, together with turning and parking spaces in the south western corner indicates careful planning with the adjoining Northern Arc land to the west. It will ensure a more comprehensive approach instead of appearing piecemeal.

The outline approval for the Northern Arc land to the north of the application site indicates between 2-3 storeys in height and the land to the west and south of the application site has approved indicative heights of between 3 and 5 storeys. The scheme has indicated heights of 3 storeys and a proposed density of 45 dph compared to the adjoining Northern Arc plans which range from between 35-65 dph.

The design and access statement sets out the design rationale for the residential redevelopment of this site and the integration of this scheme with the surrounding Northern Arc proposals. The applicant has commented that this outline scheme has been designed in accordance with the adopted Masterplan for the Northern Arc area, and as such, regard has been had for the scale, density, building height and land use of the Masterplan for the Northern Arc proposals.

In terms of landscaping, the application has been prepared with the benefit of a full arboricultural survey which includes a tree survey schedule, tree quality assessment and root protection area formula. The outcome of these surveys and recommendations have been followed in the formulation and concept for this development proposal.

The indicative layout thereby takes into account the arboricultural survey which has been undertaken on site, including trees to be retained and their root protection areas and the indicative layout demonstrates how the site can be developed without harming the protection zones.

Dwelling Space Standards

Policy DP27 Dwelling Space Standards, of the MSDP states the following:

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

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

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.' The design and access statement confirms that, *'The indicative floor plans and layout have been formulated in accordance with this policy and nationally described space standards. This can be confirmed and detailed as part of an Approval of Reserved Matters application.'*

The Technical housing standards - national described space standards stipulates that a three storey 3 bedroom property should have a gross internal floor area (GIA) of between 90-108 sqm (and 2.5 sqm of built-in storage space), and a three storey 4 bedroom property should have a GIA of 103-130 sqm (and 3sqm of built in storage). The indicative plans illustrate that the proposed 3 bedroom properties will have a GIA of 90 sqm and the 4 bedroom properties, 103 sqm. These illustrative proposals meet

the requirements of national standards and policy requirements but the details will be considered as part of a future Reserved Matters submission if outline permission is granted.

Accessibility

MSDP policy DP28: Accessibility states:

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.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

While this is a matter to be considered in detail under a subsequent application, the applicant has addressed this issue of accessibility by amending the Design and Access Statement. The statement comments as follows:

'The proposed development will have to comply with access under building regs, i.e. level or ramped access to all areas. The surfaces that we are providing will be solid and stable but also permeable for disabled access from the car parking area to the front doors.

We will be content with a condition that two of the dwellings will meet the requirement of Part M of the buildings regs.'

Sustainability

Policy DP39 of the 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.*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 154 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

This application is accompanied by an amended sustainability statement which is proportionate to the outline scheme proposed.

In terms of location, the application site is within the built up area as defined by the Mid Sussex District Plan, and although at present located to the north of the current limits of Burgess Hill, it will on completion of the Northern Arc proposals, be adjacent and surrounded by the eastern community and centre of the Northern Arc. The Northern Arc proposals include facilities such as shops, community facilities, recreation and children's play areas. These will be within walking distance without the need to travel by car.

The indicative layout also illustrates the provision of cycle storage for each dwelling to reduce the need to travel by car.

Each dwelling can also be orientated to maximise solar gain. This will reduce heat loss which with high insulation values will reduce the need to input energy for space heating. The layout and design of the proposed dwellings will seek to be in accordance with the latest building regulation requirements of Part L.

In respect of water usage fixtures these will be designed to reduce general water usage by the future occupants. It is intended that measures will be integrated into the final design to ensure that water usage is limited and in accordance with MSDP policy DP42.

The Sustainability Statement confirms that the scheme will assist in the mitigation and adaptation to climate change. This will be achieved by meeting or exceeding Part L of the Building regulation requirements, measures to reduce car use, flood risk assessment and efforts to improved biodiversity.

Under the sustainability objectives of paragraph 8 in the NPPF, the proposed development will help to contribute towards the local economy by providing jobs for construction workers and through the acquisition of locally sourced materials and building supplies/machinery. This will support growth, innovation and improved productivity in what is currently a difficult financial climate.

As such, it is considered that at this outline stage where detail is not required, the intention to comply with policy requirements are met and is therefore in accordance with MSDP policy DP39.

Full details will be required under a future submission for the Reserved matters. The development would also need to conform with the requirements of the Building Regulations at implementation stage.

Neighbour Amenity

Policy DP26 seeks to protect residential amenity and states that new development will not be permitted if significant harm to the amenities of existing nearby residents and future occupants of new dwellings, when considering matters such as overlooking, loss of privacy and noise/disturbance, amongst other potential issues.

Policy DP29 deals specifically with noise pollution, as well as air and light, and seeks to protect the quality of people's life from unacceptable levels of noise. It states that the residential development *'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 a development'*.

Mid Sussex Design Guide provides guidelines for the protection of residential amenity. Principles DG45 addresses issues of privacy, DG46 - External Amenity Space, DG47 - Daylight and Sunlight, DG48 - Noise, Air and Light Pollution. It

acknowledges that the design of new development can have a direct impact on the quality of life.

NPPF (July 2021) also states at paragraph 130 (f) that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

As the internal layout is for illustrative purposes the detailed neighbour relationships can be assessed at a subsequent reserved matters application. Notwithstanding this, the layout has undergone careful review and considered against the Mid Sussex Design Guide Principles. The Council's Urban Designer raises no objection to the latest illustrative layout Rev G. It is considered that the indicative layout and disposition of housing about the site is an acceptable one for a built up residential area.

As such, it is considered that this element of MSDC policy DP26 can be met subject to the Reserved Matters.

Highways

Policy DP21 of the District Plan deals with transport matters and sets out criteria against which decisions on development proposals will be assessed. It 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.

Paragraph 111 of the NPPF states that:

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

Access details have been submitted for this application and have been designed to co-ordinate and integrate with the submitted Northern Arc transport and highway details.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), was re-consulted on the revised scheme now proposing 9 dwellings.

The LHA has confirmed that the tracking for vehicles has been appropriately demonstrated by the applicant and has confirmed that their earlier objection has now been withdrawn but that this is also subject to, any recommendation to grant permission, including a 'Grampian style' planning condition (amongst others) to ensure that the Northern Arc Highway works (including traffic signals, footway works and speed limit change) are in place first and completed and implemented prior to occupation of the development proposal.

The LHA understand that the speed limit on Isaacs Lane will be reduced to 40mph if the Traffic Regulation Order (TRO) is successful. Therefore, if the access and development for Little Abbotsford is built once this speed limit and traffic signals are in place, it is considered that the proximity of the traffic signals and highway works would allow the Manual for Streets (MfS) methodology to be applied to calculate the stopping sight distance. For 40mph and a local road context conducive to MfS, this

would be a requirement for 65m. As the access plans show 70m (and it appears in excess of this can be achieved in the leading direction) the LHA considers that the visibility as demonstrated is suitable, provided the traffic signals, speed limit change to 40mph and associated highway works are completed prior to occupation.

The LHA had previously requested further information in the form of a revised Road Safety Audit (RSA) to assess the revised access arrangements and omission of servicing layby.

The latest and most up to date LHA comments are that;

'The amended RSA raises the following points:

2.4 - Edge of carriageway markings should be included at the site access. Designer responds that these have now been shown on drawing REDW-3334-408 Rev A and LHA consider these can be further reviewed at detailed design stage.

3.1 - Keep Clear markings should be included across southbound lane of Isaacs Lane, opposite new development site access road, to ensure no obstruction for egress from new site. Designer responds that these have now been shown on drawing REDW-3334-408 Rev A and LHA consider these can be further reviewed at detailed design stage.

Issues identified outside the terms of reference include drainage, street lighting, maintenance/ inspection covers and is considered can be reviewed at detailed design stage.

The Designers Response should be provided in the accepted format shown in tables F4 and F5 of GG119 so that the LHA can fill out the 'Overseeing Organisation' section and sign off.

Matters of internal layout, including car and bicycle parking will be assessed at reserved matters stage.'

Given the above, the LHA considers that the proposal will not be prejudicial to highway safety and would not result in 'severe' cumulative impacts on the operation of the highway network. As such the proposed development would not be in conflict with policy DP21 or paragraph 111 of the National Planning Policy Framework.

While the details for parking is a matter to be considered under a subsequent Reserved Matters application, the Highway Authority has confirmed that the indicative parking arrangement is acceptable.

The latest revised indicative layout plan illustrates adjustments relating to the parking spaces in the southwest corner of the site swept path analysis for a fire tender and for a refuse vehicle which is larger. These diagrams indicate that the revised parking layout allows fire and refuse vehicles to turn on the site.

WSCC has also accepted the provision of a fire hydrant adjacent to the first parking space as you enter the application site. West Sussex County Council Water and Access is also now satisfied by the latest indicative layout.

Overall, it is considered that the details submitted for access are acceptable and do comply with the criteria of relevant policies DP21 of the MSDP and paragraph 111 of the NPPF.

Ecology

MSDP policy DP38: Biodiversity states the following:

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.'

Policy DP38 seeks to ensure that new developments protect and enhance existing biodiversity and create new green infrastructure and ecological networks to ensure a net gain in biodiversity.

The Design and Access Statement comments that:

'The development has ensured that biodiversity will be protected and enhanced. The planning application includes a Preliminary Ecological Appraisal (PEA) of the scheme. The applicant is willing to implement the recommendations of the PEA for enhancements to the site so there is a net gain in biodiversity across the site.'

The comments received from the Council's ecology consultant suggests that the PEA was carried out some time ago but also that it identified the findings of protected species. The ecology consultant raised no objection in principle to the proposed residential redevelopment of the site, in terms of biodiversity constraints, but would require updated survey information to be submitted at the reserved matters stage. This is to mitigate and provide compensatory measures in the form of an Ecological Impact Assessment report in accordance with good practice. A planning condition can be added should planning permission be granted for this scheme.

As such, it is considered that for the purposes of this application, the proposal meets the criteria of policy DP38 of the MSDP.

Flood Risk and Drainage

Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:

'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.'

The application site is not subject to any flood risk area and given the size of the development Sustainable Drainage System will be implemented.

The applicant has commissioned a SuDS and Foul Sewage Report which concludes:

'The development of the site will be used as an opportunity for environmental enhancement and the sustainable management of surface water runoff at source, including a 40 % allowance for climate change, through the provision of SuDS.'

'Furthermore, formal consultation with Southern Water has confirmed that there is capacity within the local adopted foul sewer network to accommodate the anticipated foul water flow from the 10 new dwellings and identified the closest permissible connection point.'

In light of the above, the principle of the proposed development is deemed acceptable on drainage grounds and will provide a positive contribution to the sustainable management of surface water runoff and foul water flows from the scheme.

Drainage details can be the subject of an approval of reserved matters application. However, WSCC Lead Local Flood Authority has raised no objection to this application.'

Following receipt of this report, the Council's drainage officers have raised no objection.

As such, it is considered that at this outline stage of the planning application process, the proposed development does comply with DP policy DP41 in terms of flood risk and drainage issues.

Infrastructure Provision

MSDP Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure provision within the Northern Arc and mitigation measures made necessary by their development proposals in the form of appropriate on-site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

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 NPPF sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

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

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

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

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision.

- £7,965 towards **local community infrastructure provision** and specifically for an electric car charging point, which could be placed at Staplefield Common, Ansty Recreation Ground car park or in the layby at Brook Street.
- £17,480 is required to make improvements (**children's playing space**) to play equipment (£9,500) and kickabout provision (£7,980) for older children.
- £10,880 is required toward **formal sport** facilities at The Triangle leisure centre.
- £6,240 is required to make improvements to Sheddingdean Community Centre (**community buildings**).

The 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.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The West Sussex County Council Education and Libraries contributions (and total access demand) are formula-based due to it being an outline application. The full amounts will be calculated at the point when the payments become due as per the terms of the Section 106 Agreement.

The education (primary, secondary and sixth form) and libraries contributions will be put towards additional facilities at the catchment schools / nearest library to the development - this can encompass any adjustments such as additional equipment/classroom reconfiguration/additional stock etc, required to mitigate the impact of the additional children/residents generated by the development on the local services.

For education WSCC has commented that:

'The contributions generated by this proposal shall be spent on fixtures, fittings and equipment at the new Primary School One serving the Northern Arc strategic development. The contributions generated by this proposal shall be spent on fixtures, fittings and equipment at the new secondary school serving the Northern Arc strategic development. The contributions generated by this proposal shall be spent on additional facilities at St Paul's Catholic College Sixth Form.'

For library infrastructure, WSCC has commented that:

'The County Librarian advises that the proposed development would be within the area served by Burgess Hill Library and that the library would not currently be able to adequately serve the additional needs that the development would generate. However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be

required in respect of the extra demands for library services that would be generated by the proposed development. The contributions generated by this proposal shall be spent on the new Tier 7 Library facilities being provided by the Northern Arc strategic development site or towards additional facilities at Burgess Hill Library.'

For the Total Access Demand (TAD), WSCC have said that:

'The contributions generated by this proposal shall be spent on Public realm and connectivity improvements in Burgess Hill Town Centre.

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.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.'

Given the above, 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.

As such, it is considered that on this issue alone the proposed development is compliant with the criteria of the relevant policy DP20 of the DP and the provisions contained within the NPPF.

A S106 obligation is in preparation to secure these payments and subject to its completion, the scheme is considered to accord with relevant Development Plan policy in this respect.

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 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 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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.

Planning Balance and Conclusion

This is an outline application for 9 houses and the detailed consideration of access only. All other matters are to be reserved and considered under a subsequent planning application.

Planning legislation requires the application be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP).

As the proposed development is within the built up area as defined in the MSDP, the principle of additional windfall housing development is acceptable under policy DP6 of the DP. The application site is a category 1 settlement defined within policy DP6 and in turn will conform with the General Principles for Strategic Development at Burgess Hill in terms of successfully integrating with the existing town, to provide connectivity to services and facilities, as set out in policy DP7 of the DP. The proposed development is also covered by the strategic allocation set out in policy DP9 to the north and north west of Burgess Hill for a mixed use development to progress in accordance with a Masterplan, Infrastructure Delivery and Phasing Strategy.

The Northern Arc application has been prepared for and submitted on behalf of Homes England, but the approved Outline Planning Application did not include the application site. Nevertheless, it has been demonstrated that an acceptable layout could be achieved at reserved matters stage that would successfully integrate with the wider Northern Arc proposal.

It is considered that the application is in accordance with the development plan and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF) in determining this planning application.

Provision of the proposed access onto Isaacs Lane is considered to be acceptable subject to a Grampian condition so that the development cannot be first occupied prior to the appropriate speed limits on Isaacs Lane being introduced and the satisfactory outcome of a traffic regulation order.

There would be no adverse impact in relation to ecological or tree related matters and there will be additional opportunity for further landscaping at the reserved matters stage. There are no objections raised in relation to drainage. As such these points are neutral in the planning balance.

The proposed development will provide 9 new dwellings (a net gain of 8) which will assist with meeting the Council's housing requirements. There would also be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight.

The only aspect that may be considered to weigh against the proposal is that in the short-term the scheme could be wholly dependent on access by the private car because the proposed housing could be brought forward and constructed in advance of the adjacent Northern Arc development. However, this would be a short-term issue as there is a very high degree of certainty that the adjacent land will be developed in the relatively near future. It is also to be noted that a development to the north of this site on Isaacs Lane (Woodfield House - DM/19/3769), which

proposed 30 houses and had similar planning circumstances, was granted planning permission by Members of the Planning Committee in June 2020.

Therefore, taking all the points into consideration, there are very compelling reasons to approve this application. This is a relatively small site which in the future will be completely surrounded by the Northern Arc development proposals. Therefore subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision and the imposition of suitable conditions, it should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 1 year from the date of approval of the last of the reserved matters.

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

Pre commencement

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

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

3. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the pond shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the features to be retained and protected during construction works; and
 - b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with

the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To avoid undue congestion of the site and consequent obstruction to access. and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

6. 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 buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

7. Details of the materials to be used for the access road, driveways and internal footways shall be submitted and approved in writing by the Local Planning Authority prior to work commencing in respect of these parts of the development. The development shall not be carried out otherwise than in accordance with such details.

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policy DP26 of the District Plan 2014 - 2031.

Pre occupation

8. The access works as detailed on drawing no. REDW-3334-110-Rev B, dated 10.02.2022 shall not be in use and no dwelling shall be occupied until the Northern Arc Highways Works to Isaacs Lane (which includes traffic signals, footway works and speed limit change) are completed in accordance with the approved drawings of application reference DM/19/3313 or any subsequent Section 73 application to that permission and the speed limit on Isaacs Lane has been reduced to a maximum of 40 miles per hour at the point of access.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and the provisions contained within the National Planning Policy Framework.

9. No part of the development shall be first occupied until visibility splays of 2.4 metres by 70m metres have been provided at the proposed site vehicular access onto Isaacs Lane in accordance with the approved planning drawing (REDW-3334-110-Rev B. 10.02.2022). 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 Mid Sussex District Plan 2014 - 2031 and the provisions contained within the National Planning Policy Framework.

10. No dwellings shall be occupied until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and the approved screen walls/fences have been erected.

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.

11. Prior to the occupation of any of the dwellings hereby permitted, details shall be provided of the facilities for charging plug-in and other ultra-low emission vehicles for the written approval of the Local Planning Authority. The scheme shall be constructed in accordance with the approved details.

Reason: To provide facilities for plug in and ultra-low emission vehicles in the interests of sustainability and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031

12. No dwelling hereby permitted shall be occupied until details, including a timetable for implementation, of ducting to premises infrastructure, to facilitate connection to high speed broadband and 4G, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

13. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and 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, unless an exception is otherwise agreed in writing 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.

14. The reserved matters application shall be supported by an Ecological Impact Assessment report prepared in accordance with best practice published by the Chartered Institute of Ecology and Environmental Management Ltd based on an updated scoping survey and any phase 2 surveys for any protected / notable species where the need for these is identified from the scoping survey.

Reason: To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Construction phase

15. 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 in accordance with policy DP26 of the Mid Sussex District Plan.

16. Dust: Demolition/Construction work shall not commence until a scheme of measures for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenities of nearby residents from dust emissions during construction and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

17. Smoke: 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 in accordance with policies DP26 and DP29 of the Mid Sussex District Plan.

18. Air Quality: Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall

be in accordance with the Air quality and emissions mitigation guidance for Sussex (2019) available at <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>

Reason: To protect the amenities of nearby residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

19. Soundproofing (Road Noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request. Reason: To protect the amenities of nearby residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.
20. No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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		A	17.03.2022
Proposed Block Plan	B.062.18.01	G	10.02.2022
Highways Plans	REDW-3334-113		10.02.2022
Proposed Elevations	B.062.18.07	B	13.01.2022
Access Plan	REDW-3334-110	B	10.02.2022
Existing Floor Plans	drw No: 01		09.09.2019
Existing Elevations	drw No: 02		09.09.2019
Topographical Survey	18/300/100/A	-	12.08.2019
Topographical Survey	18/300/100/B	-	12.08.2019
Topographical Survey	18/300/100/C	-	12.08.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council object to this application because the site was not allocated in the Neighbourhood Plan or MSDC Development Plan and is in an area of countryside restraint.

If permission were to be granted the Parish Council request that s106 money is allocated to the renovation, draining and surfacing of the perimeter track around Ansty Recreation ground. The recreation ground, which is owned by MSDC, is used by a lot people for recreational purposes including dog walkers. They often head to the second field beyond the rec because the recreation ground is so waterlogged. Draining the perimeter track will allow people to walk to the second field without damaging the recreation ground as well as allowing access for service vehicles. S106 money could also be allocated to the upgrading of Staplefield Pavilion to facilitate use by the community as well as cricketers.

Parish Consultation

The Parish Council object because the site was not allocated in the Neighbourhood Plan or District Plan and is an area of countryside development constraint. If permission should be granted the PC would like some s106 money towards community projects.

MSDC Urban Designer - Will Dorman

18.01.2022

I can confirm that the revised indicative layout sufficiently addresses the issues I raised in my previous email (6/1/22). The set-back of the houses from the front boundary scales off at 6.5m (at the minimum) which hopefully provides enough space to accommodate trees adjacent to the front boundary; Sarah may wish to comment further on this.

06.01.2022

The relocation of the bin stores and the provision for emergency/refuse vehicles (facilitated by the loss of one of the houses at the front is an improvement); unfortunately, in other respects the changes do not address my previous concerns.

The biggest issue is achieving a sufficient set-back of the houses fronting Isaacs Lane to comfortably accommodate trees along the street frontage. As previously advised (in bullet point one of your 11/8/21 email) this requires a bigger threshold/set-back, which should be achievable with the loss of the unit on plot 7 (now plot 6); perhaps a compromise could be reached whereby they create more space at the rear (i.e. an additional 2m) by terracing plots 6-9 (which would also have the advantage of creating more space between the front of plot 6 and the large tree). By copy to Sarah, I would also ask her to confirm she is happy with this advice.

Consideration needs to be given to connecting the site to the N Arc along the western boundary by continuing the pathway serving plots 6-9 and I would suggest the front gardens of 8+9 are reduced to help facilitate a more direct axis.

I would also want to see a planted verge at the rear of plot 6-9's rear gardens to help soften the rear parking court.

27.05.2021

This is an unusual layout; however I can see this approach has been designed to complete the suggested perimeter block as set out in fig 89 of the N Arc Design Guide. My initial concerns are the proximity of the houses to the existing trees (7-10) and Isaacs Lane plus its hard edge (1-6) and the size of the car park. By copy to Louise, the alignment of the N Arc Avenue may generate a rather constrained development parcel adjacent to Isaacs Lane and it should help if it could be moved a few metres westwards.

I am also concerned about the impact of visibility splays on existing trees and shrubs and proposed planting. I feel this should be designed to a 30mph zone requirements as it will be a built up area!

I would like to provide further comments preferably after I have visited the site which I would like to do on the 14th June.

MSDC Tree and Landscape Officer - Sarah Nelson

06.01.2022

I have discussed Will's comments (06.01.2022) with him and I can confirm I am happy with either option that Will has suggested (loss of plot 6 or terracing of plots 6-9). This would allow for more substantial planting to the front of the houses facing Isaacs Lane and would not impact the two large trees to the north and may even reduce the impact.

MSDC Drainage Officer

PLANNING APPLICATION CONSULTATION RESPONSE

APPLICATION DETAILS

Application Number	DM/19/3234 Outline
Planning Officer	Rachel Richardson
Flood Risk and Drainage Officer	Scott Wakely
Response Date	28.04.2021
Site Location	Isaacs Lane, Burgess Hill
Development Description	10 dwellings
Recommendation	Approve principle No objection subject to conditions

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.

SURFACE WATER DRAINAGE

It is proposed that the development will attenuate surface water via a permeable sub-base under the sites proposed vehicular access and parking area for 1 in 100 + 40% rainfall scenarios. Discharge is proposed to the roadside ditch at a suitably controlled rate. There is likely to be further works to the downstream ditch in the form of a new culvert or the clearing out of existing, which flows under the field access just south of the site.

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site.

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

FOUL WATER DRAINAGE

The development intends to install a new adoptable sewer along Isaacs Lane to a connection in London Road. Whilst this is a long distance, it is acceptable in principle.

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.

PROTECTIVE MEASURES DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the watercourse/ditch shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall not commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

WORKS WITHIN 5M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within [specify] metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

General drainage requirement guidance

SURFACE WATER DRAINAGE

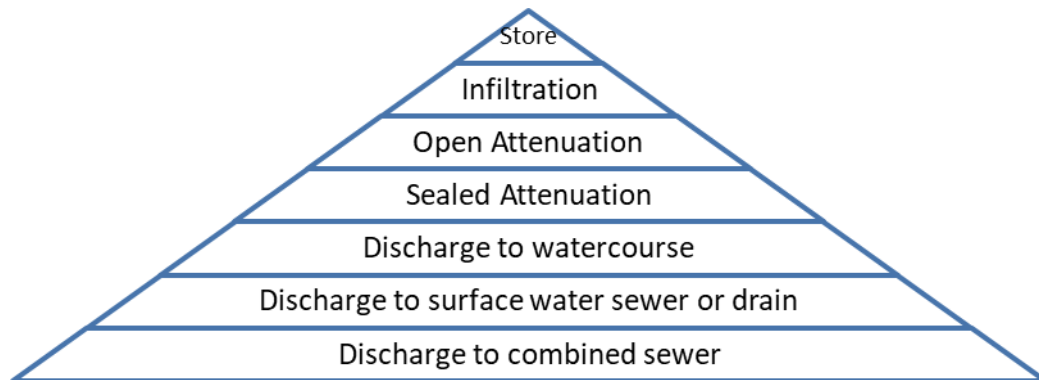
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. 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 IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

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>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

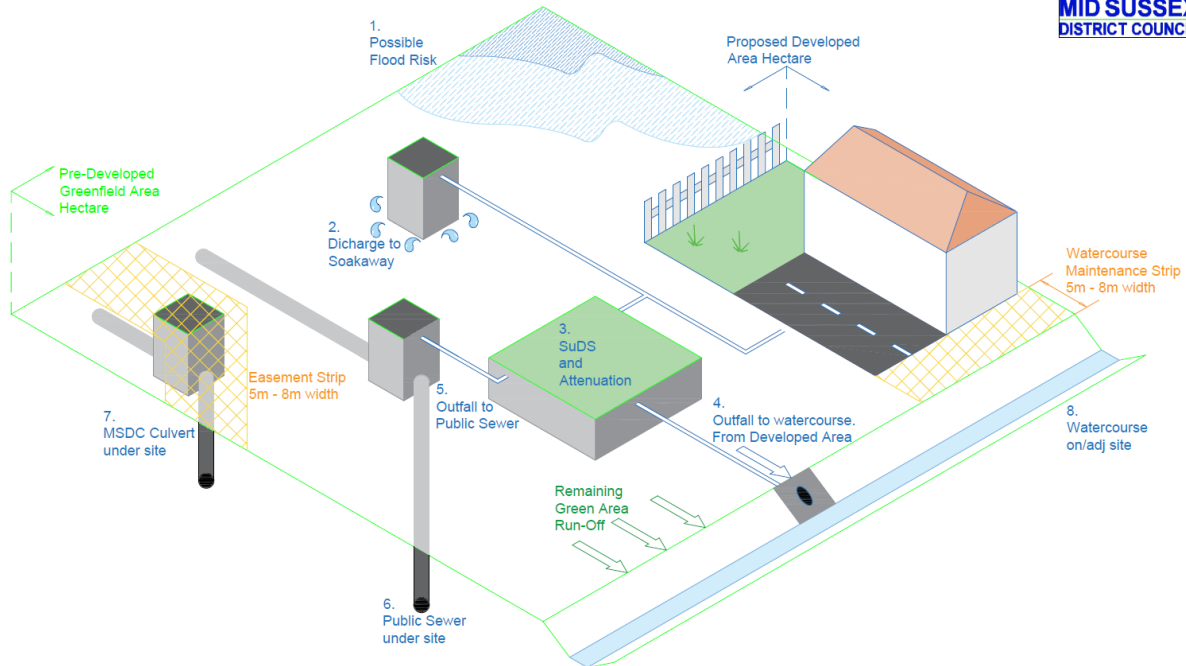
DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> • Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.
<p>Multiple plot development</p>	<ul style="list-style-type: none"> • A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.
<p>Public sewer under or adjacent to site</p>	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
<p>Infiltration</p> <p>e.g. Soakaways</p>	<ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>
<p>SuDS and attenuation</p>	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>



MSDC Waste Contracts Monitoring Officer

11.11.2021

As the freighter can now drive in and turn around within the site it will be able to ensure that the crew can get close to the bins reducing walking distances for both residents and the crew and also mitigates any roadside safety concerns we may have had with the previous plan.

As long as the entrance to the site is wide enough to accommodate the waste collection freighter entering from an angle as well then this shouldn't be an issue.

17.08.2021

Our standard waste collection freighters are 3540mm in height, 2250mm in width and 8750mm in length so they would not clear the headroom for plot 1. Which is fine if the bins are presented in a well designed designated collection point off Isaacs Lane as per the suggestion. The turn-in layby would need to be wide enough to accommodate the vehicle in its entirety and to ensure the safety of the crew as they exit the vehicle and empty the bins as it is a fast road.

Just thinking of the manual for streets guidelines - would the bins be left by the roadside by the residents or outside the individual properties for the crew to walk out? (with that in mind, the manual for streets stipulates a maximum of 25m from the collection point to the freighter) or would the residents be expected to wheel the bins to and from the properties? Plot 10 is quite far from the collection point if that's the expectation.

MSDC Environmental Protection Officer

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 6:13 PM on 16 Jan 2021 from Environmental Health on behalf of Environmental Protection.

Application Summary

Reference: DM/19/3234

Address: Little Abbotsford Isaacs Lane Burgess Hill West
Sussex RH15 8RA

Proposal: Outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten, 3 and 4 bedroom dwellings with associated parking, turning areas and site servicing pullover, onto Isaacs Lane. All matters reserved apart from access. Amended proposal to include a site servicing pullover instead of 3m wide turn-in layby. 15.12.2020

Case Officer: Rachel Richardson

[Click for further information](#)

Comments Details

Comments:

No
objection
/comments
e/mail sent
04/01/21.
P Bieda
EHO.

The site is adjacent to the A273 road, so noise impacts upon future residents must be considered. It is probable that due to high traffic noise levels, bedroom windows close to the road would need to be kept closed in order to avoid sleep disturbance and to meet World Health Organisation and BS8233 internal noise standards.

This in turn would mean that additional ventilation may be required, with adequate air flow to allow thermal comfort. Accordingly, there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in parts of this development sleeping all year round in a windows closed environment?
- 2) If acceptable, what type of ventilation would be deemed appropriate for these residents?

In our view the traffic noise issue can be addressed by a suitable soundproofing condition.

Regarding air quality, more specifically the pollution generated by traffic from the development, there is no official guidance on the assessment of air quality impacts, but there is local guidance produced by Sussex Air, and the Institute of Air Quality Management (IAQM) have produced guidance which is widely accepted and used for assessing the significance of air quality impacts.

Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.

Therefore, should the development receive approval, Environmental Protection recommends the following conditions:

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.

- Dust: Demolition/Construction work shall not commence until a scheme of measures for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions during construction.

- Smoke: 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.

- Air Quality - Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in accordance with the Air quality and emissions mitigation guidance for Sussex (2019) available at <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>

Reason: To preserve the amenity of local residents regarding air quality and emissions.

- Soundproofing (Road Noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To preserve residential amenity in relation to noise and to accord with policy DP26 of the MSDP.

4.10.19

Nick Bennett, EHO
Environmental Protection

MSDC Community Leisure Officer

19.01.2022

Hi Rachel,

The revised contributions are as follows:

Play £9,500
Kickabout £7,980
Community Buildings £6,240
Formal Sport £10,880

This is based on market accommodation with an average occupancy of 2.5 residents per dwelling and takes the demolition of the existing residential property into account.

Kind regards,
Elaine

08.01.2022

Dear Rachel,

Thank you for the opportunity to comment on the revised plans for the development of 10 residential dwellings at Little Abbotsford, Isaacs Lane, Burgess Hill RH15 8RA 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, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £19,665 is required to make improvements to play equipment (£10,688) and kickabout provision (£8,978) for older children.

FORMAL SPORT

In the case of this development, a financial contribution of £12,240 is required toward formal sport facilities at The Triangle leisure centre.

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 £7,020 is required to make improvements to Sheddingdean Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (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.

Ecology Consultant - Mike Bird

Ecological Advice

TO: Rachel Richardson
FROM: Mike Bird
APPLICATION REF: DM/19/3234
SITE: Little Abbotsford Isaacs Lane Burgess Hill West Sussex
PROPOSAL: Outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten-, 3- and 4-bedroom dwellings with associated parking, turning areas and site servicing pullover, onto Isaacs Lane. All matters reserved apart from access. Amended proposal to include a site servicing pullover instead of 3m wide turn-in layby.
15.12.2020
DATE: 8 July 2021

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The reserved matters application shall be supported by an Ecological Impact Assessment report prepared in accordance with best practice published by the Chartered Institute of Ecology and Environmental Management Ltd based on an updated scoping survey and any phase 2 surveys for any protected / notable species where the need for these is identified from the scoping survey.

Reason: To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Comments

The supporting preliminary ecological appraisal was undertaken some time ago and the potential for protected species was identified. Have regard to these findings and other information on the site, I would not anticipate any biodiversity constraints on the principle of development, but updated survey information and any protected species surveys will be

required to support detailed design work and the baseline results, design analysis and any necessary avoidance, mitigation and compensation measures should be presented in an Ecological Impact Assessment report in accordance with good practice.

Mike Bird MCIEEM
Principal Consultant, Calyx Environmental Ltd

The contents of this memo are provided under a consultancy agreement between Calyx Environmental Ltd and Mid Sussex District Council. They do not constitute a view for or against a proposal, but represent independent ecological advice on the biodiversity implications of a planning application so that it may be determined in accordance with relevant planning policies and legal obligations.

WSSC Highways

11.02.2022

Hi All,

Happy that tracking for required vehicles has been appropriately demonstrated. Conditions including Grampian to ensure Northern Arc works and speed limit change in place first as per previously advised.



Katie Kurek | BA (Hons) MCIHT | Senior Transport Planner (Development Management)

DATE: 17 January 2022

More info received from R. Richardson's email on 06.01.2022

RECOMMENDATION: Advice / No Objection

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for 9 x dwellings with matters of access sought for approval. In comments dated 29 November 2021 the LHA requested further information in the form of a revised Road Safety Audit (RSA) to assess the revised access arrangements and omission of servicing layby.

The amended RSA raises the following points:

2.4 - Edge of carriageway markings should be included at the site access. Designer responds that these have now been shown on drawing REDW-3334-408 Rev A and LHA consider these can be further reviewed at detailed design stage.

3.1 - Keep Clear markings should be included across southbound lane of Isaacs Lane, opposite new development site access road, to ensure no obstruction for egress from new site. Designer responds that these have now been shown on drawing REDW-3334-408 Rev A and LHA consider these can be further reviewed at detailed design stage. Issues identified outside the terms of reference include drainage, street lighting, maintenance/ inspection covers and is considered can be reviewed at detailed design stage. The Designers Response should be provided in the accepted format shown in tables F4 and F5 of GG119 so that the LHA can fill out the 'Overseeing Organisation' section and sign off. Matters of internal layout, including car and bicycle parking will be assessed at reserved matters stage.

Conclusion

The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. However, the LHA request the Designers Response is sent in the correct format so appropriate sections can be completed by LHA.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised.

Grampian Condition - The access works as detailed on drawing no. REDW-3334-110-Rev B, dated 10.02.2022 shall not be in use and no dwelling occupied until the Northern Arc Highways Works (which includes traffic signals, footway works and speed limit change) are completed and implemented.

Reason: In the interests of road safety.

No part of the development shall be first occupied until visibility splays of 2.4 metres by 70m metres have been provided at the proposed site vehicular access onto Isaacs Lane in accordance with the approved planning drawing (REDW-3334-110-Rev B. 10.02.2022). 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.

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

Reason: To avoid undue congestion of the site and consequent obstruction to access.

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Katie Kurek
West Sussex County Council - Planning Services

DATE: 29 November 2021

RECOMMENDATION: More Information West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on outline proposals (access sought for approval) for 9 x dwellings at Isaacs Lane. The LHA previously provided comprehensive comments on a number of occasions. The latest highways advice was sent to the Local

Planning Authority (LPA) on 16th and 12th August 2021 and covered the proposed access arrangements including visibility and servicing proposals.

Amended Highway Access Plan REDW-3334-408 and a Highways Access Response have been provided. These appear to respond to LHA comments dated 20 January 2021.

1. The scheme has been reduced from 10 to 9 units, removing the building across the access that required undercroft so that vehicle access is not restricted by this arrangement. Consequently, the servicing layby on Isaacs Lane has been removed and refuse collection is proposed to take place within the site. The latest access plan shows that the 5m wide access with 6m corner radii is suitable with swept path tracking showing a refuse collection vehicle entering and turning on site in order to exit to the public highway in a forward gear.
2. Visibility splays of 2.4m by 70m both north and south are demonstrated. As per comments dated 12 August 2021 the proposed 30mph speed limit as part of Northern Arc development was rejected and a traffic regulation order for 40mph speed limit proposed. A Grampian condition is proposed to not allow the development until the revised speed limit is in place. The LHA consider that with the installation of the new junction, traffic signals, footway, speed limit and future development that the character of the road would change and allow Manual for Streets (MfS) principles to be applied when calculating the required visibility. 70m is line with the required stopping sight distance when applying MfS deceleration rate and reaction times. The Grampian condition should read: The access shall not be in use and no dwelling occupied until the Northern Arc Highways Works (which includes traffic signals, footway works and speed limit change) are completed and implemented.
3. The previously submitted Road Safety Audit (RSA) should be revised. The amended plans and access arrangements (including layby removal) should be reviewed by the auditor and an updated Designers Response provided for LHA comment.
4. The application does not seek approval for matters of internal layout, including car parking. Parking provision and internal layout will be assessed at reserved matters stage.

Conclusion

The RSA should be revisited, please ask the auditor to review the revised access arrangements and provide an updated RSA and Designers Response.

Katie Kurek
West Sussex County Council - Planning Services

20.01.2021

RECOMMENDATION: More Information / Modification

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on outline proposals for 10 x dwellings with matters of access and the proposed servicing pullover lay-by sought for approval. In comments dated 10 October 2019 the LHA requested further information in the form of a Stage 1 Road Safety Audit (RSA) with Designers Response, swept path tracking plans, footway tie-in, demonstration of suitable visibility and consideration to additional parking and turning within the site. The applicant was also advised to clarify how the development would integrate with the planned Northern Arc development for the surrounding area.

Additional plans and information have been provided to which the LHA wish to make the following comments.

Access Arrangements & Northern Arc

The bellmouth access has been altered with 6m corner radii to south and 3m to north, followed by site servicing pullover layby with taper. The access including geometry of corner radii has been designed on the presumption that the area will become 30mph and urban in context. Currently the site is rural and the road subject to 60mph and thus the access should be designed to the current standards within Design Manual for Roads & Bridges (DMRB) for the current road/site context.

As per previous comments, a speed survey revealed 85th percentile speeds of 51.9mph for both north and southbound traffic. Whilst the LHA is mindful that an ongoing s278 application will see the introduction of a signal junction immediately south of the development, this has not yet been completed. Furthermore, the Traffic Regulation Order (TRO) for change of speed limit to 30mph may not be approved. The TRO process is not guaranteed and in the scenario that the speed limit was instead changed to 40mph, for example, the new signalised junction and access for this development would need to be altered and designed to the correct standards. The LHA consider that the uncertainty of speed limit change and concurrently final design of the signalised junction means that the proposed site access for this development should be designed for the current road speeds and environment.

The LPA may wish to consider how the development could be delivered alongside planned Northern Arc improvements. The access could be designed in different scenarios, one with geometry and visibility to the current speeds and environment and one in the scenario that Northern Arc signalised junction and speed limit changes are approved. Furthermore, since comments were made in October 2019, DMRB has been updated. CA185 does not allow for a reduction factor to be applied to recorded 85th percentile speed survey results to calculate wet weather speeds. The actual recorded 85th percentile speeds (if in mostly dry weather) should therefore be used to calculate Stopping Sight Distance (SSD). The requirement from 51.9mph is therefore 156.4m. The access plan shows splays of 2.4m by 70m which would be suitable for a design speed of 50kph (31.1mph) and thus is not appropriate to current context and recorded speeds of the road.

Swept path tracking plans have been provided showing larger vehicle (delivery vans) can manoeuvre the access point and turn within the site. Tracking also shows a refuse collection vehicle utilising the servicing bay whilst an HGV can pass on Issacs Lane. This would require that a vehicle overtake using the opposing carriageway lane which is not desirable. Furthermore, larger vehicles will not be able to enter the site because of the location of plot 1 and proposed undercroft of 2.6m. The applicant is advised that the layby is widened to allow through traffic (whilst maintaining planned shared surface route rear of this) or that plot 1 is relocated so that larger vehicles can enter the site.

RSA & Designers Response

The audit assumes that as Northern Arc works are due to start imminently the audit is undertaken assuming the works have been completed. As per comments above, the TRO for reduction in speed limit may not be successful and thus the signalised junction south of the site may be redesigned. The RSA should be undertaken based on the current road context and speeds.

3.1 - Shared Use Facility Width

The shared use path that will be provided adjacent development as part of Northern Arc works is mostly 3m wide yet this width reduces to 2m adjacent southern kerb line of access, reducing available width for users. This, along with the kink in desire line may lead to collisions. The audit recommends it is 3m wide. The DR states that tree which necessitated this pinch point is now to be removed as part of Northern Arc works and thus 3m width for the shared use path is retained. This point relies on Northern Arc works and removal of tree - solution should be found independent of Northern Arc works.

3.2 - Site Access Carriageway Markings

Auditor recommends that edge of carriageway markings are provided to identify the edge of carriageway alignment adjacent to the development site access and the localised widening. The DR states that these markings have now been included on the access plan.

3.3 - Site Access Swept Path Tracking

The auditor recommends that swept path tracking for all anticipated vehicles is provided. The DR states that this has been provided showing two delivery vans passing in the access and that larger vehicles will use the narrow servicing layby. Whilst the DR justifies the servicing layby by stating that manoeuvres will be infrequent, the LHA is mindful of wider planned Northern Arc development and considers that traffic levels along Isaacs Lane means that servicing clear of the carriageway would be more desirable.

The RSA also draws attention to drainage, street lighting provision and inspection covers on carriageway which are matters for consideration at detailed design stage. The RSA should be reviewed once the access design and splays have been amended as per advice above. The auditor should also review the proposals in the scenario that the signalised junction to the south and speed limit change are not guaranteed for approval.

Car Parking

Car parking would be assessed at reserved matters stage. Nonetheless, based on 5 x 3-bedroom and 5 x 4-bedroom dwellings being provided with 2 x allocated spaces each, a total demand for 31 x spaces would result. On the basis that the parking court of 23 x spaces remain unallocated, a total demand for 25 x spaces would result and thus the parking provision as shown does fall short. The applicant should clarify the arrangements at reserved matters stage and consider providing a level of disabled and electric vehicle charging bays in line with WSCC guidance.

Trip generation and accessibility comments are provided under comments dated 10/10/2019.

Conclusion

In summary the LHA does not consider that safe and suitable access, as per paragraph 108 of the National Planning Policy Framework, has currently been demonstrated. Proposals to change the speed limit to 30mph may not be successful and thus the design of planned signalised junction to the south and context of road in this location may alter.

The LPA should consider how this development may be provided alongside planned Northern Arc improvements and how the junction could be designed for different scenarios, depending on whether the reduction to 30mph is successful.

As currently stands the LHA request that the access geometry and visibility is designed to the 85th percentile recorded speeds and that the proposed servicing arrangements are reviewed. The RSA may then require further review as currently the scheme has been assessed on the presumption that speed limit change to 30mph and thus design of signalised junction to south and nearby road network are approved.

Please ask the applicant to consider these comments and re-consult once modifications and additional information are provided.

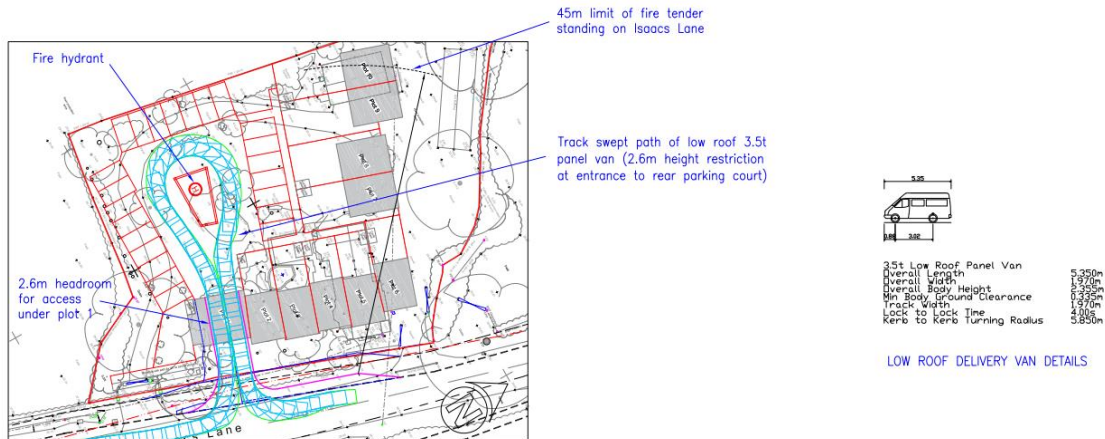
Katie Kurek - Senior Transport Planner
West Sussex County Council - Planning Services

WSSC Fire and Rescue - Ian Stocks

12.01.2022

The previous consultation plans indicated a fire hydrant in the middle of a turning area past the under croft, where the turning facility in the new layout. New plans does not indicate the inclusion of a fire hydrant that will be required. With the under croft being removed and a large car parking area, there looks to be sufficient access for a fire appliance, and room for the appliance to turn and make an exit.

So I think the access looks to be ok, just need information on the provision of a fire hydrant (copy of original info on FH copied below).



13.08.2021

The clearance height for a fire appliance is 3.7 metres, therefore it would not be able to pass below the under croft to gain access to this area. There is a gravel track to plots 7 to 11; evidence will be required to show this track can withstand 18 tonne axial weight of a fire appliance and a suitable turning facility is provided to enable the appliance to turn and make an exit.

The plan also shows a 45 metre arc from the position of a fire tender. The 45 metre distance is not a straight line measurement, it is taken along the route the hose will need to be laid to reach all parts of any property. This arc is an unrealistic measurement as it passes through properties and gardens to reach this distance. A measurement needs to be made along a realistic hose lay route to identify how much hose will be needed to reach these properties.

Approved document - B Volume 1 2019 edition: B5 section 13 requires access for a fire appliance should be provided to within 45m of all points inside all dwellings houses. Any properties not within the 45 metre hose lay distance requirement will need to be mitigated by the installation of domestic sprinkler or water mist systems complying with BS9251 or BS8458 standards.

If a fire appliance cannot gain access below the under croft there is no real reason of having a fire hydrant in the middle of this dry stone walled area. The fire hydrant is connected up to the fire appliance via hoses to keep it supplied with water for firefighting. The pump on the appliance then increases the pressure to 12 to 20 Bar, sufficient to reach areas within a property on fire. Water is never used to directly fight a fire, it has to be boosted by the fire appliance. The hydrant would be better located near to the fire appliance location.

So from the plans submitted, it shows there is insufficient access for the Fire Service to comply with the requirements of AD-B volume 1 B5 section 13.

WSSC Planning Officer - Naomi Hoyland

06.01.2022

Further to our telephone conversation just now regarding our S106 consultation response for the above application I can confirm that our contributions are formula-based due to it being an outline application. The full amounts will be calculated at the point when the payments become due as per the terms of the Section 106 Agreement.

The Education and Libraries contributions will also be put towards additional facilities at the catchment schools / nearest library to the development - this can encompass any adjustments such as additional equipment/classroom reconfiguration/additional stock etc, required to mitigate the impact of the additional children/residents generated by the development on the local services.

17.08.2021

WEST SUSSEX COUNTY COUNCIL

PLANNING SERVICES DIVISION: SECTION 106 CONSULTATION RESPONSE

DATE: 17th August 2021

FROM: Naomi Hoyland

DISTRICT COUNCIL: Mid Sussex

Application Number: DM/19/3234

The Provision of Service Infrastructure Related to: Little Abbotsford Isaacs Lane Burgess Hill West Sussex RH15 8RA

Planning Application details: Outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten, 3 and 4 bedroom dwellings with associated parking, turning areas and site servicing pullover, onto Isaacs Lane. All matters reserved apart from access. Amended proposal to include a site servicing pullover instead of 3m wide turn-in layby. 15.12.2020. Additional plan -access and visibility splays. 29.07.2021

S106 Contributions Sought

Primary Education
Secondary Education
Sixth Form Education
Libraries
Total Access Demand

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School

Infrastructure Contribution as calculated by the County Council in accordance with the following formula:

$(\text{DfE figure (Primary)} \times \text{ACP} = \text{Primary Education Contribution}) + (\text{DfE figure (Secondary)} \times \text{ACP} = \text{Secondary Education Contribution}) + (\text{DfE figure (Further Secondary)} \times \text{ACP} = \text{Further Secondary Education Contribution}) = \text{Education Contribution where:}$

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2021/2022 is £18,933 - Primary, £28,528 - Secondary; £30,939 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on fixtures, fittings and equipment at the new Primary School One serving the Northern Arc strategic development.

1.4 The contributions generated by this proposal shall be spent on fixtures, fittings and equipment at the new secondary school serving the Northern Arc strategic development.

1.5 The contributions generated by this proposal shall be spent on additional facilities at St Paul's Catholic College Sixth Form.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Burgess Hill Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in

respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP =$ Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

L = Extra library space in sqm. per 1,000 population \times the library cost multiplier (which currently for the financial year 2021/2022 are [30/35 sq.m] and £5,549 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on the new Tier 7 Library facilities being provided by the Northern Arc strategic development site or towards additional facilities at Burgess Hill Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = $(C - D) \times E$, where:

C (Total Access) = $(A$ (number of dwellings) $\times B$ (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £724

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1450

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on Public realm and connectivity improvements in Burgess Hill Town Centre.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and 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.

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.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

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.

WSCC Lead Local Flood Authority

05.08.2021

I've had a brief look over the correspondence relating to this application, and we are in agreement with the District Drainage Engineer that we would not object to this development.

Kevin Brook
Flood Risk Engineer
Lead Local Flood Authority
Highways, Transport and Planning
West Sussex County Council

WSCC Minerals & Waste - County Planning Officer

17.08.2021

Dear Mid Sussex District Council,

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

Location: Little Abbotsford Isaacs Lane, Burgess Hill, RH15 8RA

Proposal: Outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten, 3 and 4 bedroom dwellings with associated parking, turning areas and site servicing pullover, onto Isaacs Lane. All matters reserved apart from access. Amended proposal to include a site servicing pullover instead of 3m wide turn-in layby. 15.12.2020

The application in question does not fall within the thresholds or consultation areas set out in the Minerals and Waste Safeguarding Guidance (March, 2020). These thresholds are set out in the Consultation Thresholds (June 2021) attached to this email. Therefore, we have not provided a detailed response in this case.

As per these thresholds, the MWPA would not expect to be consulted on a non-mineral development (residential in this case) within the Building Stone and Weald Clay consultation areas when the total site area is less than 3 hectares. Due to this it is considered that significant levels of mineral sterilisation would not occur if the development was permitted, therefore, the minerals and waste authority would offer a no comment to the proposed development.

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).

Kind regards
Tyra Money
Trainee Planner | Planning Services | West Sussex County Council

04.02.2021

As per 2.4 of the minerals and waste safeguarding guidance (found here), the site area of the proposed development is less than the consultation threshold criteria of 3ha for developments within a Weald Clay Safeguarding Area. Therefore, the MWPA would not expect to be consulted on an application of this scale as no discernible level of mineral sterilisation will be considered to occur as a result of the development should it be approved.

The MWPA would therefore offer No Objection to the proposed development.

Sussex Police

13.01.2021

I refer to your recent correspondence of 23rd December 2020, enclosing details of a planning application at to the above location. Description: Outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten, 3 and 4 bedroom dwellings with associated parking, turning areas and site servicing pullover, onto Isaacs Lane. All matters reserved apart from access. Amended proposal to include a site servicing pullover instead of 3m wide turn-in layby.

15.12.2020

I have examined the detail within this application from a crime prevention viewpoint and as a result I have concluded that, under the circumstances, further crime prevention advice is not relevant. My previous crime prevention comments within my reference PE/ARU/17/21A dated 09/10/2019 remain extant.

I look forward to providing more in-depth crime prevention comments at reserved matters. I thank you for allowing me the opportunity to comment.

09.10.2019

Thank you for your correspondence of 18th September 2019, advising me of an outline application for demolition of existing dwelling and outbuildings. Proposed erection of ten, 3 and 4 bedroom dwellings with associated parking, turning areas and new access, to include 3m wide turn-in layby, onto Isaacs Lane. All matters reserved apart from access 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 that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in depth advice being delivered at reserved matters.

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 be considered.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment.

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.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Yours sincerely
Phill Edwards
Designing Out Crime Officer
Sussex Police Headquarters

Southern Water

29.11.2021

Proposal: Proposed erection of nine dwellings with associated parking, turning areas and new access onto Issacs Lane. All matters reserved apart from access details Revised plans received on 29th October 2021.

Site: DM/19/3234: - Little Abbotsford Isaacs Lane, Burgess Hill, West Sussex, RH15 8RA.

Thank you for your letter dated 08/11/2021.

There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

The supporting documents make 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 Design and Construction Guidance (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

Yours faithfully,
Growth Planning Team
Business Channels
www.southernwater.co.uk/developing-building/planning-your-development

MID SUSSEX DISTRICT COUNCIL

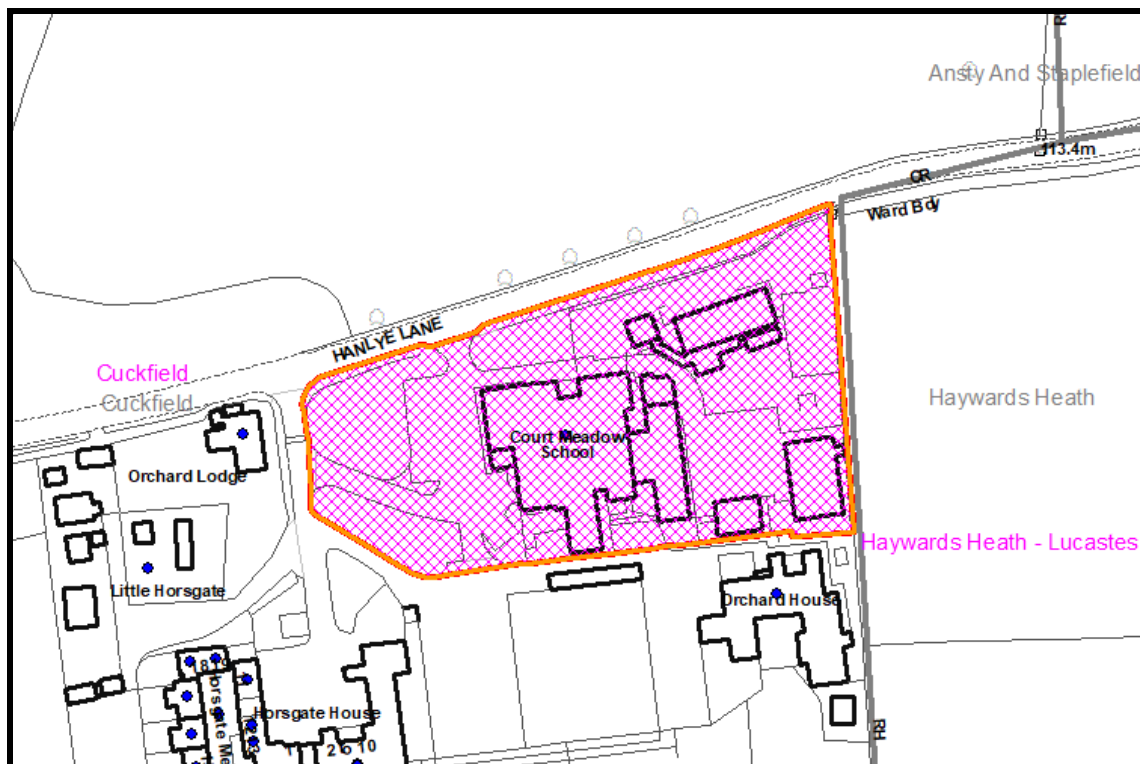
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Cuckfield

DM/21/3755



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COURT MEADOW SCHOOL HANLYE LANE CUCKFIELD HAYWARDS HEATH

DEMOLITION OF BUILDINGS AND ERECTION OF 13 DWELLINGS ALONG WITH PARKING AND LANDSCAPING. AMENDED PLANS RECEIVED 21/2/2022 SHOWING RETENTION OF TREES 6, 15, 21, 23 AND 25, RE-POSITIONING OF PLOT 9, AMENDMENTS TO BOUNDARY OF PLOTS 1-3, CHANGES TO INTERNAL LAYOUT OF PLOTS, RELOCATION OF HOME OFFICE TO PLOT 7, AMENDED FENCE LINE, REMOVAL OF SHARED FOOTPATH TO SECONDARY ROAD AS WELL AS SUBMISSION OF ADDENDUM TO TRANSPORT STATEMENT, UPDATED ROAD SAFETY AUDIT AND LANDSCAPE MASTERPLAN.

MR. JAMES TURNER

POLICY: Area of Special Control of Adverts / Brownfield Land / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 22nd April 2022

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the demolition of buildings and the erection of 13 dwellings along with parking and landscaping at Court Meadow School, Hanlye Lane, Cuckfield.

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.

The Cuckfield Neighbourhood Plan was 'made' in October 2014 and thus forms part of the Development Plan.

Whilst the site falls within the countryside, it is set close to the Category 2 settlement of Cuckfield and is allocated under Policy CNP6a of the Cuckfield Neighbourhood Plan, identified for approximately 10 dwellings. Policy DP6 of the District Plan supports development outside of defined built up area boundaries subject to caveats including where the site is allocation in a Neighbourhood Plan. In addition, Policy DP12 of the District Plan permits development within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would not detract from the visual qualities and essential characteristics of the nearby High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

The application is thereby considered to comply with policies DP4, DP6, DP12, DP16, DP20, DP21, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies CNP1, CNP4, CNP5, CNP6, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 174 and 180 of the NPPF.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 14th July 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection subject to conditions and informatives

WSCC County Planning Officer

Summary of contributions:

Education Primary - £50,928

Education - Secondary - £54,813

Libraries - £5,244

TAD - £35,148

WSCC Flood Risk

No objection.

WSCC Water and Access

Advice. No objection.

WSCC Waste and Mineral Safeguarding

Advice. No objection.

MSDC Urban Designer

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to condition.

MSDC Tree Officer

No objection.

Ecologist

No objection. Condition.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities:

Play - £13,240

Kickabout - £11,121

Formal Sport - £16,111

Community Buildings - £9,240

MSDC Housing

No objection - to provide 4 on-site affordable units.

MSDC Environmental Health

No objection - suggested conditions.

MSDC Environmental Health - Contaminated Land

No objection - suggested condition.

MSDC Street Name and Numbering Officer

Informative.

Cuckfield Parish Council

No objection.

INTRODUCTION

This application seeks planning permission for the demolition of buildings and the erection of 13 dwellings along with parking and landscaping at Court Meadow School, Hanlye Lane, Cuckfield.

RELEVANT PLANNING HISTORY

Various applications were submitted in relation to the former school on the site. The school has subsequently closed and is vacant. Since the closure of the school no applications have been made on the site.

The site is allocated within the made Cuckfield Neighbourhood Plan under Policy CNP6 for approximately 10 dwellings.

SITE AND SURROUNDINGS

The site comprises the grounds of the former Court Meadow School accessed from Hanlye Land consisting of various single storey former school buildings which are

now vacant and boarded up as well as large areas of tarmac for a playground associated with the school and car parking to the front of the building.

There are a small number of trees within the site, with established mature tree belts to the northern and eastern boundaries.

Within the immediate area there is open countryside to the north and east beyond the existing tree boundary. There is a residential children's home to the south of Orchard House currently in use by WSCC. The west of the site comprises a small number of private residences including a large building converted to a flat block of Horsgate House and also Orchard Lodge.

Within the site is a vehicular access onto Hanlye Lane currently used as an exit and to the west outside of the application site is a vehicular access for two way traffic. Outside the site to the west is also a pedestrian footpath which runs along the highway of Hanlye Lane connecting the site up to the village.

Opposite the site to the north is the High Weald Area of Outstanding Natural Beauty (HWAONB).

The site is located within the countryside as defined in the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

APPLICATION DETAILS

The proposal is for residential development to provide 13 dwellings made up of 1, 2, 3 and 4 bedroom, detached and semi-detached houses; associated landscaping, parking and vehicular access.

The proposal is to comprise of 9 market houses and 4 affordable dwellings consisting of 2 no. 1-bed flats, 1 no. 2-bed house, 6 no. 3-bed houses and 4 no. 4-bed houses. The development would provide 30% affordable housing.

The dwellings would front onto the internal access road with areas of landscaping. The dwellings are to be two storeys in height with roof pitches and some dwellings benefitting from cat slide roofs.

Plans show that the dwellings would be constructed in brick, with a mixture of sweet chestnut horizontal boarding, clay tile hanging or diaper pattern brickwork with clay tiled roofs and ribbed metal to link between plots 1 and 2. The properties would have dark grey aluminium windows and doors and cladding panels as well as dark grey rainwater goods.

There would be a total of 37 parking spaces on the site with 2 parking spaces for the 2, 3 and 4 bed dwellings and 1 space per dwelling for the 1-bed flats. There is to be a parking courtyard to serve 5 properties (Plots 8, 10 - 13) with tandem parking to serve Plots 1, 2, 4 - 7 and 9. Plot 3 would benefit from parking next to each other. 9 of the parking spaces would be unallocated visitor spaces. Each dwelling would have a storage shed to provide 2 secure cycle parking spaces.

The 4-bed dwellings (plots 2, 4, 5 and 7) are to have detached single storey flat roofed garden rooms within their rear gardens. These would measure some 7.6 metres in length, 3.2 metres in depth and a height of some 2.8 metres. The garden rooms would be constructed in cedar cladding with dark grey aluminium windows and doors with facing materials as well as a green roof.

The boundary trees and vegetation on the northern boundary with Hanlye Lane and also that to the east are to be retained with additional planting and landscaping proposed within the site.

The site entrance off Hanlye Lane is to be widened to 5.5 metres. In addition to provide pedestrian connectivity from the site to the footpath along Hanlye Lane a pathway some 1.2 metres wide is to be located between Plots 2 and 3.

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Design and Access Statement;
- A Planning Statement;
- A Sustainability Statement;
- A Transport Statement;
- A Stage 1 Road Safety Audit;
- A Flood Risk Assessment;
- A Preliminary Ecological Appraisal;
- A Landscape and Visual Appraisal;
- A Tree Survey and Method Statement;
- An Arboricultural Impact Assessment and Method Statement;
- A Lighting Statement; and a
- Planning Obligation Form.

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 Cuckfield Neighbourhood Plan.

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

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 include:

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP20 - Securing Infrastructure
- DP21 -Transport
- DP25 - Community Facilities and Local Services
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP29 - Noise, Air and Light Pollution
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage

Cuckfield Neighbourhood Plan

The Neighbourhood Plan was made in October 2014. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

CNP1 - Design of New Development and Conservation
CNP4 - Protect and Enhance Biodiversity
CNP5 - Protect and Enhance the Countryside
CNP6 - Housing Allocations
CNP8 - Affordable housing
CNP16 - Transport Impact of Development
CNP21 - Securing Infrastructure

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.

West Sussex County Council Guidance on Parking at New Development, September 2020

National Planning Policy Framework (NPPF)

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 (NPPG)

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

The main issues for consideration are:

- Principle of development
- Design and impact on the character of the area;
- Access, parking and highway safety;
- Residential Amenity;
- Dwelling Space Standards;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure;
- Affordable Housing and Housing Mix;
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of development

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

The site is located within the countryside. Policy DP12 relates to the protection and enhancement of the countryside. In part 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.'*

In addition, Policy DP25 relates to Community Facilities and Local Services which includes education facilities. In part it states that:

'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.'*

The site is allocated for residential development within the Cuckfield Neighbourhood Plan under Policy CNP6 which identifies a number of site allocations. Policy CNP6 a) relates to the former Court Meadow School, Hanlye Lane and states:

'Site Area: 0.5 ha

Capacity: The site should provide approximately 10 dwellings.

Form, Layout and Landscaping: The former school site should be redeveloped. The form, scale and layout of the site should ensure that development is not prominent on the skyline or within views from the surrounding countryside. Structural landscaping should ensure that development is well integrated into its surrounding countryside setting and the design reflects the character of existing adjacent buildings. Proposals should incorporate an element of 1 or 2 bedroom dwellings.

Infrastructure: The sewer capacity may need to be improved in Ardingly Road. Sustainable drainage systems (SuDS) should be used to minimise run off from this development. Vehicular and pedestrian access should be provided to Hanlye Lane.'

As the site is allocated within the Cuckfield Neighbourhood Plan, the principle of the redevelopment of the site for housing and the loss of the former school which is now a vacant site is considered acceptable. It is however also necessary to consider other planning issues to determine the overall planning balance.

Impact on the character of the area and design matters

The site falls within the countryside. It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part 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 CNP5 of the Neighbourhood Plan seeks to protect and enhance the countryside. It states that:

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

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

In addition the site lies adjacent to the High Weald Area of Outstanding Natural Beauty which is to the north of the site on the opposite side of Hanlye Lane.

Policy DP16 of the District Plan relates to the High Weald AONB. In respect of proposals adjacent to AONB's it states that:

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

There is thus an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is also found in the NPPF at para 174 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

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

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

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

Policy CNP1 of the Neighbourhood Plan in part states:

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

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape),'*

Para 130 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for

all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. There is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. Design principle DG39 requires the scale of new buildings to relate to their context. In addition DG40 requires buildings to be designed so that streets and public spaces have good levels of natural surveillance and are overlooked by ground floor habitable rooms and upper floor windows.

The site currently comprises of a single storey former school and single storey brick built buildings and former mobile classrooms with a tarmac playground and car parking to the front of the building. Along the northern and eastern boundaries of the site are mature tree belts which form part of the verdant character along Hanlye Lane. As part of Policy CNP6a for the allocation of the site, there is a requirement that the:

'form, scale and layout of the site should ensure that development is not prominent on the skyline or within views from the surrounding countryside. Structural landscaping should ensure that development is well integrated into its surrounding countryside setting and the design reflects the character of existing adjacent buildings'

The Council's Urban Design Officer has considered the scheme and has raised no objections. His full comments are set out in Appendix B. In the consideration of the scheme, in part he considers that:

'The scheme has generally been well laid out with the parking discreetly incorporated. Importantly the houses and access road are sufficiently set back along the Hanlye Road frontage to enable the retention of most of the existing tree belt that will screen the development from the High Weald AONB designated countryside on the northern side of the site.'

The buildings have mostly been organised with their frontages facing the new access road and the retained tree belt along the northern boundary will also:

- *Provide this part of the development with an attractive backdrop.*
- *Mitigate traffic noise.*
- *Enable this part of Hanlye Lane to retain most of its verdant character.'*

In addition he considers that the:

'buildings benefit from an individual design approach that will contribute to making this a distinctive scheme. The elevations have been carefully composed and interestingly modelled through recess/projection and the imaginative application of different materials. They appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs'

and diaper brick patterns which feature most prominently on plot 5 at the site entrance.'

Your Planning Officers agree with the comments of the Councils Urban Designer and consider that the proposal responds appropriately to its local context. It is considered that the proposed housing offers a range of housing sizes, including affordable housing for the local community. It has been designed to offer a character that, whilst different to those dwellings and buildings close to the site, nevertheless appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs and diaper brick patterns. In addition the dwellings are of a relatively modest scale. The variations in the design and elevational treatment of the properties would add to the visual interest of the proposed cul-de-sac. It is considered that the proposed layout is deemed to provide spacious plots for each dwelling, with properties well-spaced between each other.

Due to the dwellings being set within the site, with boundary screening along Hanlye Lane, it is considered that the development would sit comfortably within the site and retain the verdant and character of the street scene. The proposal thereby presents a positive relationship with the street and would not adversely affect the character of the area.

It is considered that the proposed layout and design of the dwellings as well as the retention of most of the existing tree belt along the front boundary is sensitive to the character of the area providing a distinctive development within a landscaped site which provides screening and softening of the development. Whilst it is acknowledged that the re-development of a larger built form compared to the existing single storey buildings on the site would be more prominent than existing, because of the retained landscaping and the relationship with other dwellings and buildings to the south-east and south-west of the site, the development would be seen in the context of the village and would not be detrimental to wider views of the adjacent AONB.

It is acknowledged that the Neighbourhood Plan allocates the site for 'approximately 10 dwellings'. The District Plan and the NPPF seeks developments to optimise the potential of a site to accommodate development. It is considered that the proposal would not form an overdevelopment of the site as the layout shows the dwellings to be well spaced with gardens commensurate with the size of the properties and suitable off road parking serving each dwelling, as well as visitor parking. The trees and vegetation on the boundaries of the site are retained, where possible, to provide softening of the development and the retention of the verdant character of the area.

In light of the above it is considered that the application would comply with Policies DP12, DP16, DP26 of the District Plan, Policies CNP1 and CNP6a of the Neighbourhood Plan, the design principles of the adopted Mid Sussex Design Guide SPD and the provisions of the NPPF.

Access, parking and highway safety

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

Policy CNP16 of the Neighbourhood Plan relates to transport impacts of development. This states:

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

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

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 111 states:

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

The site lies outside the development boundary of Cuckfield, however, as identified above, it is allocated for development and the site provides pedestrian links to the village with a footpath that runs alongside Hanlye Lane to the west of the site to provide pedestrian links with Cuckfield and Whitemans Green.

The proposal is to utilise the existing exit entrance which serves the former school and widen this to 5.5 metres in width to allow two way movement. There would also be a footpath link some 1.2 metres wide from the internal roadway between Plots 2 and 3 onto the access to the west to lead onto the footpath along the highway.

The proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 1. As such there is a requirement for some 29 car parking spaces which the proposal exceeds.

The Highways Authority has considered the proposal and raises no objection subject to conditions. It considers that the proposal is acceptable in terms of highway safety.

In light of the above it is considered that from a highway safety perspective, the application complies with Policy DP21 of the District Plan, Policy CNP11 of the Neighbourhood Plan and para 110 of the NPPF.

Residential Amenity

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

The submitted site plan shows that the proposed houses are set within the site away from the northern boundary with the highway. Along this northern boundary are mature trees and hedging which are to be retained and reinforced. To the west and east runs a vehicular access serving a number of residential properties and Orchard House. The proposed access road serving this development is to connect into this existing driveway. Along the western boundary of the proposed residential gardens is to be a 1.5 metre high metal security fence backed with mixed native hedging and a communal landscaped area. Along the southern boundary is to be a 1.8 metre high close boarded timber fence and opposite Orchard House is to be a green wall to the courtyards of mixed ivy and climbing plants. Due to the boundary treatments and relationship with the existing properties it is considered that there would be no significant detriment to the amenities of the existing dwellings to the west and south west of the site.

Within the site the dwellings are to be well spaced. The relationship between each dwelling is considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

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

Dwelling Space Standards and Accessibility

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for

bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

The submitted plans show that the proposed homes would meet and exceed the National Dwelling Space Standards.

A condition in relation to 20% of the units to be part M4(2) (Adaptable and Accessible) compliant, is proposed in Appendix A.

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the District Plan.

Sustainability

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

Paragraph 152 of the NPPF states:

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

Paragraph 158 states:

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

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

The application has been accompanied with a Sustainability Statement. It details that the proposed scheme, by a combination of passive design measures and active design measures, a strategy often referred to as a 'fabric first approach', will result in exceeding existing minimum Building Regulations requirements by 43% on average (of a range between 46% and 29% depending on dwelling type). This approach considers the following in the design and construction of each dwelling;

Passive Design Measures

- Passive solar gain
- Natural daylighting

Efficient Building Fabric

- Building envelope
- Ventilation and air tightness

Active Design Measures

- Efficient lighting and appliances
- Space heating and hot water with air source heat pumps in all properties
- Domestic water reduction measures.

The Sustainability Statement sets out that the development would also provide electric vehicle charging facilities on 70% of properties on the site.

It is important to recognise that in respect of policy DP39 of the District Plan is supportive of improving the sustainability of developments. There are no prescriptive standards for developments to achieve in respect of carbon emission reductions.

Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

It is acknowledged that changes in Building Regulations are due to come into force in the coming years and this will have an impact on this development and likely to require the applicant to modify elements of their build to meet the changing requirements, however, these sit outside planning and are not a matter which is material to the determination on this application. This is acknowledged in the applicant's submissions, which states;

'depending upon planning and construction timescales, these dwellings may be subject to the new Building Regulations regime which uses SAP10 methodology and therefore a calculation against Part L (2013) may no longer be applicable. The wording of any condition imposed would therefore need to take this change into account.'

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

Whilst it is acknowledged that the site is within the countryside away from the village centre of Cuckfield, there is a pedestrian footpath outside of the site which runs along Hanlye Lane to bus stops, as well as into the village where there are a number of services including the village primary school and the secondary school. In addition, Cuckfield is identified as a Category 2 settlement as a larger village acting as a local service centre providing key services.

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

Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The site is not within an area identified as having possible surface water (pluvial) flood risk.

Surface water drainage will utilise permeable paving on all access and parking areas on the site. Discharge from the roof areas of the development will largely be to the permeable paving sub-base. However, three plots cannot drain via gravity to the sub-based and therefore individual soakaways are proposed to serve those properties. In respect of foul drainage, it is proposed that the development will discharge foul water drainage to the main foul sewer on Ardingly Road to the west of the site.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition. In addition the WSCC Lead Local Flood Authority has considered the application and raised no objection.

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

Ecology

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

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

Policy CNP4 of the Neighbourhood Plan has a similar ethos.

Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states *'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'*. In addition, it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

A Preliminary Ecological Appraisal has been submitted with the application which concludes that the site is largely of low ecological value, but states that there is some potential for common nesting birds around the site. It recommends that ecological enhancements such as native species planting, the integration of bat boxes into the fabric of the new buildings and fitting of bird nest boxes within the site recommended in order to meet planning objectives for biodiversity net gain.

The Council's Ecology Consultant has commented on the proposal and advises that *'there are no biodiversity policy reasons for refusal or amendment of the proposals'*. He recommends that if permission is granted that a condition is attached to the permission in relation to a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases and details of wildlife habitat enhancements and future management.

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan, Policy CNP4 of the Neighbourhood Plan and para 180 of the NPPF.

Trees

Policy DP37 of the Mid Sussex 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.'*

An Arboricultural Impact Assessment and Method Statement has been submitted as part of the application. This identifies a *'total of twelve individual trees, one group of trees and part of one further group of trees will be removed to enable the proposed development. The majority of the trees to be removed are considered to be of low quality with a limited life expectancy'*. In addition it states that *'new trees will be planted as part of a landscape scheme for the site, which will increase the species diversity and age range of the trees in the local area.'*

The submitted tree plan indicates the location of trees to be removed including single and groups of trees. It indicates that the category B and C trees and group of trees along the frontage of the site with Hanlye Lane are to remain to help soften the development and retain the semi-rural character at this point.

The Councils Tree Officer has considered the proposal and raised no objection on arboricultural grounds.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan.

Infrastructure contributions

Policy DP20 of the District Plan relates to infrastructure. It states:

'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

A planning obligation can be used where it is 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. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure

that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'

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

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

Due to the number of units provided, the proposal requires affordable housing contributions as set out in Policy DP31 of the District Plan.

Policy CNP21 of the Neighbourhood Plan relates to securing infrastructure and states:

'Any development permitted will be expected to ensure provision of the necessary social, physical and green infrastructure needed to support the proposed development, or the additional infrastructure identified in the Neighbourhood Plan which can be provided in a timely manner, through developer contributions subject to an appropriate assessment of viability.'

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

'55 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:

'57 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 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Education - Primary: £50,928 - to be spent on additional facilities at Holy Trinity C of E Primary School, Cuckfield

Education - Secondary: £54,813- to be spent on additional facilities at Warden Park Secondary Academy

Libraries: £5,244- to be spent on providing additional facilities at Haywards Heath Library.

TAD: £35,148- to be spent on Scheme ID 188 in the West Sussex Walking and Cycling Strategy - Haywards Heath Circular Cycle Route, providing links to Haywards Heath Railway Station and Warden Park Secondary School.

District Council Contributions

Children's Playing Equipment: £13,240- to be spent on improvement to play equipment at Chapelfields and/or Cuckfield Recreation Ground

Kickabout: £11,121- to be spent on improved facilities at Chapelfields and/or Cuckfield Recreation Ground

Formal Sport: £16,111- to be spent towards formal sport facilities at Whitemans Green (football, rugby, cricket, athletics, skateboarding)

Community Buildings: £9,240- to be spent on improvements to Haywards Heath Rugby Football Club pavilion which is available for community use

Local Community Infrastructure: £10,185 - to convert the front of Cuckfield Village Hall on London Lane to 3 parking spaces.

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

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. 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.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan and Policy CNP21 of the Neighbourhood Plan.

Housing Mix and Affordable Housing

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Policy DP31 of the District Plan relates to Affordable Housing and states:

'The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. 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; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any such standards which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

Policy CNP6a of the Neighbourhood Plan which allocates the site for housing requires such a proposal to incorporate an element of 1 or 2 bedroom dwellings.

In addition, Policy CNP8 of the Neighbourhood Plan relates to affordable housing and states:

- a) 'On sites able to accommodate four or more dwellings, it will be expected that the equivalent of a 30% affordable housing provision will be made on-site subject to viability considerations.*

- b) *The type of affordable housing provision should reflect local needs, and shared ownership provision for smaller households is particularly encouraged.*
- c) *The location, layout and design of the affordable housing within the scheme should create an inclusive development.'*

The application plans show that the development is to comprise a total of 13 dwellings comprising of 9 market dwellings of 5no. 3-bed and 4no. 4-bed dwellings, and 4no. affordable units comprising of 2no. 1-bed flats, 1no. 2-bed dwelling and 1no. 3-bed dwelling. The affordable housing provision would be secured through the S106 legal agreement.

The Councils Housing Officer has raised no objection to the proposal which is policy compliant in providing 30% affordable housing on the site. It is considered that the proposed mix indicated would meet a broad range of housing needs.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing and provides a good mix of dwellings in their sizes. The proposal thereby meets the requirements of Policies DP30 and DP31 of the District Plan and Policies CNP6 and CNP8 of the Neighbourhood 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 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 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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.

Planning Balance and Conclusion

Planning permission is sought for 13 dwellings made up of 1 bedroom flats and 2, 3 and 4 bedroom houses with associated landscaping, parking and vehicular access at Court Meadow School, Hanlye Lane, Cuckfield

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.

The Cuckfield Neighbourhood Plan was 'made' in October 2014 and thus forms part of the Development Plan.

Whilst the site falls within the countryside, it is set close to the Category 2 settlement of Cuckfield and is allocated under Policy CNP6a of the Cuckfield Neighbourhood Plan, identified for approximately 10 dwellings. Policy DP6 of the District Plan supports development outside of defined built up area boundaries subject to caveats including where the site is allocation in a Neighbourhood Plan. In addition, Policy DP12 of the District Plan permits development within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would not detract from the visual qualities and essential characteristics of the nearby High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking, or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is thereby considered to comply with policies DP4, DP6, DP12, DP16, DP20, DP21, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies CNP1, CNP4, CNP5, CNP6, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 174 and 180 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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 commence until the following details have been submitted to, and approved by, the local planning authority a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases; details of wildlife habitat enhancements and future management (which may be integrated with landscaping matters in a combined landscape and habitat management plan).

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 180 of the NPPF.

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

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. Apart from works necessary to demolish all the existing buildings on site, no development shall take place 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 and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

6. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until revised north, east and west elevation/section drawings of house type 6/plot 9 to show the retained T21 tree and reflect the re-positioned parking has been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

7. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until detailed 1:20 scale sections and principal elevations of the typical houses (types 3, 6, 7A) has been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

8. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until a finalised landscape plan which should provide clear details of the replanting of 'long lived large species' that will provide canopy cover for the site for over 100 years has been submitted to and approved in writing by the Local Planning Authority. Detailed specifications of the trees being planted and their locations, along with methods for planting and aftercare shall also be included and works shall be carried out in accordance with this plan.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

9. Apart from works necessary to demolish all the existing buildings on site, no development shall take place 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) 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.

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.

10. No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for facing materials of external walls, roofs and fenestration of the proposed dwellings and garden rooms have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

Construction Phase

11. 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

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

12. 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.

13. 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 DP1 of the Mid Sussex District Plan 2014 - 2031.

14. The development shall be carried out in accordance with the details set out in the Sustainability Statement (dated October 2021 by Daedalus Environmental) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a high quality and sustainable development and to accord with Policies DP26 and DP39 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation conditions

15. Prior to the occupation of any dwelling, full details of a hard and soft landscaping scheme including boundary treatments and the application of gabion walls 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 DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

16. No part of the development shall be first occupied until such time as the vehicular access improvements serving the development have been constructed in accordance with the details shown on the approved planning drawings.

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

17. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

18. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces has been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its 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.

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

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

20. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

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

21. 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.

Post construction

22. 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.

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

Reason: To prevent the overdevelopment of the site and to preserve the appearance and character of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

INFORMATIVES

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

Accordingly, you are requested that:

- 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 applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader

(01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
5. 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.
6. 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 and Block Plan	1660 PA 001	B	21.02.2022
Block Plan	1660 PA 010	B	21.02.2022
Proposed Site Plan	1660 PA 011	B	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 012		21.02.2022
Topographical Survey	1660 PA 002		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 018	A	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 017		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 015	A	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 013		21.02.2022
Existing Elevations	1660 PA 004		21.02.2022
Street Scene	1660 PA 022		26.10.2021
Proposed Floor and Elevations Plan	1660 PA 021		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 020		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 019		21.02.2022
Existing Elevations	1660 PA 003		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 014		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 016		21.02.2022
Street Scene	1660 PA 023		26.10.2021
Street Scene	1660 PA 024		26.10.2021
Landscaping	LLD2405-LAN-	02	21.02.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection, however the committee would like it clarified whether there would be an electric car charging point per property.

Parish Consultation

No objection.

WSCC Highways Authority

Amended

No objection.

Section 1 - Report Introduction

1.1 The Local Highway Authority (LHA) has been re-consulted on the above application after requesting further information, in our response dated the 2nd of December 2021. The following was requested.

- *1.1.1 - A 7-day automatic speed survey, to include volumes and vehicle types also loops for this must be placed within the visibility splays and in a position of free-flowing traffic.*
- *1.1.2 - Visibility splays demonstrated in line with the 85th percentile of the speed survey data on a revised access drawing, to include vertical and horizontal visibility splays to demonstrate that the splays are achievable (this may require the re-grading of the bank and some loss of vegetation).*
- *1.1.3- Clarification on the IN/OUT existing set up and how the site will operate going forward, including the other uses on the site that use these access points.*
- *1.1.4 - Any changes will need to be run past the Road Safety Audit Team and an update response from them provided.*
- *1.1.5 - The LHA require a Designers Response Report in a word editable format in line with GG 119 appendix F.*

1.2 A Transport Statement Addendum (TSA) has been provided with supporting information dated 18th of February 2022. The LHA have also had discussions with Sarnlea Consulting Engineers to confirm site visibility requirements; given the sites local context and the sites place characteristics.

Section 2 - Automatic Speed Survey (ATC) data

2.1 The TSA confirms that an ATC survey was carried out over 7 days between the 25th - 31st January 2022, this was in a neutral month for data collection outside of any school or

national holidays. The LHA have checked the data and loop placement, we would raise no concerns to how this data has been collected.

2.2 85th percentile speeds of 38.9 mph eastbound and 39.0mph westbound have been recorded. TSA explains that Manual for Streets 2 (MfS2) parameters have been used to calculate the Stopping Sight Distances (SSD's) /visibility splays, this is acceptable; it would be onerous to apply strict DMBR standards in this location. Hanlye Lane is a rural road subject to the national speed limit (60mph), it is not a trunk road; however, the site is located on the very outskirts of Cuckfield, with no footway, street lighting or direct frontage in the vicinity of the site access. The current site access (currently out only route) is isolated, it's not in a straightforward MfS situation of being located in the middle of a village or heavy site frontage residential area. The residential area doesn't start until the 30mph zone some 230m away from the site access. As such the 'context' of this access is very much in an area where drivers are less like to be driving slowly/ slower as they would do generally in a more built-up area as detailed under section 1.3.6 of MfS2 where it refers to 'place characteristics'. There is a footway that runs from Orchard House behind the hedge line towards the residential area (to the west) and this is lit. Section 1.3.7 of MfS2 also refers to rural roads where MfS SSD parameters can still be applied.

These types of sites do throw up some issues when it comes to applying SSD parameters. After discussion it has been agreed that in this location and given that the access is existing, previously serving a school we would accept the top line of MfS2 table 10.1 being applied. So, a reaction time of 1.5s and a deceleration rate of 0.450g; when applied to the recorded 85th percentile speeds this would equate to a Y distance of 63m in each direction. As detailed in the TSA 78m has been shown, so visibility in excess of this 63m is achievable. For the purpose of the planning application a new visibility plan for the access is provided that demonstrates the 63m, the 78m and also 100/150m as achievable. Whilst this is an existing access it was clear from that site visit that you cannot gain clear visibility until your car bonnet is protruding into the carriageway and given the recorded speeds and traffic levels this is not accepted as a location that we may accept some protruding into the carriageway safe, generally this is only acceptable on some low speed, lightly trafficked residential roads.

Visibility Splays of 63m should be secured, this will involve some regrading of the bank to the east. In line with MfS it would not be advisable to secure excessive visibility splays as this can encourage speeding and the exiting of junctions at higher speeds.

Section 3 - In/Out Access clarification

3.1 Clarification has now been received that the out only signs and site setup will be removed so the access is for two-way movement.

Previously the LHA questioned this as the original TS referred to the application proposing to widen the current OUT access point to 5.5m, stating that this is to support access for further residential development, under section 5.2.6 of the TS it stated that *'In designing the scheme, a key requirement was to retain the route through the site to Orchard House. The "Connecting Road" achieves this retention and will provide the future through-route to additional residential development.'*

The LHA have reviewed this access route as a provision to serve the application above, for 13 dwellings; any future application for further development on the site or to be accessed via this route will undergo its own access assessment to evaluate this junction's intensification. As such further upgrades may be required depending on a future proposal.

Section 4 Stage 1 Road Safety Audit (RSA)

4.1 The access arrangements have been safety audited, several problems were raised which have since been addressed by the designer and the Audit team. All problems are shown as being resolved in the planning documents on the planning portal. Although the LHA have requested that a GG 119 RSA Response Report is provided in a specific format to allow the LHA to add our comments and sign off the problems raised. It has been agreed that this shall follow shortly. All problems have been resolved so this should not hold up any decision on the planning application from being made.

Section 5 - Pedestrian access & site connectivity

5.1 Discussions have taken place regarding a small section of footway being provided between the two access points. It has been agreed that for this small development the considerable works required to provide this are not considered essential to make the application acceptable in planning terms. The applicant has provided a link through the site that joins the existing footway network at the access for Orchard House, leading west into Whitemans Green/Cuckfield. Therefore, the site offers a pedestrian connection to local services/ amenities and bus stops that provide some sustainable travel options in line with the NPPF, considering the sites more rural location.

Section 6 -Parking - Turning/tracking

6.1 After review of the details in the original Transport Statement the LHA would raise no concerns in relation to parking levels/ arrangements, cycle parking/ storage provision, vehicle tracking or the EV provision detailed under section 5.5.2.

Section 7 - Conclusions

7.1 The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. The following conditions and informative notes should be added to any grant of planning consent.

7.2 Conditions

- Access/ Visibility (Access to be provided prior to first occupation) - No part of the development shall be first occupied until such time as the vehicular access improvements serving the development have been constructed in accordance with the details shown on approved planning drawing.

Reason: In the interests of road safety.

- Vehicle parking and turning - No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- EV Charging condition (LPA wording)

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

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

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

Reason: To avoid undue congestion of the site and consequent obstruction to access.

7.3 Informative

- Works within the Highway - Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- Provision of Adoptable Highway - The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Original

The Local Highway Authority (LHA) has been consulted on the above application, with regards to any highway safety or capacity aspects of the proposal. As a consultee to Mid Sussex District Council (MSDC) these comments are based on the submitted planning documents on the planning portal, with the proposal in highway terms being considered against the National Planning Policy Framework (NPPF), paragraphs 110 - 113 as revised 20th July 2021.

The application is supported with a Transport Statement (TS) dated 20th October 2021 by Sarnlea Consulting Engineers. Also, a Stage 1 Road Safety Audit (RSA) and Designer/ Auditors Response letters. The Designers Response Report is not in a word editable format as required by the LHA and in the format as detailed under GG 119 appendix F. The LHA will require this to sign off the RSA process once all problems/mitigations have been agreed on.

The site is a former school site and forms part of a larger site with other existing uses. The site is accessed from Hanlye Lane, the access consists currently of an IN/OUT access arrangement from two separate accesses onto Hanlye Lane.

The application proposes to widen the current OUT access point to 5.5m, stating that this is to support access for further residential development, under section 5.2.6 of the TS it states *'In designing the scheme, a key requirement was to retain the route through the site to Orchard House. The "Connecting Road" achieves this retention and will provide the future through-route to additional residential development.'*

Section 3.1.4 of the TS states that speeds of 45-55mph were observed on Hanlye Lane passing the site access point, no 7-day speed survey has been provided, this is an observation. Hanlye Lane is subject to the national speed limit in this location for a single carriageway road, so has a speed limit of 60mph for cars and motorcyclists and 50mph for larger vehicles and towing vehicles. The speed limit changes to the west but not for some distance, so it's not expected that vehicles will be decreasing in speed or speeding up leaving/entering the 30mph zone.

Visibility splays of 2.4m X 70m & 100m have been shown on the site plan as existing.

The LHA visited the site on Wednesday the 10th November 2021. To assess the local road network, the site access and observe traffic volumes/speeds. The LHA do have concerns relating to the visibility to the east when vehicles are exiting. There is a high sloped bank with dense vegetation leading to visibility to the east being restricted, and when leaving the site a vehicle needs to edge into the highway to gain a clear view. Given the speed limit on this road, along with the speeds the LHA observed and the levels of traffic (which were pretty consistent whilst on site), the LHA would require some further information to assess this access proposal and determine which design and visibility standards should be used, as well as some clarification on its operation. Particularly given section 5.2.6 in the TS that states a wide access road is proposed to support further future residential development.

The LHA do acknowledge that the site had an existing use as a school and the related traffic movements associated with this. With a change of the site to residential use the pattern of vehicle movement to and from the site across a 24-hour period will change material. The school would have attracted a wave like pattern of vehicles during the drop off and pick up times related to the school.

The TS refers to a WSCC fixed point traffic counter (location 983) to the east of the site. This isn't in close proximity, so we are unable to use its speed data to review the access, the data is also from 2009.

The LHA would require the following to support this application,

- A 7-day automatic speed survey, to include volumes and vehicle types also (loops for this must be placed within the visibility splays and in a position of free-flowing traffic),
- Visibility splays demonstrated in line with the 85th percentile of the speed survey data on a revised access drawing, to include vertical and horizontal visibility splays to demonstrate that the splays are achievable (this may require the re-grading of the bank and some loss of vegetation),
- Clarification on the IN/OUT existing set up and how the site will operate going forward, including the other uses on the site that use these access points,
- Any changes will need to be run past the Road Safety Audit Team and an update response from them provided,
- As stated above the LHA require a Designers Response Report in a word editable format in line with GG 119 appendix F.

The above picture from the site visit and the site visit itself clearly shows that visibility is not achievable to a level that is consistent with the speed limit of the road. And whilst this is an

existing exit point from the current site the LHA would require a speed survey to support adequate visibility splays that can be conditioned for any grant of planning consent.

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	31.5		
	Primary	Secondary	6th Form
Child Product	0.3843	0.3843	0.0000
Total Places Required	2.6899	1.9214	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£5,244		
Population Adjustment	31.5		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	13		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	31.5		
Net Parking Spaces	17		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£50,928
Education - Secondary	£54,813
Education - 6th Form	No contribution
Libraries	£5,244
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£35,148
Total Contribution	£146,132

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 13 net dwellings, and an additional 17 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 2022. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be on additional facilities at Holy Trinity C of E Primary School, Cuckfield.

The contributions generated by this proposal shall be on additional facilities at Warden Park Secondary Academy.

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

The contributions generated by this proposal shall be spent on Scheme ID 188 in the West Sussex Walking and Cycling Strategy - Haywards Heath Circular Cycle Route, providing links to Haywards Heath Railway Station and Warden Park Secondary School.

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>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

TPR = (No of year groups) x (child product)

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2021/2022, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £18,933 per child
- Secondary Schools- £28,528 per child
- Sixth Form Schools- £30,939 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2021/2022 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2021/2022 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

WSCC Lead Local Flood Authority

Advice - No objection

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

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

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.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

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.

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.

Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no watercourses running close to the site.

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.

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.

Records of any surface water flooding within the site? - No

Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that a permeable paving and infiltration via soakaways would be used to control the surface water from this development.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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.

WSCC Water and Access

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.

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 [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.

WSCC Waste and Mineral Safeguarding

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a **no comment** to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdnqprsntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

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 of the West Sussex Waste Local Plan, 2014).

MSDC Urban Designer

Layout

The scheme has generally been well laid out with the parking discreetly incorporated. Importantly the houses and access road are sufficiently set back along the Hanlye Road frontage to enable the retention of most of the existing tree belt that will screen the development from the High Weald AONB designated countryside on the northern side of the site.

The buildings have mostly been organised with their frontages facing the new access road and the retained tree belt along the northern boundary will also:

- Provide this part of the development with an attractive backdrop.
- Mitigate traffic noise.
- Enable this part of Hanlye Lane to retain most of its verdant character.

Nevertheless, the proximity of Horsegate House results in the rear boundary of plots 1 to 3 backing on to the driveway of this adjacent property. While this is not an ideal arrangement, I can accept it in this situation because of the limitations of the site and because a 1.2m wide landscaped buffer has now been included in the revised drawings that allows for dense shrubs to both screen the rear boundary/gardens and to help compensate for the loss of trees/greenery to facilitate plots 1-3.

The revised drawings have also improved the layout in the following respects:

- A small area south of plot 1 has now been allocated as public open space to accommodate new trees that will compensate for the loss of existing trees (T7-T9) that is necessary to facilitate the house and garden on plot 1.
- The fence line along the northern boundary of plot 3 has been repositioned to the south to allow more space around T4's trunk.
- The parking bays serving plots 10-12 in the "courtyard" have been slightly adjusted to allow for a shallow planting bed behind them to provide some much-needed greenery in this otherwise hard-edged area.
- Trees T21, 23 and 25 which contribute to the tree screen along Hanlye Lane are now shown as retained. The retention of T21 has also allowed for the parking serving plot 9 to be more discreetly tucked away on the southern side of the plot.
- The footpath has been removed along the block-paved shared surface road adjacent to the Hanlye Lane tree belt which reduces the hard surface area and allows the soft landscaping to be extended.

Other trees are shown retained, however where they are in rear private gardens their future cannot be safeguarded.

The inclusion of freestanding garden rooms is an unusual aspect of this scheme; it unfortunately has the effect of reducing the modest sized gardens.

A condition is recommended to cover the detailed hard and soft landscaping especially as the landscape plan has not been updated with the revised drawings and a full specification of proposed trees and planting is needed. I would also like the existing understorey shrubs retained within the Hanlye Lane tree belt, and further clarification is required to show the position and design of the boundary treatment throughout and the gabion walls.

Elevations

The buildings benefit from an individual design approach that will contribute to making this a distinctive scheme. The elevations have been carefully composed and interestingly modelled through recess/projection and the imaginative application of different materials. They appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs and diaper brick patterns which feature most prominently on plot 5 at the site entrance. The elevations are nevertheless drawn at a small scale and I feel a condition is needed requiring more detail to secure the quality of the design.

The west, east and north elevation/section drawings of house type 6/plot 9 need updating so they show the retained T21 tree and reflect the re-positioned parking.

Sustainability

The Sustainability Statement is quite comprehensive. It includes a set of detailed energy calculations and a commitment to low carbon air source heat pumps, although there is no indication on the drawings how this will be accommodated. I therefore recommend a condition to ensure these are achieved.

Overall Assessment

This is a well-designed scheme that responds appropriately to its local context and sufficiently accords with District Plan policy DP26 and the principles set out in the Council's Design Guide SPD. I therefore raise no objection to this planning application. Nevertheless, to secure the quality of the design I recommend conditions are included requiring the following drawings/information to be submitted and approved:

- Detailed hard and soft landscaping including boundary treatment and the application of gabion walls.
- Details of the facing materials.
- Revised north, east and west elevation/section drawings of house type 6/plot 9 to show the retained T21 tree and reflect the re-positioned parking.
- Detailed 1:20 scale sections and principal elevations of the typical houses (types 3, 6, 7A).

I also recommend an appropriately worded condition to secure the sustainability objectives.

MSDC Drainage

Recommendation - No objection subject to condition.

FLOOD RISK

The application is supported by a flood risk assessment and surface water drainage strategy report, dated October 2021.

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.

The report also considers flood risk from tidal, groundwater, sewers, and reservoir sources to be not significant.

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

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

On site infiltration testing has been undertaken in support of the application and infiltration has been found to be possible on the site.

It is proposed that the development will utilise permeable paving on all access and parking areas on the site. Discharge from the roof areas of the development will largely be to the permeable paving sub-base. However, three plots cannot drain via gravity to the sub-based and therefore individual soakaways are proposed to serve those properties.

Drainage calculations have been undertaken based on the lowest infiltration rate and the proposed development area with an urban creep factor. The permeable paving sub-base and the individual soakaways are therefore sized to accommodate the 1 in 100-year storm event with a 40% allowance for climate change.

The proposed surface water drainage system is acceptable in principle. Detailed drainage design based on finalised plan will need to be provided to address the recommended drainage condition. 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 discharge foul water drainage to the main foul sewer on Ardingly Road to the west of the site. Due to a lack of information regarding the public sewer's invert levels it is unknown at this stage whether this connection will be via gravity or a pumped system.

The principle of the proposed foul water drainage is considered acceptable.

CONDITION RECOMMENDATION

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.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

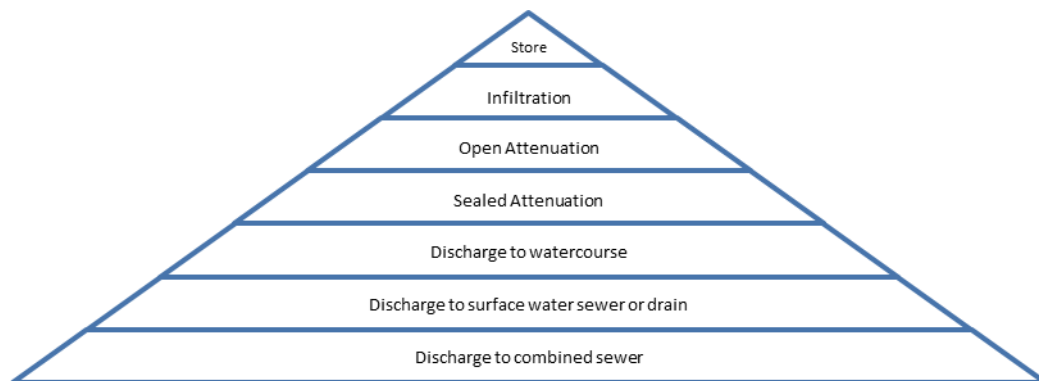
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. 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>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

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

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"> • Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.
<p>Multiple plot development</p>	<ul style="list-style-type: none"> • A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Public sewer under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Watercourse on or adjacent to site	<ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration e.g. Soakaways	<ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <u>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</u> • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>SuDS and attenuation</p>	<ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with West Sussex Lead Local Flood Authority Policy for the Management of Surface Water • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

MSDC Tree Officer

I can confirm I am happy with the updated AIA/ AMS (Revision A - March 22) and the amended TPP (14/3/22).

As an outline planting scheme has only be submitted to date I would request a finalised landscape plan which should provide clear details of the replanting of 'long lived large species' as recommended in response to my earlier comments. This should include detailed specifications of the trees being planted and their locations, along with methods for planting and aftercare.

Comments 10/2/2022

I have reviewed the amended plans for this site and agree some positive amendments have been made addressing my previous concerns.

- The buffer to the rear of plots 1-3 would be adequate (as Will questioned this) providing native planting is used. A mixed native hedge would be recommended.
- The retention of T21, T25 and T6 is welcomed.
- My main concern was the loss of mature oak trees T7 and T8 and the beech T9. I understand these would need to be removed to accommodate the current layout, but these trees particularly the oaks are visually significant to the site. Replacement trees would take many years to offer the benefits currently provided by these trees. I would therefore further encourage a layout that can accommodate the retention of these trees.

Should permission be granted I would request the arboricultural reports are updated to reflect the latest plans particularly the TPP to ensure the protection measures are clear to everyone on site. Furthermore as per my previous comments I would request that a detailed landscape plan is submitted providing specifications of all proposed planting along with planting and maintenance plans.

Ecologist

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases;
- details of wildlife habitat enhancements and future management (which may be integrated with landscaping matters in a combined landscape and habitat management plan)

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 180 of the NPPF.

MSDC Leisure

Amended comments

Based on the revised housing mix shown on drawing no 1660 PA 011 Rev B, the leisure contributions would be as follows:

Play £13,240
 Kickabout £11,121
 Formal Sport £16,111
 Community Buildings £9,240

Original comments

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

Chapelfields and Cuckfield Recreation Ground are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new

development and a contribution of £25,865 is required to make improvements to play equipment (£14,057) and kickabout provision (£11,808) at one or both of these sites.

FORMAL SPORT

In the case of this development, a financial contribution of £16,099 is required toward formal sport facilities at Whitemans Green (football, rugby, cricket, athletics, skateboarding).

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 £9,233 is required to make improvements to Haywards Heath Rugby Football Club pavilion which is available for community use.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Housing

The applicant is proposing a development of 13 dwellings which gives rise to an onsite affordable housing requirement of 30% (4 units) in line with District Plan Policy DP31. The affordable units on this site, which lies within the DPA, will comprise a mix of 2 x 1B/2P maisonettes @ 53.7m², exclusive of the staircase and hallway, 1 x 2B/4P house @ 82.1m² (the proposed site plan states 82.7m²) and 1 x 3B/5P House @ 101.3m². *(Please note that the planning statement refers to 2 no. 3 bed houses and the application form to 2 x 2BF, 1 x 2BH and 1 x 3BH).* These units will meet our occupancy and floor area requirements and will help meet local need. Three of the units (75%) will need to be for affordable or social rent, and one unit (we would suggest the 3 bed house) will need to be for shared ownership (25%). It is understood that the two x one bed maisonettes and the one x two bed house will be built to category M4(2) of the Building Regulations 2010, as stated on the proposed site plan (the DAS refers to three 2 bed houses being M4(2) compliant). Each maisonette will need to have its own private garden area, since this is an amenity which is often neglected in the development of affordable housing flats & maisonettes.

MSDC Environmental Protection

Given the proximity of nearby residents and facilities, there is a concern with relation to demolition and construction noise during development of the proposed build, and conditions are therefore recommended in relation to this.

Approve with conditions:

1) 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

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of local residents

3) 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 Environmental Health - Contaminated Land

I have looked our GIS Mapping , I note that there is a "tank" listed as being present 17 metres south of the application area in circa 1955 to circa 1973.

Due to the above, a discovery strategy should be attached, so that in the event that contamination is found on site, works stop until such time that an assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

1) 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.

MSDC Street Name and Numbering Officer

Informative.

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.

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MID SUSSEX DISTRICT COUNCIL

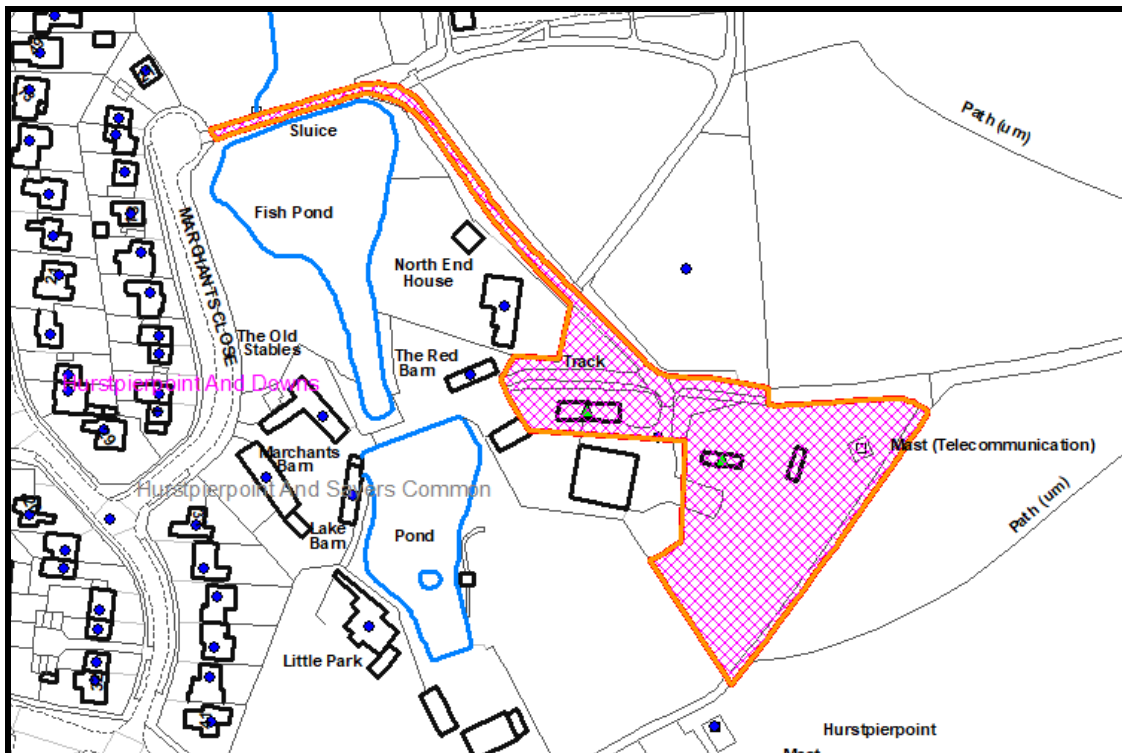
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/22/0204



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LITTLE PARK FARM MARCHANTS CLOSE HURSTPIERPOINT HASSOCKS

REMOVAL OF FORMER DAIRY, MOBILE HOME AND OTHER OUTBUILDINGS AND CONSTRUCTION OF 2 DWELLINGS (REVISIONS TO APPROVED SCHEME DM/21/2367) NOW INCLUDING GARAGES AND ALTERATIONS TO EASTERN UNIT TO ACCOMMODATE ROOMS WITHIN THE ROOF SPACE.

HEATHLAND HURSTPIERPOINT LTD

POLICY: Ancient Woodland / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order / Archaeological Notification Area

(WSSC) / Highways Agreement (WSSC) / Minerals Local Plan
Safeguarding (WSSC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 21st April 2022

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

This application follows an approval for the removal of a Dutch barn, former dairy building, mobile home and other outbuildings and the construction of 3 dwellings on this site under DM/21/2367. Works have commenced on the site to partially implement that approval.

The current application seeks full permission for revisions to the approved development of the site, with amendments to two of the units to include the provision of garages and first floor accommodation within an extended roof space. All of the agricultural buildings, all other structures and a mobile home formerly on the site, with the exception of the Dutch barn, have been demolished and removed from the land and works are proceeding on the two smaller dwellings.

The site is a former farmyard and paddock at Little Park Farm, off Marchants Close in Hurstpierpoint.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists.

The proposed development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan by serving to maintain and enhance the quality of the rural landscape character

of the area.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring properties. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

The public benefits of the proposal have been considered in accordance with the appropriate planning guidance for development in the vicinity of Listed buildings, in this case Little Park. It has been assessed that in accordance with guidance in NPPF paragraph 201 the application can be supported as the public benefits of this scheme outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and against the issues of the potential sustainability of the reuse of the existing buildings. For reasons including the location of the site and the proposed energy efficiency details of the scheme the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

There were no ecological reasons to resist the development in principle under the last application, and so the same assessment is expected for this application. The proposal will be considered against the requirements of Policy DP38 in the District Plan on receipt of the Ecological Advisers assessment.

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposal is supported by the MSDC Drainage section, subject to the submission for approval of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development.

In light of the above it is recommended that the application is approved.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

One representation received, which objects for the following reasons:

- Plot C - the increased building height, the addition of a second storey, with four dormer windows, the structure will no longer be "reminiscent of a traditional farm

building"; more a dormer bungalow, with an impact on outlook and privacy and on Hurst Meadows amenity.

- Concern regarding felling of boundary trees and removal of understorey hedgerows, which were to be retained, as detailed in the Design and Access Statement and Planning and Sustainability Statement, affecting visual amenity.
- Objection to the wire mesh fencing installed on the eastern boundary and removal of boundary vegetation.
- Issues of light pollution, aesthetics and the dormer additions on Plot C.
- Concern over breaches of the existing approval.

SUMMARY OF CONSULTEES

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

TOWN/PARISH COUNCIL OBSERVATIONS

Our recommendation is that MSDC give permission. Subject to a condition that the previously agreed construction plan is extended to this new application, specifically including the banning of construction traffic between the hours of 08.30 - 09.15 and 14.45 - 15.30 Monday to Friday on school term days.

Conservation Officer

The proposed amendments to the approved scheme are considered to detract from the impact that the development will have on the character of the setting of Little Park Farm and the positive contribution which the rural aspects of that setting make to the special interest of the listed building and how this is appreciated. This is contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the amendments will cause less than substantial harm, such that paragraph 202 will apply.

MSDC Tree Officer

The tree protection plan measures are appropriate and the fencing and construction exclusion zone should be adhered to throughout the development. Landscape Plan should be updated to the current BS5837: 2012 (rather than 2005).

It is important there is a strong presence of native trees and hedgerows around the boundary of the site. Clear and detailed specifications including of the proposed planting and maintenance of the hedgerows are requested.

Understorey vegetation around the site perimeters should be replaced with suitable mixed native hedging, included within the specifications.

Providing the above points are addressed - no objection.

WSCC Highways

No transport grounds to resist the proposal.

The following conditions are recommended: Car Parking, Cycle Parking, Turning Space, EV charging spaces.

Ecological Adviser

I would recommend that the Preliminary Ecological Appraisal document is submitted together with a statement from the ecologist conforming any recommendations that have already been implemented. A suitable condition can be applied to cover any remaining measures and secure the enhancements.

Historic England

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.

Environmental Health

Conditions are recommended to minimise any adverse noise and dust impact.

Contamination Officer

Recommendation: Approve with a condition.

Drainage

Recommendation - No objection subject to condition.

Southern Water

Southern Water would not support the proposals for package treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer.

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

Street Naming and Numbering Officer

Recommends an Informative.

INTRODUCTION

This application follows the approval by the Planning Committee in September 2021, under DM/21/2367, for full planning permission for the development of three new dwellings on the site at Little Park Farm, Marchants Close, Hurstpierpoint to replace

a Dutch barn, dairy building, mobile home and associated structures on the site. The application was approved subject to a number of pre-commencement conditions, which have been subsequently discharged.

Development work commenced on the site in November 2021 to construct two of the three approved dwellings, and the building works are still in progress. The external walls and roof are constructed at Plot B. The external walls and part of the roof structure of the unit at Plot C are also under construction.

RELEVANT PLANNING HISTORY

Planning reference: DM/21/3720. Discharge of Condition 17 (contamination) and Condition 20 (ecology) relating to planning reference DM/21/2367. Approved December 2021.

Planning reference: DM/21/3341. Discharge conditions 3, 8, 9 and 11 of planning application DM/21/2367. Approved December 2021.

Planning reference: DM/21/2367. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Approved September 2021.

Planning reference: DM/20/1533. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Amended Plans received 16.06.2020. Refused October 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/4153. Removal of an existing barn, mobile home and other outbuildings. Construction of three dwelling, 1x5 bedroom with detached garage, 1 x3 bedroom and 1 x2 bed bedroom. Refused January 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/2344. Application for determination as to whether prior approval is required for the change of use of an agricultural building to 4 dwellinghouses and for associated operational development. Prior approval granted August 2019.

Planning reference: DM/19/0824. Remove existing barn, mobile home and other outbuildings for the construction of 4 dwellings with car ports. Refused May 2019.

Planning reference: 14/00745/LDE. Application to site a caravan for domestic use. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved April 2014.

Planning reference: 08/01417/FUL. Installation of 17.5m telecommunications mast, equipment cabinets and ancillary equipment with 6.5m by 6.5m compound. Approved August 2008.

SITE AND SURROUNDINGS

The development site, known as Little Park Farm, is located off a narrow private access track leading from the end of Marchants Close. This access is shared with an existing property at North End House, which is located to the north east of the site. This track also serves as a pedestrian route for occupiers of the houses at Idenhurst, and also allows public access to Hurst Meadows open space.

The District Plan designates the site as countryside area, and outside the designated built up area of Hurstpierpoint. A former single storey brick dairy building has been demolished, and a mobile home removed from the site to allow the development works to commence. A large Dutch barn, used for the storage of farm vehicles, remains on the site, occupying the position of approved Unit A.

An extensive area of land to the east of the site, which stretches east to the Conservation Area at Hurst Wickham, is in use as Hurst Meadows Public Open Space. This land is allocated for use as public open space for informal recreation, referred to as Hurst Meadows in the Hurstpierpoint Neighbourhood Plan (Policy Amenities HurstA1: Hurst Meadows).

The eastern boundary of the site which adjoins this land has been recently secured by the erection of a new chain link fence. Trees growing along this boundary have been retained. To allow for the erection of the fence works to remove overgrown shrubs has opened up views into the land at Little Park Farm from Hurst Meadows and from adjacent public footpath (63HU).

A vehicular access gate located in the site boundary, to the south of the Dutch barn, allows access to an extended garden area serving the adjacent Grade II* property known as Little Park. Beyond this there is a large private pond which is in the grounds of that property.

APPLICATION DETAILS

The submitted planning application shows the red site outline amended, compared to the site of the former application under DM/21/2367. The red line boundary now excludes the Dutch barn and the accompanying curtilage (previously referred to as Plot A) from the revised proposal.

The curtilage associated with Unit B has been revised to include the land over which a former access track ran, leading from The Red Barn and the other converted barns sited to the west into the site towards Hurst Meadows. This track remains in place to the north of Unit C. The site layout plan indicates the retention of the access through the site to serve the garden at Little Park. The retained paddock area, located to the south of Unit C, remains within the site boundary for this application.

The proposed plans show the construction of two new dwellings, labelled Unit B and Unit C. This application does not propose changes to the scale, form or position of the approved dwelling at Unit B, which accommodates 2 bedrooms. The only proposed change to that dwelling is to alter the proposed external wall cladding on

the building from oak to black finished featheredge boarding, made from Nordic Spruce.

The plans show the provision of a new detached garage on the enlarged curtilage to the north of the dwelling at Unit B, measuring 6.4m long by 5.3m wide (approx.). The garage would be orientated to face to the east, served by the shared access. It would be similarly externally finished to match the associated dwelling with a brick plinth and horizontal black boarding. A pair of side hung doors will allow access into the garage from the front elevation, which also contains a small window. A pedestrian access door and window are proposed in the rear (west) elevation. The garage building is shown to have a gabled tiled roof, with a ridge height of 5.6m, from eaves set at a height of 2.5m (approx.).

The application seeks more significant alterations to the dwelling at Unit C. As approved under DM/21/2367, the dwelling had an L-shaped, single storey form. The maximum width was 15.8m by 11.5m wide, with a floor space area of 125 square metres, approx.

As proposed the building has been enlarged, to include a garage, attached to the western projection. The garage has a depth of 5.1m by a width of 6m and is accessed from side hinged doors at the western end of the building.

Associated revisions have been made to the floor layout of the dwelling, which formerly accommodated 3 bedrooms on the single storey footprint. The current plans introduce a first floor into the building. To achieve the enlargement of the loft space the ridge height of the building is shown to be raised from 5.95m (as approved) to 6.23m (approx.), an increase of 0.28m, and the eaves raised a similar 0.2m to 2.8m. In addition, an additional gable is proposed to the rear (eastern) facing roof slope and four 1.6m wide gabled roofed dormer windows are proposed, with two to the south and two on the northern roof slopes of the enlarged dwelling.

The ground floor layout has been altered to show one ground floor bedroom with an ensuite shower room, an access hall has been created in place of the second bedroom and a sitting room replaces the third bedroom on the ground floor of the building. The introduction of a first floor area into the building allows two bedrooms, each with ensuite bathrooms, to be accommodated in the extended loft space, as well as a linen/utility room. The proposed plans also show a mezzanine to be added over the kitchen area. The plans also show the addition of five new roof lights in the northern and southern facing roof slopes of the building.

The amended floorspace of Unit C, taking into account the area of the proposed first floor, would increase from 125 square metres to measure approx. 192 square metres.

The applicant's agent has confirmed the external finishes of the building would be amended as for Unit B, with the walls finished with black finished featheredge boarding, made from Nordic Spruce.

The approved site plan showed existing trees on the eastern site boundary to be retained. Whilst this is the case some understorey shrubs have been removed to

allow for the construction of a new chain link boundary fence. Within the site a 1.2m high timber post and rail fence, with indigenous hedge planting, is shown to divide the grassed garden curtilage of Unit C and the irregular shaped retained paddock space to the south east of the dwelling.

Supporting Planning and Sustainability and Heritage statements were submitted with the application. During the course of determining the application a revised Landscape Site Plan and Tree Protection Plan have also been submitted. These can be viewed in full on the planning file.

The application has also been supported with additional information from the agent in response to queries regarding the revised site boundary line, to explain why the size of Plot B has been amended, with the proposed garage sited over the formerly retained access track, and to explain the right of way through the site for Little Park.

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 the Hurstpierpoint and Sayers Common 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:

Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP13: Preventing Coalescence
Policy DP15: New Homes in the Countryside
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Space Standards
Policy DP34: Listed Buildings and Heritage Assets
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Neighbourhood Plan -Hurstpierpoint and Sayers Common Neighbourhood Plan - Made March 2015

Relevant policies:

HurstC1: Conserving and enhancing character of countryside
HurstC3 Local Gaps and Preventing Coalescence

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) (July 2021)

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.

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: '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'.

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

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

Principle of development

Design

Impact upon the Listed Building

Impact on Local Gap

Highway and Access

Amenity

National Space Standards

Drainage

Habitats Regulations Assessment for Ashdown Forest

Ecology
Trees
Sustainability
Planning Balance and Conclusion

Principle of development

As stated above the Development Plan consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan, the District Plan being the most recent policy document.

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

The Development Plan Policies that are relevant to this application are as follows:

Policy DP12 of the District Plan 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.

The Hurstpierpoint and Sayers Common Neighbourhood Plan contains a similarly worded policy HurstC1 that states:

Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- It comprises an appropriate countryside use;
- It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;
- In the South Downs National Park, policy HurstC2 will take precedent.

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.

Policy DP6 of the District Plan refers to Settlement Hierarchy and allows for extensions adjacent to defined built up areas, subject to a number of criteria. 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."

The proposal must also be assessed against Hurstpierpoint Neighbourhood Policies Countryside HurstC1, which states:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, Policy HurstC2 will take precedent'.*

The red line around the reduced site area remains unchanged to that under the approved application DM/21/2367, relative to the built up area boundary of Hurstpierpoint. A consistent assessment has to be taken in regards to Policy DP6. The red line of the site boundary is not contiguous with the built up area boundary of Hurstpierpoint and therefore the proposal fails to accord with the exceptions clause of District Plan Policy DP6, i.e. the site is not contiguous with the existing built up area of the settlement.

However, the recent approval under DM/21/2367 is an important material consideration and represents a fall-back position for the development of this site. In the assessment of that proposal the principle of the development of the site for housing was considered to accord with the requirement of Policy DP12 of the District Plan. This revised development proposal on the site also has to be considered with reference to DP12. A key criteria in that policy is whether the development maintains or enhances the rural and landscape character of the District. It is a requirement of Policy DP12 that development will be permitted in the countryside provided it

'maintains or where possible enhances the quality of the rural landscape character of the District.' This aim is reflected in Neighbourhood Plan Policy Hurst Policy C1.

The end result of the revised proposal could still be the creation of three new homes, on a site that is in easy walking distance of the village centre and the services it offers. In accordance with the requirements of Policy DP12 and Neighbourhood Plan Policy Hurst Policy C1, it is considered that the design of the proposed new dwellings, the limited area of the associated gardens and the designation of a large paddock to the east of the site would enhance the immediate rural setting of the site, and this weighs in favour of the application.

The proposed development is considered to be appropriate on this site, and its semirural setting, being in accordance with the requirement of Policy DP12 of the District Plan and Neighbourhood Plan Policy Hurst Policy C1 by serving to maintain and enhance the quality of the rural landscape character of the area.

Given this to be the case District Plan Policy DP15 allows new homes in the countryside to be permitted where "special justification" exists. In this case the enhancement of the setting of the Listed Building and character of the semi-rural setting as a consequence of the demolition of former agricultural structures, that were in a poor state of repair, and the removal of a mobile home and other associated structures and vehicles spread across the site was a significant factor in favour of approving DM/21/2367. For this reason the development is considered to enhance the character and appearance of the immediate setting, and whilst failing to meet DP6, will accord with the special justification clause of DP15.

It is considered that the form and layout of the proposed development presented in this application is reflective of the approved scheme, which could be implemented as a fallback.

The proposed changes to the development are relatively minor overall, do not increase the bed spaces within the approved dwellings and will not negatively impact upon the public vantage points of the site. Overall it is considered that the proposed development of the site will enhance its immediate setting and positively contribute to the character and appearance of this rural site and is therefore considered to accord with the requirement of Policy DP12 of the District Plan Neighbourhood Plan and Policy Hurst Policy C1 by serving to maintain and enhance the quality of the rural landscape character of the area.

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. 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.'

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.

The site is in a rural setting, being visually divorced from the detached houses on Marchants Close and some distance from the new houses on the new residential estate to the north. The site is open to public inspection as a result of the pedestrian use of the access track leading to the development site and the use of Hurst Meadows to the east of the site, for open public access, dog walking and leisure and recreation. This means that the site is in an important position on the village margin, and its value is also related to its historic use and close relationship to the adjacent Grade II* Listed Building at Little Park.

The importance of this site and the surrounding converted barns and ponds at Little Park have been given special consideration in the land designation as an allocated 'Protection and Enhancement of Countryside area', outside the designated built up area.

The design and layout of the proposed development attempts to recreate a farmstead layout. Sussex stock facing brick, plain clay roofing tiles and black

weather boarding are all traditional Sussex building materials. The amended design for Units B and C maintains their subordinate building form alongside the retained Dutch barn. As such the revised design retains the character of a rural farmyard with vernacular references in the construction materials.

As such the proposal is considered to accord with Policy DP26 in respect of design and with the principles in the Design Guide.

Impact upon the Listed Building

The southern boundary of the application site lies approximately 60 metres to the north east of Little Park, which is a Grade II* listed building. With this status the ex-farm house building has a high degree of significance, being one category lower than a Grade I Listed building. Taken together Grade I and Grade II* Listed buildings account for just 8% of all listed buildings, with Grade II Listed Buildings accounting for 92% of all listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant in the determination of this application, as it states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

In addition, in enacting section 66(1) of the Listed Buildings 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.

District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

'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.'

Paragraphs 194 - 202 of the NPPF are also relevant, stating:

'194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197. 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.

198. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.
Considering potential impacts

199. 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.

200. 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.

201. 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.

202. 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 application has been submitted with an accompanying Heritage Statement, which has been reviewed by the Conservation Officer and Planning Officer.

It is considered that the proposal will change the relationship of the site to the use and enjoyment of the adjacent extended garden and vegetable plots at Little Park, which are located close to the southern site boundary. The site provides a means of access to part of the grounds to the north east of that property, and this is to be retained, thereby maintaining the historic farmhouse/farmstead relationship.

The residential development of the site has been accepted. This will result in the creation of new gardens for the new dwellings, which will become manicured/domesticated and there will be associated domestic activities on the site. The maintenance of a small paddock to the east and south of Unit C will ensure that an open area of land is retained to provide a visual break in the development of the site.

The proposed development will impact upon the setting of Little Park. The Council's Conservation Officer concludes that the amendments will cause less than substantial harm, such that paragraph 202 would apply.

In the assessment of the proposal it is important to protect the adjacent listed building and its wider setting, as required by District Plan Policy DP34. National Guidance contained in Paragraphs 194- 202 of the new NPPF is also relevant.

It is your Planning Officer's view that the revisions to Units B and C are acceptable changes to the approved scheme of development on this site, and the form and positions of the new buildings will serve to reflect and enhance the setting of the Listed Building at Little Park. The public benefits of the scheme overall are considered to outweigh any potential less than substantial harm to the setting of the heritage asset.

Impact on Local Gap

Policy DP13 of the District Plan seeks to prevent coalescence and to retain the separate identity and amenity of settlements. However, as the District Plan does not

define strategic gaps on any policy maps it falls to the Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in Policy DP13.

The site lies within the Hurstpierpoint and Hassocks Gap and Policy Hurst C3 in the Neighbourhood Plan states:

'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:

Hurstpierpoint and Hassocks;
Sayers Common and Albourne;
Hurstpierpoint and Albourne;
Hurstpierpoint and Burgess Hill.

It is considered that the scale of the development would not conflict with Policy DP13 of the District Plan.

In terms of Policy Hurst C3 the site lies outside but close to the village built up area boundary. Whilst the amended proposal represents an edge of settlement development, it would be difficult to consider this would impact significantly upon the wider local gap between Hurstpierpoint and Hassocks, particularly given the immediate proximity of the volume housing development to the north of the site at Idenhurst. As such the impact on the local gap would not be significant.

Highways and Access

Policy DP21 the Mid Sussex 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'.

WSCC Highways have supported the residential development of this site.

It is considered that the proposal complies with Policy DP21 of the Mid Sussex District Plan, and that the site represents a sustainable site for residential development close to the centre of a Category 2 settlement (a larger village/local service centre).

Amenity

Policy DP26 of the Mid Sussex District Plan stipulates 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".

The immediate neighbouring properties are Red Barn and North End House, sited to the north west of the site.

The relationship of the building footprints at Units B and C have not changed as a result of the proposal, although the proposed garage to the north of Unit B does introduce a related ancillary building. The garage is sited approx 27m from the south eastern corner of North End House and would be seen in the foreground of the new dwelling from that property. The new garage building will be largely screened from the immediate neighbours by the existing and supplemented boundary vegetation, which will also obscure the new dwellings on the site in wider public views.

It is considered that the proposal represents an acceptable development which would not create significant harm to the amenities of existing nearby residents or the future occupants of the new dwellings. The application can be supported in this case in accordance with the aims of District Plan Policy DP26.

National Space Standards

In March 2015 the Government issued a document containing dwelling space standards, entitled "Technical housing standards- nationally described space standard". The standards are applicable to the proposed development and referred to in District Plan Policy DP27.

The floorspace of the dwelling at Unit B remains unaltered. This single storey 2 bed dwelling could accommodate between 3 to 4 people, requiring between 61 to 70 square metres of internal floor space, with a built in storage area of 2 square metres. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 2 bed unit, as the floorspace measures approx. 120 square metres.

The amended floorspace of Unit C, taking into account the area of the proposed first floor, would increase from 125 square metres to measure approx. 192 square metres. It would still retain 3 bedrooms over two floors. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 3 bed, 2 storey unit, which state that such a dwelling could accommodate 4-6 people and range from 84 to 102 square metres.

The proposal is found to accord with District Plan Policy DP27.

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 Drainage condition (Condition 9) on the approval under DM/21/2367 for three dwellings on the site was discharged in December 2021. Details for the current application have been considered by the MSDC Drainage section and their comments are reported above. As the proposal is to construct only two of the units at this time a planning condition is recommended for the revised scheme, to require details to be submitted for approval prior to the commencement of the development. As works are already in progress on the site the wording of this condition will need to be adjusted to comply with the requirements of Policy DP41 of the Mid Sussex District Plan.

Habitats Regulations Assessment for 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 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 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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.

Ecology

Paragraph 180 of the revised 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 reasons⁶³ and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

And paragraph 182 states:

'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

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

An ecology report has been submitted with the application and the Council's Consultant Ecologist has commented on its content. The advice that has been provided requires the submission of a statement from the ecologist confirming any recommendations that have already been implemented to allow a suitable condition to be applied to a consent to cover any remaining measures and to secure the appropriate enhancements. The applicant's agent has been contacted and this additional information requested. Once this has been received a planning condition can be drafted to ensure that the proposal complies with Policy DP38 of the Mid Sussex District Plan and the aims of the NPPF. An update will be provided at Committee.

Trees

Policy DP37 of the District Plan is relevant in the determination of this application. The Policy 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 a Tree Protection Plan and a Landscape Plan. The Council's Tree Officer has reviewed these plans, which have been amended during the course of determining the application. Her comments are reported above.

The site benefits from a good degree of natural boundary screening. The submitted plans show this is to be retained and where shrubs have been removed on the eastern boundary new and supplementary native species planting can be secured by a suitably worded planning condition. Within the site new planting is also illustrated around the boundaries of Units B and C.

A revised Landscaping Plan has been requested to show clear and detailed specifications of the proposed planting both within the site and around the site perimeters, which should be suitable mixed native hedging.

To ensure that the new planting and the retained boundary trees are suitably protected during the construction works a suitably worded planning condition is recommended to accord with District Plan Policy DP37.

Sustainability

Policy DP39 is relevant in the determination of this application. This states:

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

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

The Design Guide also refers to Sustainable Design and contains Principle DG37 in Chapter 6, which states:

'Deliver high quality buildings that minimise their environmental impact

The construction industry makes a significant contribution to CO₂ emissions utilising substantial volumes of non-renewable resources and generating pollution and waste. The need for sustainable approaches to building design is therefore fundamental if the challenges associated with climate change, resource depletion and pollution are to be addressed, and will be necessary to achieve the Government's Future Homes Standard.

The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.

Applicants must demonstrate how this has informed their design and should consider in particular:

- Orientation and design of buildings and roofs to maximise daylight / sunlight penetration and solar gain, whilst also avoiding overheating;
- The use of green roofs or walls to reduce storm water run-off, increase sound-proofing and biodiversity;
- The use of materials with low embodied energy (for example, renewably-sourced timber and recycled materials);

- The use of sustainable materials that are locally sourced wherever possible;
- Incorporating high levels of insulation (in combination with air tightness and temperature control systems) including the use of materials with a high thermal mass, such as stone or brick, which store heat and release it slowly;
- Incorporating renewable energy including photovoltaics, solar thermal water heating, ground and air source heat pumps;
- The use of low flow technology in water fittings, rainwater harvesting systems and grey water recycling systems to reduce water consumption to 110 litres/person/day (maximum); and
- Laying out development to support identified opportunities for decentralised renewable or low carbon energy systems.

Further guidance is provided by District Plan Policy DP39: Sustainable Design and Construction.'

The approved scheme under DM/21/2367 included a supporting Planning Statement to confirm that the development includes energy efficiency and sustainability measures, such as:

- Rainwater would be recycled where possible to provide grey water supplies.
- Dual flush WC's would be installed.
- Water saving fittings would be used with flow regulators.
- Low energy lighting would be used throughout the building.
- Washing machines/dishwashers would be specified to minimise water usage.
- The development would be built to comply with the Considerate Contractor Scheme.
- Wherever possible materials would be specified from a sustainable source.
- Local materials would be sourced wherever possible.
- Wherever possible, labour would be sourced from the local area thereby supporting the local economy and providing employment opportunities for local tradespeople and businesses.
- Recycling would be encouraged with individual bins being provided for various waste and recycling.
- Sufficient space within the dwelling is provided to offer opportunities for occupiers to work from home, thus reducing traffic movements.
- The specification for insulation would ensure a good sustainability score.'

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

Contamination

The site is located in an area historically in use as a farmyard and as such the Council's Contamination Officer has been consulted regarding the reuse of the land for residential purposes, as for DM/21/2367.

In order for contaminants to be investigated a set of three phased contaminated land conditions were attached to that approval to ensure that future residents are protected. Of these conditions Condition 17 has been discharged, and Condition 18 has also been addressed. As such Conditions 19 of DM/21/2367 still applies to the development at this site and it is recommended by the Contamination Officer that this is transferred onto the approval for the revised development under this application. As such the proposal will accord with the requirements of District Plan Policy DP29.

Planning Balance and Conclusion

An assessment of relevant planning policies and planning guidance, together with other material considerations, has resulted in a recommendation to approve this proposal.

The revised development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan. The changes to the design of the two proposed dwellings would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring properties at Red Barn, North End House and Little Park. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

As the application site lies close to the Grade II* Listed Building at Little Park the PLBCAA 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The requirements of this Act are reflected in Policy DP34 of the District Plan. The 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 application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). For reasons including the location of the site, and the proposed energy efficiency details of the scheme, the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

Subject to further details regarding the ecological recommendations and the imposition of an appropriately worded condition the proposal will comply with Policy DP38 in the District Plan.

The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In summary, this is a case where it is considered that the proposal complies with some policies within the development plan but conflicts with others. The extant permissions on the site are a relevant material consideration.

It is considered that the public benefits of providing a well-designed comprehensive development on this site outweighs any considered harm to the Listed Building.

To conclude it is your Officer's view that whilst there is conflict with some policies in the development plan as set out above, overall the planning application complies with the development plan when read as a whole. The scheme is for two new dwellings in a sustainable location that accords with Policy DP12 of the District Plan, and there are not considered to be any other material considerations that would indicate that the application should be refused.

In light of the above it is recommended that the application is approved.

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.

3. No external materials shall be used other than those specified on the application form, as detailed in the Design and Access Statement and in the Agent's email dated 24.02.2022 without the prior written approval of the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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.

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

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 2014 - 2031.

6. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

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

7. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided for each of the new dwellings 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 to accord with Policy DP21 of the District Plan.

8. No part of the development shall be first occupied until bin stores have been provided for each of the new dwellings in accordance with the approved Landscape Plan.

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 and Policies Hurst C1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

9. 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 and Policy DP41 of the District Plan (2014 - 2031).

10. 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: 0800-1800 hours
- Saturday: 0900-1300 hours

- Sunday and bank holidays: no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

11. The development shall take place in accordance with the Construction Management Plan submitted to Local Planning Authority in respect of DM/21/2367, and approved under DM/21/3341, unless otherwise agreed in writing. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan includes details for:

- a timetable for the commencement, construction, occupation and completion of the development;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction and directional signage for the purposes of such;
- the siting and layout of site compounds and welfare facilities for construction workers;
- the provision of parking of vehicles by site operatives and visitors;
- the provision for the loading and unloading of plant, materials and removal of waste;
- the provision for the storage of plant and materials used in construction of the development;
- contact details of site operations manager, contracts manager, and any other relevant personnel.

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 Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

13. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

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

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

15. The development hereby permitted shall not be occupied until the species and full details of the landscaping planting and indigenous hedge planting, as shown on the Landscaping Plan, is approved in writing by the Local Planning Authority and the agreed species have been planted along the site and residential plot boundaries. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

16. The boundary trees and hedgerows shall be retained and protected in accordance with the details in the submitted Tree Protection Plan 1166-21-04b for the duration of the development and the trees and hedgerows shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

17. 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 Local Planning Authority), 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 Local Planning Authority. 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 Local Planning Authority. 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 Local Planning Authority.

Reason: 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.

18. Details of wildlife protection and habitat enhancements, based on an updated ecology survey, shall be submitted to, and approved by the Local Planning Authority within one month of this approval, unless otherwise agreed in writing. The approved details shall be implemented in full and a completed checklist signed off by the project ecologist, to ensure compliance, shall be submitted to the local planning authority prior to occupation of any dwelling.

Reason: To protect the ecological value of the site and to accord with Policies DP38 of the Mid Sussex District Plan and paragraph 180 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 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.

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 advice for developers 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
Other	Surface Water and Foul Drainage Technical Note		20.01.2022
Drainage Details	100_P1		20.01.2022
Drainage Details	101_P1		20.01.2022
Drainage Details	120		20.01.2022
Drainage Details	150		20.01.2022
Other	500		20.01.2022
Other	501		20.01.2022
Other	1166-21 Finishes Schedule		20.01.2022
Landscaping Details	1166-21-02b		20.01.2022

Site Plan	1166-21-05a	20.01.2022
Proposed Floor and Elevations Plan	1166-21-skG01a	20.01.2022
Proposed Floor and Elevations Plan	1166-21-skG02c	20.01.2022
Proposed Elevations	1166-21-skG03c	20.01.2022
Proposed Elevations	1166-21-skG04c	20.01.2022
Approved Floor Plan	1166-21-skG05	20.01.2022
Approved Elevation Plan	1166-21-skG06	20.01.2022
Approved Floor Plan	1166-21-skG07	20.01.2022
Approved Elevation Plan	1166-21-skG08	20.01.2022
Proposed Block Plan	1166-21-skG09c	20.01.2022
Proposed Roof Plan	1166-21-skG10a	20.01.2022
Location Plan	1166-21-skG-LP	20.01.2022
Site Plan	1166-21-skG-LP1	20.01.2022
Other	Construction Management Plan	20.01.2022
Design and Access Statement		20.01.2022
Heritage Statement	Addendum	20.01.2022
Heritage Statement		20.01.2022
Other	Internal Inspection and Emergence Survey	20.01.2022
Planning Statement	Planning and Sustainability Statement	20.01.2022
Other	Preliminary Ecological Appraisal	20.01.2022
Proposed Elevations		20.01.2022
Other	Subsoil Investigations	20.01.2022
Drainage Details		20.01.2022
Transport Assessment/Travel Plan		20.01.2022
Tree Survey		20.01.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Our recommendation is that MSDC give permission. Subject to a condition that the previously agreed construction plan is extended to this new application, specifically including the banning of construction traffic between the hours of 08.30 - 09.15 and 14.45 - 15.30 Monday to Friday on school terms days.

Conservation Officer

Please read these in conjunction with my comments on the previous related approval DM/21/2367, see below.

The significance of the Grade II* listed former farmhouse at Little Park is considered to lie primarily in its evidential and historical illustrative value as an exceptional example of a surviving high status early-mid 17th century Sussex farmhouse. It also in my opinion has some historical associative value in at least the local context through its former role as the residence of notable Hurstpierpoint families, as well as aesthetic value due to its highly attractive vernacular architecture which is viewed within a semi-rural setting of extensive gardens with fields lying beyond to the east and north east, including a large fishpond and the buildings forming part of the former farmstead. This open and semi-rural setting is

considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated.

The application site is an area of open land to the north east of Little Park immediately adjacent to its grounds. Until recently there were a small number of buildings to the northern side of the site which were predominantly of an agricultural character, including a Dutch barn, former dairy building and a mobile home. These buildings and structures did not, in my opinion, significantly detract from the prevailing rural character of the land and in the case of the former dairy building, made a modest positive contribution to it. The site forms an important part of the wider setting of Little Park, and its open and rural nature makes a positive contribution to the manner in which the special interest of the building is appreciated.

The site has a relatively complex recent planning history, including the granting of a prior approval for the residential conversion of the barn and the subsequent dismissal, at appeal, of a planning application for the demolition of the existing buildings on the site and the construction of three dwellings. Following on from the appeal, a planning approval was given for revised scheme for demolition and rebuild to create three dwellings in similar positions to the existing Dutch barn, dairy and mobile home.

The current proposal is for amendments to the approved scheme comprising:

Northern Plot (known as Plot B)

- Garage added to north.

Eastern Plot (known as Plot C)

- Attached garage added to the south-west
- Raising of the main ridge height to the roof
- Further alterations to the roof with additional gable and pitched roofed dormers

In relation to Plot B a new detached garage is proposed to the north of the approved dwelling, which replaced the original dairy building. Although relatively modest in scale the new garage building will add to the built form within the site and detract from its openness. I note that this proposed additional building is not shown on either the submitted tree protection or landscaping plan, which makes it difficult to fully assess the impact that it might have on the landscaping around the development, and in particular the retention/augmentation of planting on the site boundary adjacent to the access from Marchant's Close. Any associated loss of the existing small trees/natural vegetation along this boundary would also be detrimental to the impact of the development on the character of the site. Furthermore, the proposed detached garage has a domestic character which will detract from the surviving rural nature of the site.

In relation to Plot C the proposed attached garage not only adds to the footprint and bulk of the new building, detracting from the open nature of the site, but has an inappropriately suburban and domesticated character. Both of these factors detract from the contribution which the site makes to the setting of Little Park farm and the associated historic farmstead, although again the revised footprint does not appear to be shown on the submitted landscaping plan. The raising of the roof height and additional gable add high level bulk as well as (in the case of the gable) unwelcome complexity to the roofline. The proposed dormers add bulk, complexity and again a domesticating character. The impact of the alterations will be all the greater given that they are concentrated at the southern end of the building closest to Little Park Farm and its immediate garden setting, although the front of

the building is also prominent in views of the development from the approach from Marchant's Close and the rear is visible from the PROW to the south east of the site.

For these reasons the proposed amendments to the approved scheme are considered to detract from the impact that the development will have on the character of the setting of Little Park Farm and the positive contribution which the rural aspects of that setting make to the special interest of the listed building and how this is appreciated. This is contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the amendments will cause less than substantial harm, such that paragraph 202 will apply.

Comments reproduced from DM/21/2367:

The significance of the Grade II* listed former farmhouse at Little Park is considered to lie primarily in its evidential and historical illustrative value as an exceptional example of a surviving high status early-mid 17th century Sussex farmhouse. It also in my opinion has some historical associative value in at least the local context through its former role as the residence of notable Hurstpierpoint families, as well as aesthetic value due to its highly attractive vernacular architecture which is viewed within a semi-rural setting of extensive gardens with fields lying beyond to the east and north east, including a large fishpond and the buildings forming part of the former farmstead. This open and semi-rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated.

The application site is an area of open land to the north east of Little Park immediately adjacent to its grounds. It is currently largely undeveloped although there a Dutch barn present as well as a number of smaller structures including a former dairy building and a mobile home. These buildings and structures do not, in my opinion, significantly detract from the prevailing rural character of the land and in the case of the former dairy building, make a modest positive contribution to it. The site forms an important part of the wider setting of Little Park, and its open and rural nature makes a positive contribution to the manner in which the special interest of the building is appreciated.

The current proposal, which follows on from the granting or prior approval for the residential conversion of the barn and the subsequent dismissal, at appeal, of a planning application for the demolition of the existing buildings on the site and the construction of three dwellings, is for a revised scheme for demolition and rebuild to create three dwellings in similar positions to the existing Dutch barn, dairy and mobile home. (An additional parallel appeal in relation to a different scheme for replacement of the Dutch barn and old dairy with a pair of 1½ storey dwellings and the construction of a 5-bed detached house with triple garage block on the eastern part of the site was also dismissed but given the differing nature of the scheme is less relevant to the current proposal.)

In dismissing the recent appeal scheme, the Inspector commented in respect of the site that: 'The appeal site directly adjoins the curtilage of the listed building. Trees along the boundary provide effective screening for large periods of the year, but the site and its buildings are likely to be more exposed whenever the trees are not in leaf. Although the mobile home and other structures have a physical presence, the site is predominantly open and undeveloped and it has a strong rural character which is more akin to countryside than the urban area. This parcel of land is the last remaining linkage between the farmhouse and the fields to the east and north-east and in my opinion it contributes positively to the manner in which the listed building is appreciated.'

Unit A:

In both the appeal scheme and the current proposal, the dwelling which is proposed on the site (approximately) of the existing Dutch barn is referred to as Unit A. In respect of the appeal scheme Unit A, the Inspector commented that 'Unit A... would be a tall, bulky building with a long ridgeline. The intention is for this unit to mimic a barn conversion, and the timber clad exterior would follow this theme, but the scale is excessive and the regimented fenestration overly domestic. In my opinion, the dwelling would read as an over-sized, timber-clad house, rather than a former agricultural building. The submitted verified views indicate that the development would be well screened, but these are not representative of the situation in winter when the scale of Unit A would make it unduly prominent from the listed building and its immediate garden. For the reasons I have explained previously, it is not appropriate to rely upon a landscape buffer to make the scheme acceptable.'

Under the current proposal the footprint, orientation and scale of Unit A have been revised to reflect more closely the existing Dutch barn on the site, including its height and scale. This, in my opinion, would address the concerns raised by the appeal Inspector with regard to the excessive scale of the previous proposal.

However, the proposed design of this dwelling is in my opinion in other respects poorly conceived. It appears that the intention is to mimic the appearance of a conversion of the existing Dutch barn for residential use, whilst in fact the dwelling is a new build. The proposed building is a visually awkward 'hybrid' which has the roof form of a Dutch barn but fenestration which is domestic in character and does not relate to the existing characteristically large openings to the sides of the barn, as would be advocated by the relevant Historic England guidance on agricultural conversion schemes. Indeed, the fenestration as shown has very much the 'regimented fenestration' which the Inspector found in relation to the appeal scheme to be 'overly domestic'.

Notwithstanding the existing prior approval, in relation to which it should be noted that the Council retains control over the design and external appearance of the building (which has not been agreed), it is my opinion that a 'faux conversion' of a Dutch barn is an inappropriate approach for a site of this sensitivity. The open sided nature of a Dutch barn does not readily lend itself to an architecturally successful scheme which would retain the character of the existing building as advocated by the Historic England guidance (which suggests reuse of existing openings) while providing practical internal spaces. As the Council has never opposed the principle of the loss of the Dutch barn and the Inspector did not differ from this opinion I see no reason why a replacement building on the site should choose to mimic the form of the existing building where this detracts from the architectural quality of the replacement building. I would suggest a more appropriate and ultimately higher quality scheme could be achieved by a design which is of a similar footprint and height to the existing building, this addressing concerns relating to scale, but with a more traditional agricultural/rural form and treatment similar to that which was proposed as part of the appeal scheme to the remaining two units on the site (Units B and C) with which the Inspector found no argument, and which continues to be proposed in respect of these units within the current proposal. This would not only result potentially in a higher quality building, more appropriate to this sensitive context, but also one which relates better to the other new dwellings on the site.

As it stands I consider that the poor quality and overly domestic character of the design of Unit A is such that it detracts from the positive contribution which the site currently makes to the setting of Little Park, contrary to the requirements of District Plan Policy DP34. It is also in my opinion contrary to the requirements of the Council's adopted Design Guide.

Unit B:

Unit B in both the appeal and current proposals is in effect a replacement for the existing former dairy building on the site. In relation to the proposed new dwelling forming part of the appeal scheme the Inspector found that 'Although the (dairy) building makes a modest positive contribution to the wider setting of Little Park Farm, I share the view that its replacement could be justified, were any redevelopment scheme to be acceptable in principle and of an appropriate design quality... Units B and C would be modest, well-proportioned dwellings, their designs broadly reflective of converted vernacular barns.'

He therefore raised no objection to this aspect of the appeal proposal.

As the current proposal for Unit B is similar to the appeal scheme, to which no objection was raised by the Council, and given the appeal Inspector's comments, I consider that the current scheme in this respect will preserve the setting of Little Park.

Unit C:

Unit C replaces in effect the existing mobile home on the site, which lies to the opposite side of the entrance track to the east of the existing farm buildings on the site. In respect of Unit C within the appeal scheme the Inspector commented that: 'I note that the Conservation Officer remains opposed to the principle of any development to the east of the track entering the site. Unit C is far more modest compared to Plot 1 in Appeal A, tucked into a corner near the site entrance and with its height and proportions reminiscent of a traditional farm building. The curtilage is also drawn more tightly, leaving a significant portion of the site as open paddock. Given that the proposal would secure the removal of the unattractive mobile home, and mindful also that the mobile home could lawfully be replaced by a larger unit without the need for permission, I consider that Unit C would be likely to have a neutral impact on the setting of the listed building.' Given that Unit C within the current scheme is very similar to that forming part of the appeal proposal I see no reason to differ from the Inspector's conclusions in relation to the impact of this part of the proposal on the setting of Little Park.

In summary, although Units B and C are considered to preserve the setting of Little Park, I consider that Unit A for reasons of its poor design quality and overly domestic character will detract from the positive contribution which the site currently makes to the setting of Little Park. This would be contrary to the requirements of District Plan Policy and the Council's adopted Design Guide. In terms of the NPPF I would consider the harm caused to be less than substantial, such that paragraph 202 would apply.

Further comments: In respect to the Prior Approval my comment regarding the Council retaining control over the design and external appearance of the building was, from memory, lifted more or less verbatim from the Inspector's own comments within the appeal decision notice. I will leave it up to you how you interpret this and how much weight is consequently attached to the Prior Approval as you are best placed to do so.

Notwithstanding the Agent's views on the design merits of the scheme, which I have read and considered, I remain of the opinion that it is poorly conceived and will detract from the setting of Little Park for the reasons set out in my previous response.

MSDC Tree Officer

I have reviewed the current Landscape Plan - 1166-21 02c and current Tree Protection Plan 1166-21 04b. I note the amendments made from the previous application DM/21/2367.

With regard to the tree protection plan 1166-21 04b the measures are appropriate and the fencing and construction exclusion zone should be adhered to throughout the development. I note the Landscape Plan - 1166-21 02c also refers to the protection of the trees however I would request this is updated to the current BS5837: 2012 (rather than 2005) with the appropriate extracts taken from this current guidance.

It is important there is a strong presence of native trees and hedgerows around the boundary of the site. I would therefore request clear and detailed specifications including of the proposed planting and maintenance of the hedgerows are submitted.

Furthermore should any of the original understory vegetation around the site perimeters be removed (or have been removed) I would request these are replaced with suitable mixed native hedging and included within the specifications.

Providing the above points are addressed I would not object to the proposed application on arboricultural grounds.

WSCC Highways

Site Background

The proposal is for the demolition of existing farm buildings, then the construction of 3 dwellings comprising of 1 no. 2-bedroom, 1 no. 3-bedroom and 1 no. 4-bedroom dwellings.

The application site is found on Merchant Close, a public kept, low trafficked, unclassified cul-de-sac subject to a 30-mph speed limit and set within an urban setting. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location under the following relevant applications:

DM/19/2344 - Prior Approval - Agricultural to 4 dwellings (Approved) No highways concerns

DM/19/4153 - Full Application - 3 Dwellings (Refused/ Appealed, Denied) No Highways Concerns.

DM/20/1533 - Full Application - 3 Dwellings (Refused/ Appealed, Denied) No Highways Concerns.

DM/21/2367 - Full Application - 3 Dwellings (Approved) No Highways Concerns. The following application is similar in highways safety concerns as the 4 listed above, where no highways concerns were raised. That said the LHA will provide the following comments for the current 'live' application.

Access

An established access point will serve the proposed dwellings and currently serves a small farm. No changes to the access are proposed.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking

The proposal will see additional garages built on the previously approved site. This is not anticipated to cause a displacement of the previously agreed parking provision. These garages can provide an additional 0.5 parking spaces

To summarise the LHA raises no concerns over the Vehicle Parking.

Cycle Parking

Upon inspection of the plans and supporting documents the LHA concludes that the applicant proposes to supply cycle parking within garden sheds or garages. This conforms to requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

To summarise the LHA raises no concerns over the Cycle Parking.

Electric Vehicle (EV) Parking

The applicant has demonstrated that EV parking will be provided. However, details of the quota have not. As such the LHA provides the following statement.

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 a suitably worded condition which is advised below.

Turning

The applicant has demonstrated a turn on site. With designated turning areas supported with swept path tracking that illustrate Refuse and Fire Vehicles turning on site. This demonstrates that this area conforms to MfS Guidance on turning.

Construction Management Plan (CMP)

The previously permitted CMP has been provided supporting the application. The LHA raise no concerns over this provision.

Additional Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling.

The smallest carriageway width for fire appliance access is 3.7m, with the potential to reduce to 2.75m over short distances supplying enough operating space (3.7m) is available within 45m as above. This is to ensure fire appliances do not have the need reverse more than 20m.

The applicant is advised to contact FRSWaterandAccess@westsussex.gov.uk to discuss any other potential issues.

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 111), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions:

Conditions

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept 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 the approved site plan.

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

Turning

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of road safety

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.

Ecological Adviser

Based on the Condition 20 - Update Preliminary Ecological Appraisal, Wildlife Protection and Ecological Enhancements by The Ecology Partnership submitted in respect of DM/21/2367, I have no issues to raise in respect of this application subject to the implementation of the recommendations in that document. However, it does not appear to have been submitted with this application; I can only find the older survey reports. Therefore, I would recommend that the document is submitted together with a statement from the ecologist conforming any recommendations that have already been implemented so that a suitable condition can be applied to cover any remaining measures and secure the enhancements.

Historic England

Thank you for your letter of 24 January 2022 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.

Environmental Health

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the demolition and construction work which will produce a certain level of noise and dust. Conditions are therefore recommended in order to minimise any adverse impact.

1. 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: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: no work permitted

Reason: To protect the amenity of local residents

2. 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: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: none permitted

Reason: To protect the amenity of local residents

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

Reason: To protect the amenity of local residents

4. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Contamination Officer

In terms of application DM/22/0204, I have previously read the investigation report by R. Carr Geotechnical Services, Ref: 3903/21 dated October 2021, which was submitted as part of application DM/21/3720.

Their findings show no contaminants tested for on site to be above the Generic Assessment Criteria (GAC) for Human Health Risk Assessment for residential with plant uptake. As such,

they have reevaluated their risk assessment based on the findings, and found the risk to future users to be low.

Therefore no remediation measures are required, However, a discovery condition should still be applied, so that in the unlikely event that contamination is found during the ground works, works stop until testing, and remediation as necessary, can be undertaken

Recommendation: Approve with the following conditions:

1) 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.

Drainage

Recommendation - No objection subject to condition.

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 increased surface water (pluvial) flood risk. However, there are areas on increased surface water flood risk within the local area, largely associated with the watercourse and ponds to the west and a natural flow pathway to the east.

There are not any historic records of flooding occurring on this site. However, we do hold records of fluvial flooding occurring within proximity to the development. This fluvial flooding is associated with the watercourse and ponds to the west of the site.

The lack of records of flooding occurring on the site does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Sewers on site

The Southern Water public sewer map does not show any public sewers located within the red line boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advise in relation to this situation can be found on the relevant water authority's website.

Surface water drainage

The BGS infiltration potential map shows the site to be in an area with moderate to low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. To ensure the drainage hierarchy is followed

this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The application is supported by two drainage reports, the flood risk and drainage team have reviewed the report submitted 20-01-2022 (Surface and foul drainage technical note, 20.12.2021) on the understanding that this supersedes the previously submitted report. The following comments are based on this approach.

The surface and foul drainage technical note (dated 20.12.2021) refers to a development of three new dwellings. However, it does set out the principle that that surface water drainage shall be attenuated before discharging into an existing watercourse at a controlled rate. The technical note also includes hydraulic calculations, a proposed discharge rate and required attenuation volumes.

The flood risk and drainage team cannot comment on the details of the proposed drainage strategy as it doesn't refer to the proposed two dwelling development. However, the principle of attenuating surface water before discharging it into an existing watercourse at a controlled rate is acceptable.

The detailed surface water drainage design will need to be based on the proposed development numbers and layout (2 units). It should be designed to cater for the 1 in 100-year storm event, with an allowance for climate change. Discharge into a watercourse should be limited to the Greenfield QBar runoff rate for the area being drained. If this rate is not achievable then discharge should be limited to as close as practical to this rate and agreed with the flood risk and drainage team.

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

Foul water drainage

It is proposed that the development will manage foul water drainage via individual package treatment plants.

We would advise the applicant that discharge to a main sewer would be the preferred means of managing foul water drainage. Non-mains foul drainage will need to comply with the Environment Agency general binding rules, or an Environmental Permit will need to be obtained.

Information into our general requirements for detailed foul water drainage design 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.

Southern Water

Southern Water would not support the proposals for package treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option.

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 Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The submitted drainage details indicates the SuDS to be maintained within private ownership and maintenance.

However, 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.

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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

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.

Informative: 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.

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MID SUSSEX DISTRICT COUNCIL

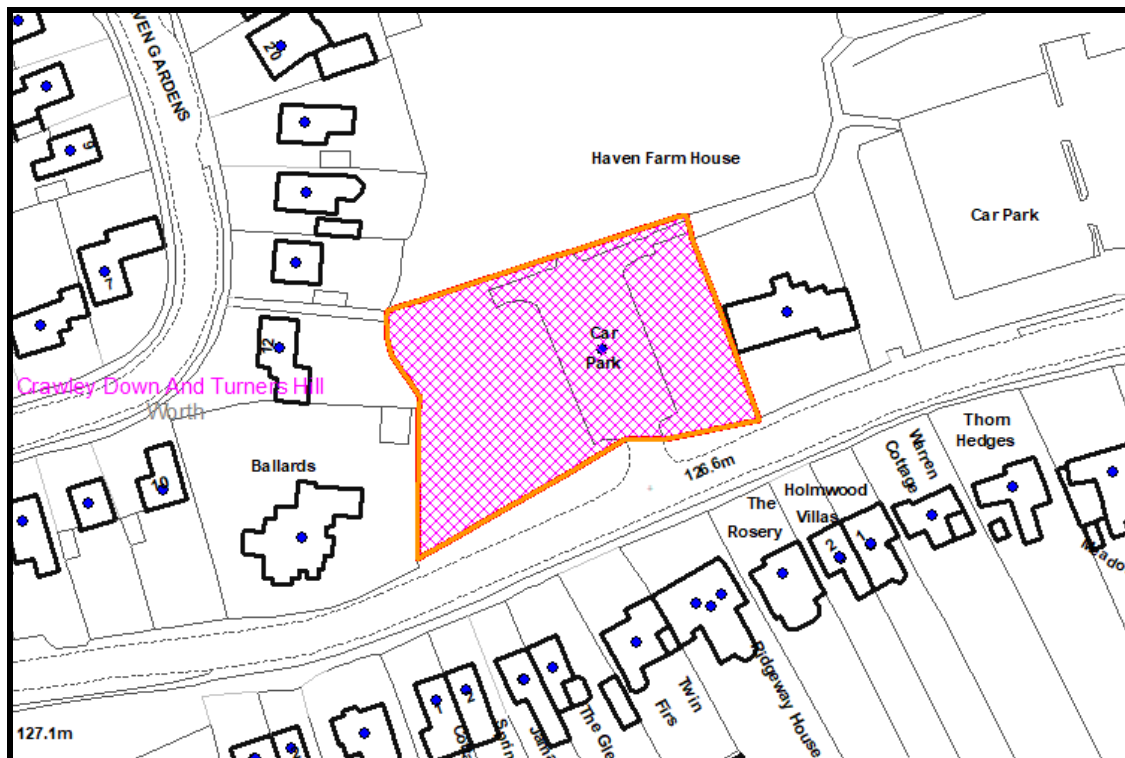
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Worth

DM/22/0220



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**THE HAVENS SPORTSFIELD CAR PARK THE HAVEN CENTRE
HOPHURST LANE CRAWLEY DOWN
VARIATION OF CONDITION 2 RELATING TO PLANNING APPLICATION
DM/20/3296 - TO SUBSTITUTE DRAWINGS FOR THOSE ON THE
ORIGINAL APPROVED SCHEME, IN ORDER TO REDUCE THE SCALE OF
THE BUILDING WITH ADJUSTMENTS TO EXTERNAL MATERIALS,
DESIGN OF ROOF AND REDUCED CAR PARKING BETWEEN ROWS.
(AMENDED DESCRIPTION 25.03.2022)
THE TRUSTEES**

POLICY: Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition /

ODPM CODE: Minor Other

8 WEEK DATE: 15th April 2022

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

CASE OFFICER: Joseph Swift

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

Permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 relating to Planning Application DM/20/3269 - to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduced car parking between rows at The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down.

The application is being determined at committee level as Mid Sussex District Council is the landowner of the site.

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.

Accordingly there is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the previous consent. The main issue for considerations are therefore the impact of the changes on the character and appearance of the area and on neighbouring amenity.

The proposed reduction in height, change in materials and reduction in width between parking bays are considered to be of an appropriate design size and scale that is in-keeping with the character of the wider locality and are not considered to cause significant harm to neighbouring amenities. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan, The Mid Sussex Design Guide SPD and the requirements of the NPPF.

RECOMMENDATION

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

CONSULTATIONS

PARISH COUNCIL OBSERVATIONS

Support

LETTERS OF REPRESENTATIONS

Four third party letters of representation have been received which object to the proposal for the following reasons:

- No reduction in size/larger than building it is to replace
- Building closer to house and to trees T13 and T14
- unneighbourly
- loss of trees and impact on wildlife
- traffic/road safety
- already multiple village halls
- Proper traffic survey was never carried out
- Extending beyond existing car park
- Loss of open space
- Replacement trees in inappropriate locations

INTRODUCTION

Permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 relating to Planning Application DM/20/3296 - to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduced car parking between rows at The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down.

RELEVANT PLANNING HISTORY

DM/19/2671: Village Hall with associated parking, PERMISSION

DM/20/2875: Non material amendment relating to planning reference DM/19/2671 for the reduction in scale of building, minor amendments to window/door sizes and positions and enhanced front entrance porch. WITHDRAWN

DM/20/3296: Variation to condition 2 relating to planning application DM/19/2671 to substitute amended drawings for those on approved scheme, in order to reduce the

scale of the building with minor adjustments to certain window/doors and an enhancement to the front entrance design. PERMISSION

DM/21/1769: Variation to condition 2 relating to planning application DM/20/3296 to substitute amended drawings for those on original and subsequent approved schemes for economical and construction detail requirements. PERMISSION

SITE AND SURROUNDINGS

The site consists of a car park and grassed/vegetated area, located on the northern side of Hophurst Lane in Crawley Down. It is associated with recreational land immediately north, including a skate park and floodlit football pitch to the north-east. The western boundary adjoins residential properties at Haven Gardens, with a footway linking across the northern part of the site to the community facilities. Immediately east is Haven Farm House, a 2-storey detached dwelling with front and rear gardens. East of this is The Haven Centre, a large community building with an extensive car park. Opposite to the south, is a ribbon development of residential dwellings.

The built-up area boundary adjoins the western boundary of the site and runs along the southern edge of Hophurst Lane, so the application site, Haven Farm House, The Haven Centre and The Beckers residential development further east, are all located within designated countryside. The site also lies within a Strategic Gap between Crawley and East Grinstead and within the 7km zone of the Ashdown Forest.

APPLICATION DETAILS

In detail, condition 2 of planning permission DM/19/2671 states:

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.

The effect of this change will be to substitute new plans showing minor material amendments to the approved scheme. These comprise:

- Reduction in roof height and design over badminton hall
- Change of external materials; and
- Reduction in width of space between carparking rows

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

This application is before the planning committee as it is Mid Sussex owned land.

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 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 (Mar 2018)

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

Policy DP26: Character and Design

Crawley Down Neighbourhood Plan (Jan 2016)

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

No policies are relevant to this application.

National Policy and Other Documents

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

OTHER PLANNING GUIDANCE

Mid Sussex Design Guide Supplementary Planning Document

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.

ASSESSMENT

There is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the previous consent. The main issue for considerations are therefore the impact of the changes on the character and appearance of the area and on neighbouring amenity.

Design and visual impact on the character of the area

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

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape*
- *protects open spaces, trees and gardens that contribute to the character of the area*
- *protects valued townscapes and the separate identity and character of towns and villages*
- *positively addresses sustainability considerations in the layout and the building design.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. Design Principle DG38 requires good architecture whilst responding appropriately to its context.

The reduction in height of the building will result in the building being approximately 1.6 metres lower than previously approved. This reduction in height raises no concerns as it will reduce the overall impact relative to the approved scheme. Furthermore, within the wider street scene there is a mixture of design of buildings and materials, as such the proposed use of Ibstock west Hoathly multi stock bricks, cedar weatherboarding and foticrete gemini roof tiles are considered appropriate within this wider context.

Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

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)'*

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The reduction in height, change to the materials and reduction in width from 9 metres to 7.5 metres between the car parking rows is not considered to result in significant harm to the neighbouring amenities, if anything the reduction to the scheme would improve any impact to neighbouring dwelling. Accordingly, it is considered that the scheme would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

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 material planning considerations.

It is noted that the description has been amended to vary the conditions of the most recent consent (DM/20/3296) however, it does not materially alter the application as the proposal could technically alter the original permission (DM/19/2671). In addition the supporting documentation makes it clear it refers to the more recent consent, as such the amended description was not re-advertised.

CONCLUSION

The application is deemed to comply with the Development Plan as set out above and therefore is considered acceptable.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 30th September 2022 (3 years from the date of the original permission DM/19/2671)

Reason: To comply with Section 73 of the Town and Country Planning Act 1990.

2. **Approved Plans**

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

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

3. **Pre-commencement conditions**

No development above ground floor slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

4. 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 planting (size, species, maintenance and aftercare (planting, support and feeding)), and 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 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.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan.

6. No development shall take place until details of the existing and proposed site levels 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.

7. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking).
- dust management plan.
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Construction phase

8. 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.

9. Deliveries or collection of plant, equipment or materials for use during the construction phase 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

10. The scheme shall only be constructed in accordance with the details contained within the Arboricultural Method Statement by SFF Tree Consultancy received on the 25th September 2019 unless first agreed in writing with the Local Planning Authority.

Reason: To ensure suitable tree protection is present during construction and to accord with Policy DP37 of the Mid Sussex Local Plan.

11. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. The submitted odour control scheme shall be in accordance with best practice, and shall include a risk assessment for odour, as well as maintenance and monitoring schedules for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

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

12. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to ventilate the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the operation of the development and shall thereafter be retained as such.

Reason: To protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

14. No operational use of any plant and machinery shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne noise from the operational activities of the plant and machinery from adversely affecting neighbouring residents. The applicant shall submit evidence, in writing, agreed by the Local Planning Authority before operational use commences, that the plant and machinery will obtain a sound level of 5 dB below the existing background sound level (LA90) during the operation of the plant and machinery, as measured one metre from the boundary of any nearby residential dwellings. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

15. Prior to the development hereby permitted being occupied and used, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

Reason: To safeguard the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

16. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan and CDNP10 of the Crawley Down Neighbourhood Plan.

17. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application DM/19/2671. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

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

Post-occupation monitoring / management conditions

18. 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.

19. Use of the commercial unit shall be limited to the following times:
Monday to Sunday 8.30hrs to 22:30hrs

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

20. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

21. Prior to the use of the building hereby permitted commencing, details of the proposed guttering system, having regard to the information contained within the submitted Arboricultural Method Statement by SFF Tree Consultancy received on the 25th September 2019, shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the building shall not be brought in to use until such time as the approved details are implemented on site and shall thereafter be retained as such.

Reason: To help mitigate the pressure from retained trees and to accord with Policy DP37 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-andmodifying-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. No burning of demolition/construction waste materials shall take place on site.
4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policycampaigns/operations-safety/>)

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
Site Plan	2116-02	1	24.01.2022
Proposed Floor Plans	2116-03	-	24.01.2022
Proposed Elevations	2116-11	-	24.01.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Support.

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