
4 October 2022

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

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 13TH OCTOBER, 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 8 September 2022. | 5 - 8 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |
| Items Recommended for Approval. | | |
| 5. | DM/22/0640 - Land to the North of Lyndon, Reeds Lane, Sayers Common, BN6 9JG. | 9 - 100 |
| 6. | DM/22/0732 - Rear of 62-68 Folders Lane, Burgess Hill, RH15 0DX. | 101 - 176 |

- | | | |
|-----|--|------------------|
| 7. | DM/22/2160 - 15 Portsmouth Lane, Lindfield, RH16 1SE. | 177 - 190 |
| 8. | DM/22/2490 - Hickmans Lane Pavilion, Lindfield, RH16 2PX. | 191 - 208 |
| 9. | DM/22/2620 - FatFace, Unit B, The Orchards, Haywards Heath, West Sussex, RH16 3TH. | 209 - 216 |
| 10. | DM/22/2751 - Site of Former Martlets Hall, Burgess Hill, RH15 9NN. | 217 - 228 |

Items Recommended for Refusal.

- | | | |
|-----|---|------------------|
| 11. | DM/22/2015 - Land North of Staplefield Road, Slaugham, RH17 6AG. | 229 - 260 |
| 12. | DM/22/2034 - Land South of 25 & 27 Holtye Road, East Grinstead, RH19 3HT. | 261 - 276 |
| 13. | DM/22/2162 - 15 Portsmouth Lane, Lindfield, RH16 1SE. | 277 - 290 |
| 14. | DM/22/2336 - 18 The Grange, Hurstpierpoint, BN6 9FD. | 291 - 304 |

Other Matters.

- | | | |
|-----|---|------------------|
| 15. | DM/22/2828 - Lidl, 38 The Martlets, Burgess Hill , RH15 9NN. | 305 - 312 |
| 16. | 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 R Webb

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**Minutes of a meeting of Planning Committee
held on Thursday 8th September, 2022
from 4.00 - 5.06 pm**

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

P Brown
J Dabell
R Eggleston

B Forbes
T Hussain
C Phillips

M Pulfer
D Sweatman
R Webb

Absent: Councillor R Cartwright

Also Present: Councillor R Salisbury

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Cartwright.

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

In relation to item DM/22/0733 – Land at Rogers Farm, Fox Hill, Haywards Heath, West Sussex, RH16 4QU, Councillor Pulfer declared a non-prejudicial interest as he is a Member of the Planning Committee for Haywards Heath Town Council.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 AUGUST 2022.

The minutes of the meeting of the Planning Committee held on the 11 August 2022 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.

5 DM/22/1925 - VALE PRIMARY CARE CENTRE, BOLDING WAY, HAYWARDS HEATH, WEST SUSSEX, RH16 4SY.

Andrew Horrell, Planning Officer, introduced the application which sought planning permission for the external alterations to fenestration and doorways and the incorporation of roof mounted PV panels and an additional parking space in connection with internal alterations redistributing the existing Healthcare and Pharmacy activities. He advised the application was before the Committee as the building and land is owned by Mid Sussex District Council and the work was required to meet the NHS regulations and building regulations as stated in the report. The Planning officer explained the proposed development complies with the policies as set out in the District Plan and Haywards Heath Neighbourhood Plan. Given the

nature of the proposed works, the harm to surrounding amenities is not deemed significant.

A Member asked for clarity regarding the access points to the pharmacy following the relocation of the unit. The Planning officer confirmed there would be level access along the front of the building as well as with steps up to the pharmacy with a fire exit.

The Planning officer confirmed, in response to a Member seeking clarity, the NHS would be funding the refurbishment as the building is owned by Mid Sussex District Council and leased to the NHS.

A Member queried the number of additional car parking spaces in the proposed works, citing the need for further provision of spaces. The Planning officer advised there would be the creation of one additional space, emphasising the alterations were an improvement on existing facilities in the building. He advised of alternative parking in the vicinity.

As there were no further questions, the Chairman took Members to the recommendation that planning permission be approved subject to the conditions outlined at Appendix A. This was proposed by Councillor Pulfer and seconded by Councillor Coote and was approved unanimously with 11 in favour.

RESOLVED

The planning permission was approved subject to the conditions outlined at Appendix A.

6 DM/22/0733 - LAND AT ROGERS FARM, FOX HILL, HAYWARDS HEATH, WEST SUSSEX, RH16 4QU.

Steven King, Planning Team Leader, introduced the application which sought planning permission for the provision of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements. The Team Leader advised that there are 3 existing listed buildings adjacent to the site of the application. He advised that whilst there would be some harm to the setting of these listed buildings and this needed to be given significant importance, the harm was classed as less than substantial under the guidance in the NPPF. In such cases the less than substantial harm had to be balanced against the public benefits of the proposal, which were outlined in the report. . The development would provide a mix of dwellings with a proposed pedestrian link to Fox Hill. He drew Members' attention to the further information contained in the Agenda Update Sheet and provided a verbal update citing a request from the Local Highway Authority (LHA) to the applicant to include advance warning signage of the side road to the South of the access. The applicant has indicated they are content with this request and the Planning officer advised Members it would be included as an additional planning.

The Planning Team Leader advised Members that within the Site Allocations Development Plan Document, the site is allocated 25 units, however, this application is proposing 20 dwellings because the applicants have stated that the developable area of the site is reduced because of drainage issues and the root protection areas of the trees on the boundaries of the site.

The Planning Team Leader went through the main issues in the report and referred Members to where these were assessed in the report.

Mr Daniel Frisby, Agent, spoke in support of the application.

Members discussed access to the site and expressed concerns regarding the existing speed restrictions and layout of the main road servicing the site. Regarding the access to the site, the Planning Team Leader advised that the Highway Authority were satisfied with the access. He advised that if Members were concerned about the width of the access, this could be discussed with the Highway Authority to ascertain whether any minor changes were required to the access. He advised that this could be done because in the event that Members resolved to approve the application, the decision would not be issued straight away as the section 106 legal agreement still needed to be completed. The Planning Team Leader also advised that the application includes widening of the footpath for pedestrian access by cutting back vegetation. The Planning Team Leader referred Members to Condition 15 of the recommended conditions which addresses this issue. A Member requested the speed limits be reviewed by the Police and West Sussex County Council (WSSCC) and East Sussex County Council (ESCC). The Planning Team Leader acknowledged this and looked to the Committee for a consensus that officers contact WSSCC and ESCC. This was agreed by the Chairman.

A Member expressed concerns regarding the drainage of the site as surrounding sites are prone to flooding. The Planning Team Leader advised further evidence had been requested from the developer by the drainage engineer. They are now satisfied the site meets the requirements.

A Member was disappointed in the lack of provision for cyclists, citing the Mid Sussex Design Guides pledge and that pedestrian access to existing sites had not been addressed. The Planning Leader Team advised there was always a challenge with linking into existing sites because an applicant can only carry out works on their own site and cannot carry out works on adjoining sites that they do not control. However, he advised that the plans do show a potential link to the existing bridal way to the west.

Members discussed the potential noise nuisance levels and water supply to the site. A Member suggested if speed restrictions were introduced, noise levels would reduce, therefore the developer would not be required to provide relevant insulation to the properties. The Planning Team Leader advised the Environmental Health officer was content with existing noise levels for future inhabitants. Regarding the water supply to the site, he confirmed that the applicants would need to obtain confirmation from South East Water that they could provide a water supply for the development and officers would need to be satisfied with the submitted information prior to a decision being issued.

In response to a Member asking for clarity regarding the drawings numbers listed within the report and the presentation, the Planning Team Leader confirmed these were not consistent and would be updated. The Planning Team Leader confirmed that the plans that were shown on the presentation for Members were the correct plans.

Finally, a Member asked if electrical vehicle charging points would be supplied, the Planning Team Leader confirmed all but 2 dwellings would have these installed under current building regulations. However, subject to the agreement of the Committee two additional EV charging points can be included as a condition to the recommendations. This was proposed by Councillor Pulfer and seconded by Councillor Coote.

The Chairman took Members to the vote on the proposed amendment to Appendix A, to include two additional EV charging points as a condition, that planning permission be approved subject to Recommendation A and Recommendation B. This was agreed with 10 in favour and 1 abstention.

RESOLVED

The planning permission was approved, as amended, outlined at Appendix A.

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

None.

The meeting finished at 5.06 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

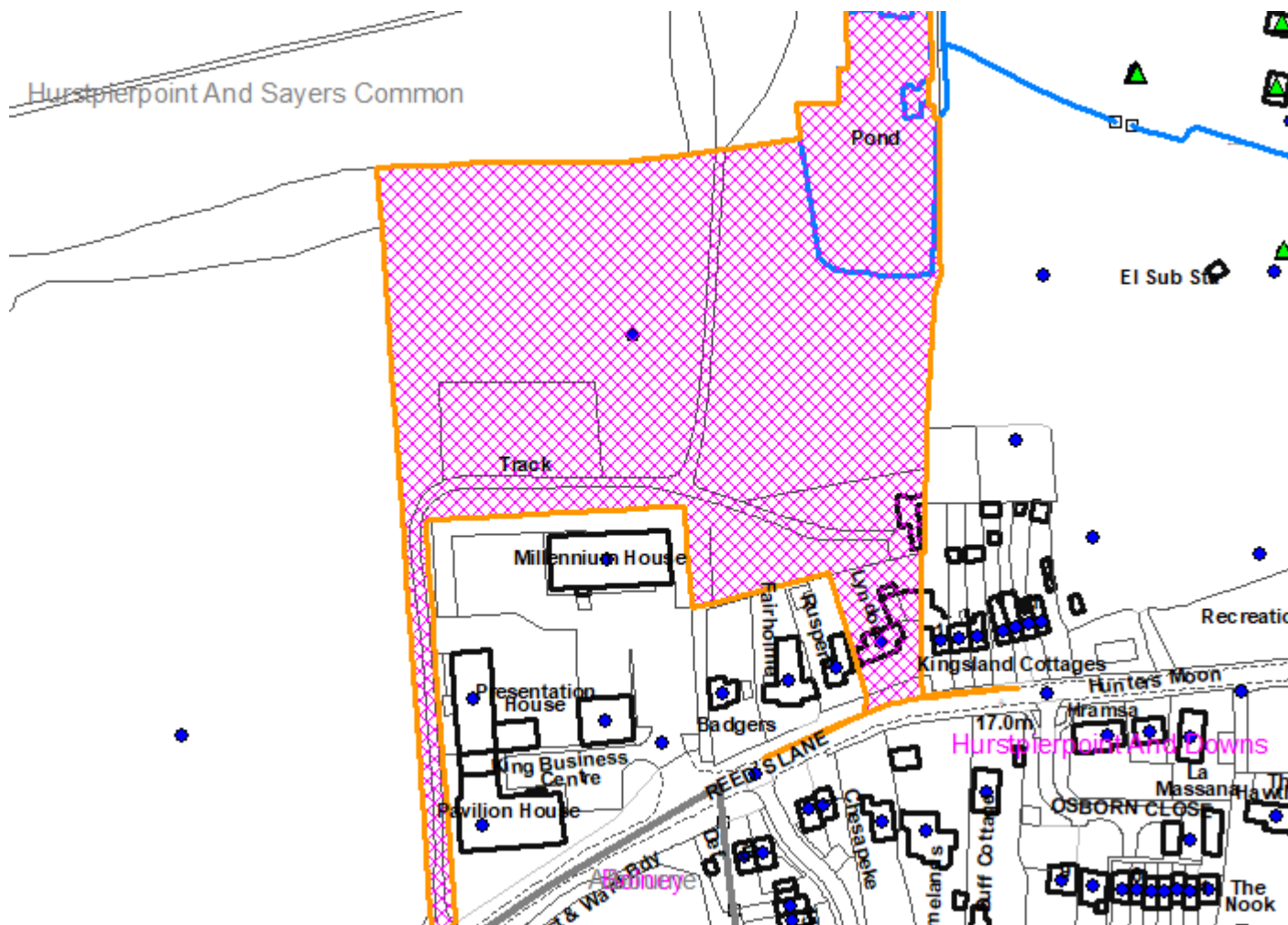
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/22/0640



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**LAND TO THE NORTH OF LYNDON REEDS LANE SAYERS COMMON
WEST SUSSEX**

**HYBRID APPLICATION CONSISTING OF: A) FULL APPLICATION FOR 36
ONE, TWO, THREE AND FOUR BEDROOM DWELLINGS (INCLUDING
30% AFFORDABLE HOUSING), ASSOCIATED INFRASTRUCTURE,**

LANDSCAPING, PEDESTRIAN AND VEHICULAR ACCESS FROM REEDS LANE AND THE DEMOLITION OF LYNDON. B) OUTLINE APPLICATION FOR 2 THREE BEDROOM SELF/CUSTOM BUILD PLOTS. RESIDE DEVELOPMENTS LTD

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th September 2022

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

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This is a hybrid application consisting of full planning permission sought for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission sought for 2 three bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

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 National Planning Policy Framework (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 application site is within the built confines of a Category 3 settlement and allocated under Policy SA30 of the District Councils Site Allocation Development Plan Document (DPD) for 35 dwellings. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. 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. 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 to provide two self/custom build dwellings is a material consideration in the determination of the application, which is supported by planning policy. This provides a positive benefit to the proposed development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF 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, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD, policies HurstH1, HurstH5, HurstH6, HurstH7 and HurstH8 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide, and the requirements of the NPPF.

Officers consider that in the context of the adopted District Plan, Neighbourhood Plan and Site Allocations DPD, 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.

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 13th January 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable

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

25 letters of OBJECTION (18 from one property) concerning the following points:

- Site falls outside the built-up area boundary;
- Over-development putting strain on village;
- Sayers Common already undergoing an increase in a large number of new homes with limited bus services and restricted places at schools with pressure on Doctors and Dentist
- Reeds Lane is a narrow lane with parking along the lane blocking visibility;
- Access cuts the current driveway of 1 Kingsland Cottage to half its current width;
- New dwelling to front Reeds Lane will not match the current streetscape in design or materials and would diminish historical entrance to the village that Kingsland Cottages gives;
- Loss of amenity to 1 Kingsland Cottages through loss of light and space with a two-storey house close to the boundary;
- No details on boundary treatment between the site and 1 Kingsland Cottages;
- Houses to surround Kings Business Centre - consider insufficient information has been provided to support the application in relation of noise and smells;
- Concerns on complaints from future residents on noise and air quality from the industrial estate to the south of the site;
- Millennium House on Kings Business Centre is a manufacturer of beauty oils with storage of ingredients and heavy lorry movements - houses close to an active industrial estate with a manufacturing facility located on the shared boundary;
- Plot 38 and garage within 5 metres of existing culverted watercourse and owners of 1 Kingsland Cottages have riparian rights over the original culverted watercourse;
- Furze Wood to the north of the site is a native bluebell wood and ecological feature with bats and deer;
- Contamination on land from former use as a refuse tip and disposal of soil into former brickyard pits;
- Rat infestations from site
- Concern on Japanese knotweed in the south of the site;
- Loss of privacy from 2 Kingsland Cottages with houses facing rear of property;
- Already met hosing need in plan period set out in Neighbourhood Plan and will overwhelm existing services and infrastructure;
- Noise from development and new houses affecting amenity of properties;
- Party wall agreement required to demolish Lyndon as attached to 1 Kingsland Cottage;

- Flooding of local area from surface water;

1 letter of COMMENTS:

- Where permission is granted consideration of construction vehicles parked on Reeds Lane which causes problems on flow of traffic and visibility.

SUMMARY OF CONSULTATIONS

WSCC County Planning Officer

Summary of required contributions:

Education Primary - £143,109
Education - Secondary - £154,020
Libraries - £17,179
TAD - £147,036

WSCC Highways

No objection subject to conditions

WSCC Flood Risk

No objection.

WSCC Minerals and Waste

No comment

WSCC Water and Access

Advice. Condition.

MSDC Urban Designer:

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to conditions

MSDC Tree Officer

No objection.

MSDC Ecology Consultant

Recommended approval subject to attached conditions.

MSDC Archaeology Consultant

No historic environment objections.

MSDC Leisure

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

Play £33,957

Kickabout £28,524

Formal Sport £38,889

Community Buildings £23,391

MSDC Housing

No objection. Comments.

MSDC Environmental Health

No objection - suggested conditions.

MSDC Environmental Health - Contaminated Land

No objection - suggested conditions.

MSDC Landscapes

No comments

Southern Water

No objection. Informative.

Hurstpierpoint and Sayers Common Parish Council

Amended

We continue to recommend that this application be refused. The reduction of one unit makes no material difference to our concerns at a further imposition of significant housing upon a small village with little by the way of infrastructure. Our previous comments remain relevant, we fully support the continued objections from residents; over-development of the site, traffic and flooding issues.

Original

Our recommendation is that MSDC should refuse the application. Hurstpierpoint and Sayers Common Neighbourhood plan is valid until 2031, this application is contrary to:

H3 - Sayers Common Housing sites

H6 - Housing sites infrastructure and environmental impact

The Parish Council recommended refusal for a development of less houses in 2017. With reference to the representation letters, the Parish Council are in support of the objections made by the resident of 1 Kingsland Cottages.

INTRODUCTION

This is a hybrid application seeking planning permission for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission for 2 three-bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

RELEVANT PLANNING HISTORY

DM/17/4448 - Outline application for residential development to provide up to 28 one, two, three and four-bedroom dwellings and 2 self/custom build plots (Use Class C3) with all matters reserved except for access and the demolition of Lyndon. (Amended description deleting doctors surgery and providing one additional unit). REFUSED.

This was refused for the following reasons:

'1. National planning policy states that planning should be a plan-led system. The Council can demonstrate a five-year housing land supply. As a result, at this stage in the plan, there is not a need for additional housing sites to come forward which are sited outside of the built-up area boundaries. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policy C1 of the Mid Sussex Local Plan; policies DP6 and DP10 of the emerging District Plan, policy HurstC1 of the Neighbourhood Plan and the provisions of the NPPF.

2. In the absence of a signed and dated S106 Agreement the proposal does not satisfy the requirements of Policy G3 of the Mid Sussex Local Plan, Policies DP18 and DP22 of the emerging District Plan in respect of infrastructure requirements to service development and affordable housing as supplemented by the Council's Supplementary Planning Document 'Development and Infrastructure' dated February 2006.'

SITE AND SURROUNDINGS

The site currently consists of a relatively level piece of land comprising of grass and scrub with mature trees on the northern and eastern boundaries. There are a number of mature trees on the northern and eastern boundaries of the site and a mature Oak tree within the site. These are however, not protected by Tree Preservation Orders.

To the south of the site are dwellings forming linear ribbon development along Reeds Lane as well as Kings Business Centre. Construction is being undertaken to the east of the site of Kingsland Laines which is a consented scheme of 133 dwellings and a 70-bed care home.

To the northwest there is an area of deciduous woodland (outside of the red line and ownership of the applicant), and to the northeast is an area consisting of woodland, grassland, and wetland ponds (within the same ownership of the applicant). In addition, there is a field to the west of the site also within the ownership of the applicant.

The site will result in the demolition of the existing dwelling Lyndon and the formation of a vehicle and pedestrian access to serve the proposed cul-de-sac development. This access is to be sited between existing linear residential development similar to the cul-de-sac of Meadow View opposite the site and Osborn Close to the east of the site along Reeds Lane.

Reeds Lane at this point benefits from a 30 m.p.h speed limit and has a pedestrian footway on the opposite side of the highway leading to the centre of Sayers Common.

The site is situated on the edge of the development boundary of Sayers Common with housing and commercial development on the southern boundary of the site and new housing development being constructed to the east of the site of Kingsland Laines.

Following the adoption of the Site Allocations DPD, the site is now within the built up area boundary of Sayers Common and is no longer within the countryside as previously identified in the Mid Sussex District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

APPLICATION DETAILS

The application is submitted as a hybrid application seeking full planning permission for 36 dwellings and outline permission for 2 self / custom build dwellings. The development is to provide 30% affordable housing.

The proposal is to comprise a total of 26 market dwellings (which includes 2 self/custom build plots) and 12 affordable dwellings consisting of 4no. 1 bed maisonettes, 2no 2-bed chalet bungalows; 12 no. 2-bed dwellings; 13no 3-bed dwellings and 7no 4-bed dwellings. Two of the 3-bed dwellings are to be for the self/custom build plots.

The proposal is to provide a mixture in the style of dwellings comprising of detached, semi-detached, and terraced dwellings as well as maisonettes and chalet bungalows. There are also to be detached garages and car ports serving some of the properties.

Plans show that the dwellings would be constructed in brick, with some dwellings benefitting from tile hanging or horizontal boarding. There would be a mixture in the palette of materials of brickwork and roof material. Elevational treatments would create visual interest through detailing in the window design, porches, bay windows and the roof pitches. There would be varying heights of the dwellings within the development also to create visual interest.

Each property would benefit from off road parking. Whilst some properties would benefit from front threshold parking, the majority of properties would have parking located to the side of dwellings. There would be 21 no. visitor parking spaces serving the development set to the side of the residential road which is to go around the site.

As part of the application outline permission is sought for 2no 3-bed self/custom build dwellings. Details have been provided in the submitted site plan showing their location within the site, their siting within the plot and also the location of parking and garaging. The Agent has confirmed that the outline element of this application is to consider the location of the two self/custom build dwellings and their garages. However, details in respect of their appearance, scale and landscaping are reserved as these details would be down to the individual purchaser as part of the requirements of self/custom build.

The boundary trees and vegetation as well as a mature Oak tree within the site are to be retained. Additional planting of hedgerows and trees are proposed throughout the site with a planting buffer and enhanced planting provided on the northern boundary of the site. There are to be two areas of open space within the site.

As part of the application a phasing plan has been submitted showing the development to be split into 3 phases as follows:

- Phase 1 - Demolition of Lyndon, main site access, internal road and plots 3 - 9 and plots 12- 38
- Phase 2 - Bungalows at Plots 1 and 2
- Phase 3 - Self/Custom Build Plots 10 and 11

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

- A Planning Statement including a statement of community involvement and affordable housing statement;
- Design and Access Statement;
- A Sustainability Statement;
- A Transport Statement;
- Stage 1 Road Safety Audit;
- A Flood Risk Assessment and Surface Water Drainage Strategy;

- An Ecological Assessment (including Surveys);
- An Interim Update Survey Report;
- A Final Ecology Survey Report;
- Arboricultural Implications Report;
- A Phase 1 Desk Study and Site Reconnaissance Report; and
- An Archaeological Desk Based 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, the Site Allocations Development Plan Document (SADPD), and the Hurstpierpoint and Sayers Common 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
DP20 - Securing Infrastructure
DP21 -Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations Development Plan Document - SADPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Relevant policies:

SA GEN - General Principles for site allocation
SA30 - Land to the north of Lyndon, Reeds Lane, Sayers Common

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Neighbourhood Plan was made in September 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

HurstH1 - Housing
HurstH5 - Development Principles
HurstH6: Housing sites infrastructure and environmental impact assessment
HurstH7: Affordable Homes
HurstH8: Small dwellings

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

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

Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

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;
- Self and Custom Build
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of development

The site is allocated within the Site Allocation DPD (SADPD) under Policy SA30. This DPD is adopted and forms part of the development plan. As a result of the site being allocated for development in the DPD the site has now been incorporated into the built-up area of Sayers Common. Policy SA30 identifies the site for 35 dwellings and in part states:

'Objectives

- *To deliver a high quality, landscape led, sustainable extension to Sayers Common, which respects the character of the village and the setting of the*

- adjacent countryside, and which is*
- *comprehensively integrated with the settlement so residents can access existing facilities.*

Urban Design Principles

- *Ensure the design and layout of this site respects that of the adjacent site at Kingsland Laines to the east through careful masterplanning.*
- *Enhance connectivity with Sayers Common village by providing pedestrian and/or cycle links to adjacent existing networks.*
- *Orientate development to provide a positive active frontage in relation to the existing settlement, neighbouring site to the east and to define open spaces and routeways.*

Landscape Considerations

- *Retain and enhance existing mature trees and hedgerows on the site and on the boundaries, and incorporate these into the landscaping structure and Green Infrastructure proposals for the site to limit impacts on the wider countryside.*
- *Open space is to be provided as an integral part of this landscape structure, making a feature of trees and landscaping and should be prominent and accessible within the scheme.'*

As the proposed development is within the built-up area of Sayers Common, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

Sayers Common is classed as category 3 settlement in the settlement hierarchy listed under MSDP policy DP6. This is defined as a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities. As such, the application site can be considered to be a sustainable location for residential development.

In light of the above, the principle of development on this site is acceptable and the detail of the proposal is required to be assessed against the site-specific requirements of SA30 and other relevant policies in the District Plan.

Design and impact on character of the area

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

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

Policy SA30 of the Site Allocations DPD sets out the following urban design principles for the development of the site:

- *'Ensure the design and layout of this site respects that of the adjacent site at Kingsland Laines to the east through careful masterplanning.*
- *Enhance connectivity with Sayers Common village by providing pedestrian and/or cycle links to adjacent existing networks.*
- *Orientate development to provide a positive active frontage in relation to the existing settlement, neighbouring site to the east and to define open spaces and routeways.'*

Policy HurstH5 of the Neighbourhood Plan in part states:

'House designs and the layouts and densities shall respond to the village character of the area'.

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 is relatively level comprising of grass and scrub with mature trees on the northern and eastern boundaries. The proposal would alter the character and appearance of the area by virtue of introducing housing and its related infrastructure

into what is effectively a greenfield site. However, as set out in this report, the site has been allocated for housing under Policy SA30 of the Site Allocations DPD and as part of this allocation the built-up area boundary has been extended to incorporate this site.

It is acknowledged that the proposed access will change the character of the lane removing the existing dwelling and forming a break to the existing linear ribbon development with the creation of a medium scale cul-de-sac of rearward development. As part of the scheme there would be a dwelling located to the entrance of the site to provide surveillance and continue the linear form. This would have landscaping to the front of the entrance. It is acknowledged that there are already cul-de-sacs situated off Reeds Lane, and Policy SA30 of the SADPD requires access into the site through the demolition of Lyndon. As such the character of Reeds Lane will not significantly alter.

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 respect of the layout, he in part considers that:

'The layout is similar to the illustrative outline layout and mostly accords with the principles of the Council's Design Guide. It benefits from a perimeter block arrangement organised so that the building frontages face the attractive boundary trees which also form the backdrop to the public realm and access road.'

In addition:

'The open space on the east of the access road is more informal and includes an area at risk of flooding. The revised drawings show the reduction and reconfiguration of plots 36 and 37 allowing the creation of more open space. This has also enabled more of the attractive tree belt on the eastern boundary to be revealed.'

'The parking is now more discreetly accommodated especially near and around the open spaces. Front threshold parking has been omitted in front of plots 1, 2, 34 and 35 and tucked away instead at the rear or the side of the houses allowing a verdant and more well-defined building frontage; this has been helped with the loss of one dwelling which enables this more comfortable arrangement. Where front threshold parking has been retained, such as in front of 3-5 and 16-18, it has been reduced and benefits from larger separation gaps incorporating trees and shrubs that soften and screen it. The parking has also been more discreetly integrated in the central cul de sac which benefits from the inclusion of car barns and more soft landscaping.'

Whilst he raises comments in respect of the materials and elevations of the dwellings, he notes that the design has been improved through the following:

- *The houses are more consistently organised with more consistent roof pitches. For example, plots 21-23 and 33-35 benefit from a run of gable frontages which generate underlying rhythm.*
- *More houses benefit from secondary facing material (clay hung tiles and boarding) that provide elevational interest.*
- *The garden boundaries that face the street and open spaces feature brick*

walls rather than close boarded fencing.'

In addition, he notes that the *'houses on the corner plots benefit from return frontages that address both streets and many of them have gable fronts that appropriately punctuate the corner. This includes plot 38 that suitably addresses the site entrance.'*

The Urban Designer concludes that

'This scheme sufficiently accords with the principles set out in the Council's Design Guide and with policy DP26 of the District Plan. I therefore raise no objections but to secure the quality of the design I would recommend conditions'. These conditions are in relation to materials and landscaping including boundary treatments.

It is your Officers view that the proposed design of the dwellings provides articulation with gabled frontages providing some underlying order and rhythm as well as elevational interest. The proposal forms a suitable development which 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 close to the site, nevertheless reflects materials and building styles that are found in other housing in the village and are of a relatively modest scale. The variations in the design of the properties would add to the visual interest of the proposed cul-de-sac. It is considered that the proposed layout provides spacious plots for each dwelling, with properties well-spaced between each other.

There are similar cul-de-sacs to the south of Reeds Lane of Meadow View and Osborn Close, as well as the development under construction to the east of Kingsland Lane and as such, it is not considered that the development would be out of keeping with the character of the area. Whilst the dwelling, Lyndon, would be lost to create the access, there would be a new dwelling at the entrance of the development to provide articulation which would present a positive relationship with the street and would not adversely affect the character of the area. Whilst it is acknowledged that the design of this dwelling does not match that of the Victorian dwellings to the east, there is a mixture of design and scale of dwellings along Reeds Lane so that the property would not appear out of character with the area.

Whilst details on the self/custom build dwellings have been provided in respect of their location and layout within the site and also them being 3-bed dwellings, no specific details on their internal layout, external appearance and landscaping have been confirmed and these details will be submitted as reserved matters as these details would be down to the individual purchaser to decide. However, a condition has been set out in Appendix A requiring details to be submitted prior to the submission of any reserved matters in relation to a design code and plot passport for each plot to control the parameters of these dwellings so that their materials and design can reflect that of the rest of the development.

Concerns have been raised that the proposal forms an over-development of the site. It is acknowledged that Policy SA30 of the SADPD identifies the site for 35 dwellings and the proposal is for 38 dwellings. However, 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 Policy DP26 of the District Plan, Policy SA30 of the Site Allocations DPD, Policy HurstH5 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.'

In respect of the SADPD, policy SA GEN (which is applicable to allocated sites) states in relation to access and highway matters;

- *'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 - 2026.*
- *Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*
- *Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*
- *Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*
- *Safeguard Public Rights of Way (PRoW) and protect their amenity.*
- *Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

Site specific policy SA30 of the SADPD requires *'Access to the site will require the demolition of the bungalow Lyndon that fronts onto Reeds Lane. Detailed access arrangements will need to be investigated further.'*

Policy Hurst6 related to housing sites infrastructure and sets out in part that new housing developments would need to meet a number of criteria including:

a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;'

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 on the edge of Sayers Common within the built-up area of the settlement. There is a continuous footpath available on the opposite side of the road from outside of the site to access the village, services, and bus stops.

The proposal is to provide one vehicle access point onto Reeds Lane to serve the development in place of the existing dwelling Lyndon. The proposed vehicular access is a 5.5m wide priority junction and features 6m kerb radii onto Reeds Lane. In addition, the site is providing 2 metre footways from its access and crossing points to join the main footway provision on the opposite side of Reeds Lane. A further pedestrian access to the west of the Kings Business Centre, allows for a wider connection into the Public Right of Way Network with Footpath 1AI from the site. No additional vehicular access onto Reeds Lane is proposed in this location.

The site plan shows that the development would provide 88 car parking spaces (including garages) and 21 visitor parking spaces resulting in a total of 109 parking spaces. It is considered that 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 2. As such there is a requirement for some 84 car parking spaces which the proposal meets.

During the course of the application, amended plans have been received reducing the number of units from 39 to 38 resulting in a reduction in the number of frontage parking, re-locating parking areas, the formation of carports instead of open parking for plots 6, 7, 14 and 15 and the re-alignment of the eastern part of the internal road. The Highways Authority has considered these changes and raise no concerns with the amendments. The formation of carports instead of 8 open spaces for plots 6/7 and 14/15 results in a reduction in allocated parking by 4 spaces for these plots,

these units are 1-bedroom maisonettes. As such the revised level of provision of 1 space per plot for these dwellings is considered acceptable.

Overall, the Highways Authority consider that the proposal is acceptable in terms of highway safety and 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. Your Planning Officer agrees with this assessment.

Comments have been received from the neighbouring property 1 Kingsland Cottages in respect of the effect the proposed site access may have on their own existing access arrangements and way their property is accessed. The application maintains access to 1 Kingsland Cottages but has not provided any specific area of hardstanding outside of the property of 1 Kingsland Cottages to allow for turning vehicles. The Highways Authority has considered this as part of their consultation response and state:

'The LHA are aware that a new site access will alter the way in which 1 Kingsland Cottages is accessed from Reeds Lane. The described way of access, reversing back out onto the highway land between this property and Lyndon, but not into the Reeds Lane carriageway has been occurring and would appear to be the way of accessing the property or Reeds Lane that the occupier prefers and is use too.'

Observations / the context of the area demonstrate that reversing in and out of drives onto Reeds Lane in this location is common and undertaken by other residents. Most of the land to the front of local properties provides enough space to turn a vehicle in the property boundary to allow entry and exit in forward gear if desired. It is also not uncommon for vehicles to reverse into a driveway in residential areas'

In addition, the Highways Authority 'are aware that 1 Kingsland Cottages are requesting that a small area of hardstanding is provided to accommodate a reversing manoeuvre that doesn't involve reversing out directly into the carriageway. However, this could lead to vehicle/pedestrian conflict, if a vehicle is reversing out of 1 Kingsland Cottages back onto a section of pedestrian footway that leads into the site. The proposed 'detailed design' of the access that is yet to be fully agreed under a Section 278 agreement and Technical Design check, proposes a flush surface site access/ footway and access to 1 Kingsland Cottages, this will allow for ease of movement in and out of 1 Kingsland Cottages, instead of raised kerbs being used.'

It is worth noting that the request by the neighbour in respect of an area of hardstanding is outside of the neighbours ownership and control. The Local Planning Authority can only consider the application that has been submitted and Members must base their decision on the application that is before them. It is considered that the proposal is acceptable in highway terms and that the neighbour would still be able to access their driveway with the proposed development.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD, Policy HurstH6a of the Neighbourhood Plan, and the requirements 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.

Policy DP29 deals specifically with noise, air and light pollution and states;

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and*

acceptable levels;

- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Para 187 of the NPPF states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

To the south of the site is Kings Business Centre. The nearest commercial building is Millennium House which is set close to the southern boundary. The planning history for this building identifies that this was approved under planning reference 00/00315/FUL as a new business unit. Condition 4 of the permission identifies the building to be used as B1 (a) - offices - and B1 (c) - light industry - and B1 (a) office use. Following the determination of the application there was confirmation that part of the building could also be used for B1 (b) - research and development of products and processes. These uses now fall within Class E of the Town and Country Planning Use Classes Order (as amended).

Concerns have been raised by the owners of Kings Business Centre in relation to complaints by future occupiers of the site in relation to noise and smells from the processes undertaken at Millennium House which has been identified as manufacturers of beauty oils with storage of ingredients and heavy lorry movements from the site. These concerns are noted. However, the uses identified within the permission for this commercial building are suitable to be undertaken within a residential area, and there are conditions on the permission of this building controlling the levels of noise coming from the site as well as the hours of loading and unloading in relation to the business. Whilst it is acknowledged that there will be residential properties closer to this commercial building than existing, the proposed dwellings to the north of the building are set some 48 metres away from the rear wall with vegetation on the boundary as well as a proposed access road serving the development between. To the east on the southern side of the existing building, two chalet bungalows are proposed set some 61 metres between the side wall of the commercial building and the rear wall of the dwellings. There is vegetation between these buildings as well as the parking, garaging and rear gardens to serve these dwellings. Due to the use of the commercial building, which is acceptable in residential areas, the screening on the boundaries of the site with this building and the distances with the dwellings, it is considered that there would be no significant

detriment to the amenities of future occupiers. Whilst no noise or air reports have been submitted with the application to assess the impact of the existing building on the application site, it is noted that there have been no complaints from existing residential properties in respect of the use of the site.

The Councils Environmental Protection Officer has considered the proposal and has advised the following:

'The 2000 permission for Millennium House, with the conditions 4, 5 and 17 in place, would provide me sufficient assurance that the new residents at the proposed site on land to the north of Lyndon, Reeds Lane would be suitably protected from potential environmental impacts from industrial activities arising at Millennium House.'

In light of the above, it is considered that the existing commercial use on the neighbouring site would not give rise to significant detriment to the amenities of future occupiers to the site.

Concerns have been raised by the residents of 1 and 2 Kingsland Cottages in respect of the impact on the amenities of these existing properties through the new dwellings which they consider would result in a loss of privacy and a loss of light to the existing neighbouring dwellings.

The nearest property to the eastern boundary of the site with 1 Kingsland Cottages would be plot 38. This is to be a two-storey dwelling and be set a minimum of some 4.4 metres, and a maximum of some 8.4 metres from the boundary with this property. On this elevation are to be two small first floor windows serving an en-suite and bathroom. Due to the orientation and the position of Plot 38 and that the existing property Lyndon has an extension built against the neighbouring single storey extension, it is considered that this plot will not result in a loss of light or privacy to the neighbouring amenities of 1 Kingsland Cottages.

In respect of the impact to 2 Kingsland Cottages, plans have been amended removing a property from the site which would have looked towards the rear garden of this property. However, the neighbours garden of no. 1 is set between the site and no. 2. Due to the position of plot 38, there would be no overlooking to the property of 2 Kingsland Cottages. In addition, plots 1 and 2 are chalet bungalows with plot 1 having rooflights on the front elevation. Due to the scale of these proposed dwellings and their position within the site set some 89 metres to the side boundary with no. 2, it is considered that these dwellings will not result in a loss of privacy to this neighbouring resident. In addition, plot 37 is to be set some 81 metres from the rear boundary of this property with open space and vegetation between. Plans show that there would be no first floor side windows facing towards this neighbouring site. As such it is considered that the proposal would result in no significant detriment to the amenities of this neighbouring property.

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 policies DP26 and DP29 of the District Plan, policy SA GEN of the Site Allocations DPD and the requirements of the NPPF.

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.

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).

In addition, Policy HurstH8 of the Neighbourhood Plan relates to small dwellings and states:

'Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with ground floor accommodation designed for people with access and movement difficulties will be supported.'

The submitted plans show that the proposed homes would meet and, in some cases, exceed the National Dwelling Space Standards and will also provide wheelchair accessible dwellings in relation to the affordable houses.

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 and Policy HurstH8 of the Neighbourhood 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'*

Policy SA GEN (General Principles for Site Allocations) of the SADPD sets out the following in respect of sustainability;

- *'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.*
- *Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'*

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 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 and a Standard Assessment Procedure (SAP) Calculations in relation to sustainability for the revised layout and reduced numbers of the site for 38 dwellings.

The Sustainability Statement 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. 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
- Air leakage
- Thermal bridging
- Natural Ventilation

Active Design Measures

- Air source heat pumps
- Efficient appliances, lighting, fixtures and fittings.

It sets out that that the 'Fixtures, appliances and fittings plus rainwater recycling measures will be specified in the development which considerably reduce potable water use so that the daily potable/wholesome water use will be calculated to not exceed 110 litres per person per day.'

Changes to Building Regulations require every new home with onsite parking to have an EV charging point. This applies to schemes where the building regulations application has been submitted after the 15th June 2022 and would therefore apply to this scheme should permission be forthcoming. A planning condition is

recommended for the installation of electric car charging points as not all of the plots have on site car parking.

The submitted SAP Calculations report concludes that the proposed properties would *'exceed Building Regulation requirements - the difference between the Dwelling Emission Rate (DER) and Target Emission Rate (TER) - by over 70% on average.'*

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

The development is situated in a sustainable location within a category 3 settlement. There is a continuous footpath on the opposite side of Reeds Lane which leads to the village centre as well as a bus stop.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan, policy SA GEN of the Site Allocation DPD, the principles of the Council's Design Guide, 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.

As part of SA30 in the SADPD, there is a requirement in respect of flood risk and drainage of the following:

- *'The site is adjacent to watercourses that also take surface water run-off from other parts of*
- *Sayers Common. This flood risk will reduce the developable areas and affect how surface water is disposed from the site. Provide a site specific Flood Risk Assessment (FRA) to identify areas which are susceptible to surface water flooding to inform the site layout and any necessary mitigation measures.*
- *Consider the method of disposal of surface water from this site taking into account that the*
- *watercourses are in an area of high surface water flood risk.*
- *Incorporate SuDS as an integral part of the Green Infrastructure proposals to improve biodiversity and water quality.*

The development is supported by a Flood Risk Assessment and Surface Water Drainage report.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. However, the submitted Flood Risk Assessment and Surface Water Drainage report does identify four areas of the site with increased surface water flood risk.

The Council's Flood Risk and Drainage team note that they are aware of instances of flooding associated with the eastern watercourse. It is their opinion that many of the flood instances are caused by / exacerbated by variations in bed level and lack of maintenance along this eastern watercourse

The application includes the rerouting of an ordinary watercourse which flows south to north. The existing watercourse is formed by a mix of culverted sections and open channel. The culverted section comes from the south, across Reeds Lane and through 1 Kingsland Cottages. The watercourse then daylight into an open channel in the garden of 1 Kingsland Cottages before flowing north along the densely vegetated eastern boundary of the site. Due to the level differences between the culverted section and the open channel to the north the falls on this section of the watercourse are poor, in addition maintenance of the open channel in some areas has been lacking. This can result in increased chance of flooding as water is hindered in its downstream flow.

It is proposed that the development reroutes this watercourse away from the site's boundary and further into the site to allow for better maintenance and management of the system. The aim of this approach is to help mitigate / reduce flood risk to both the site and surrounding area caused by the existing system.

The culverted watercourse would be picked up within Reeds Lane and rerouted, away from 1 Kingsland Cottages, into the access road of the site. The watercourse would then be daylighted into an open channel within the open space located along the eastern boundary of the site before discharging into the pond on site.

It is proposed that the development will attenuate and discharge surface water drainage into the online pond located in the north-east corner of the development. In respect of foul drainage, it is proposed that the development will discharge foul water drainage to the public foul system.

Following the request for further information the applicant has undertaken flood modelling and this shows all development (based on the currently proposed site layout) shall be located outside the modelled flood extents, up to the 1 in 1,000-year event. It identified plots 1 and 2's rear gardens could be impacted by surface water flooding and has proposed flood mitigation via raised finished floor levels. The applicant has also confirmed that appropriate no development buffers can be provided around the rerouted watercourse, including the culverted section.

The proposal is to incorporate SuDS as an integral part of the green infrastructure of the proposal to improve biodiversity and water quality as required under Policy SA30 of the SADPD. This would include using the existing pond to the north-east of the site of attenuation resulting in its management which would provide an ecology benefit; using permeable paving to increase water quality; and daylighting an existing culverted watercourse to the east of the site which would increase biodiversity / ecology potential and also increase water quality in the area.

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 and policy SA30 of the Site Allocation DPD.

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.

The general principles set out in Policy SA GEN of the SADPD apply to all site allocations and in respect of biodiversity and green infrastructure, its states;

'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.

- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.*
- *Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*

Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'

In addition, Policy SA30 of the SADPD requires the following in respect of biodiversity and green infrastructure:

- *'Undertake an holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site connecting to the surrounding area.*
- *Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.'*

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'*.

An Ecological Assessment was originally submitted with the application. However, the Councils Ecology Consultant considered that there was insufficient up-to-date ecological information as the Bat Surveys were from 2020 and did not provide a thorough justification for the lack of surveys provided.

Following this, an Interim Update Survey Report and a Final Survey Report were submitted (July 2022). Within the Interim Survey Report it is concluded that in respect of bats that *'the Application Site and wider survey area are utilised by a low number of common and widespread species. No Barbastelle were recorded during this survey.'* In respect of reptile surveys, the interim report set out that these were still ongoing. As such a Final Survey Report was submitted which detailed the remaining surveys undertaken during the period since the interim survey report was submitted. In respect of bats, following the emergence survey undertaken of building B1, the report concludes that *'it is not considered that this building, or any other building within the Application Site support roosting bats.'* In addition, it sets out that updated *'reptile surveys indicates that the Application Site and wider survey area supports low populations of Slow-worm and Grass Snake, as well as a low population of Common Lizard that were recorded during 2017 surveys. Whilst the update reptile surveys have confirmed Grass Snake are utilising the Application Site and wider area as previously predicted by Ecology Solutions and shown that the number of Slow-worm has increased slightly, the population class of Slow-worm has not changed since the 2017 surveys and as such the mitigation detailed within the Ecological Assessment (7092.EcoAss.vf, dated February 2022) are still appropriate.'*

Following the submission of the additional ecology reports, the Councils Ecology Consultant is *'satisfied that there is sufficient ecological information available for determination'* and recommends the application for approval subject to a number of conditions including mitigation measures as identified in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022).

Within the submitted Ecological Assessment it sets out a number of management and enhancement measures to *'mitigate any losses to onsite habitats and overall result in a net gain in biodiversity value compared to the existing situation'*. In addition, it states that *'through the use of a range of native tree and scrub species as part of the planting scheme, and the instigation of management for biodiversity, it is considered that opportunities for species such as nesting birds, foraging and commuting bats, invertebrates and mammals would be maintained and enhanced.'*

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 and result in a net gain to biodiversity. The proposal is thereby considered to comply with Policy DP38 of the District Plan, policies SA GEN and SA30 of the Site Allocation DPD 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 Implications Report has been submitted as part of the application. This sets out that 9 individual trees and 1 group are to be removed as part of the development with two of these being category B trees. These trees are not protected as they are not within a Conservation Area and are not subject to Tree Preservation Orders (TPO's). Plans show that a mature Oak tree (T37) within the site is to be retained and incorporated within an area of open space. This would be protected by fencing during the course of the development. The report concludes that *'no mature, veteran or ancient trees, and no trees of high landscape or biodiversity value are to be removed. None of the main arboricultural features of the site are to be removed.'* In addition, it states that *'none of the proposed dwellings will be within 3m of the extents of the canopies of trees to be retained, there will be adequate working space for construction close to trees, and a reasonable margin of clearance for future growth.'*

It is an inevitable consequence that some of the trees within the site are to be removed to enable the development. Under landscape considerations of Policy SA30 of the SADPD there is a requirement to retain and enhance mature trees and hedgerows on the site and on the boundaries and to incorporate them into the landscaping structure. The submitted Arboricultural Implications Report identifies that the trees to be removed which are within the site are semi-mature and young. However, a Blue Cedar (T5) and Oak (T37) which are within the site are to be incorporated into the development and form part of the landscaping of the site to soften the development. In addition, the boundary vegetation of trees and hedgerows are to be retained which would limit the impacts of the development on the wider countryside.

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 and Policy SA30 of the Site Allocations DPD.

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.'

Policy SA GEN of the Site Allocations DPD sets out in respect of social and community that developments are required to:

- *'Contribute towards education capacity (early years, special education needs, primary, secondary and sixth form) in accordance with District Plan Policy DP20: Securing Infrastructure, the Mid Sussex Site Allocations IDP and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.*
- *Contribute towards public open space, recreational and community facilities in*

accordance with District Plan policy DP24: Leisure and Cultural facilities, DP25: Community Facilities and Local Services, the Mid Sussex Site Allocations IDP, the Draft Mid Sussex Play and Amenity Greenspace Strategy, Draft Playing Pitch Strategy, Draft Community Buildings Strategy and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.

- *Contribute towards health care provision, where appropriate, in accordance with District Plan Policy DP20: Securing Infrastructure and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.'*

Policy HurstH6 relates to housing sites infrastructure and environmental impact and in part requires:

'g) the provision of, or financial contributions towards, community facilities and the provision of public open space;'

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 proposed, the proposal requires affordable housing as set out in Policy DP31 of the District Plan.

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

'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: £143,109 - to be spent on additional facilities at Albourne C of E Primary School

Education - Secondary: £154, 020 - to spent on additional facilities at Downlands Community School

Libraries: £17,179 - to be spent on spent on providing additional facilities at Hurstpierpoint Library

TAD: £147,036 - to be spent on the Sayers Common to Downlands School / Hassocks Station Cycle route.

District Council Contributions

Children's Playing Equipment: £33,957- to be spent on improvements to play equipment at Reeds Lane Recreation Ground

Kickabout: £28,524 - to spent toward kickabout provision for older children at Reeds Lane Recreation Ground and/or Berrylands Farm Recreation Ground

Formal Sport: £38,889 - to spent towards formal sport facilities at Berrylands Farm Recreation Ground, Sayers Common

Community Buildings: £23,391 - to be spent on improvements to Sayers Common Village Hall to meet increased demand

Local Community Infrastructure: £27,476- to be spent on burial grounds / new cemetery and/or cycle paths.

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 HurstH6g 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 HurstH7 of the Neighbourhood Plan relates to affordable homes and states:

'On housing developments of 4 or more dwellings, there will normally be a 30% 'affordable' homes content, for rent and assisted purchase schemes for local people and generally, not more than 25% of affordable homes being of shared ownership. On residential developments of less than 4 dwellings and in other circumstances where on-site provision is not practicable a commuted payment towards off-site provision will normally be required equivalent to providing 30% on-site affordable housing provision.'

In addition, Policy HurstH8 relates to small dwellings and states:

'Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with ground floor accommodation designed for people with access and movement difficulties will be supported.'

The application plans show that the development is to comprise of 26 market dwellings and 12 affordable dwellings comprising of the following:

Market dwellings

2 no 2-bed chalet bungalows
6no 2-bed houses
11no 3-bed houses
7no 4-bed houses

Affordable dwellings including First Homes

4no 1-bed maisonettes
6no 2-bed houses
2no 3-bed houses

The affordable housing provision including First Homes would be secured through the S106 legal agreement.

The Councils Housing Officer has raised no objection to the proposal. 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 HurstH7 and HurstH8 of the Neighbourhood Plan.

Self / Custom Build Housing

Part of the proposal has been submitted as a self-build development for 2 dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant "suitable development permissions" in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

In addition, para 62 of the NPPF states:

'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'

The NPPG states that *'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.'* (Paragraph: 023 Reference ID: 57-023-201760728).

At the date of receipt of the planning application on 24th February 2022 there were 20 applicants on the 'MSDC Self and Custom Build Register of Interest', of whom 14 had an evidenced local connection to Mid Sussex. Two applicants out of the 20 had

listed Sayers Common in their top 10 location choices for a plot and a further 5 had listed Hurstpierpoint.

The proposal to provide two self/custom build dwellings which is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

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 development allocated through the Mid Sussex District Council Site Allocations DPD (June 2022 - Policy SA30) 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.

Other Matters

Archaeology

Policy SA30 of the SADPD states in part:

'The site may contain buried archaeology. Carry out archaeological assessment and appropriate mitigation arising from the results.'

The application is supported by an Archaeological Desk Based Assessment. This concludes that:

'Due to the extent of past quarrying across the site (Appendix 1), the proposed development is unlikely to have a significant archaeological impact. At most the development will impact industrial remains associated with the former brick and tile works, considered to be of no more than a local significance.'

The Councils Archaeology Consultant has considered the proposal and raises no historic objections. They consider that:

'Due to the extent of past quarrying across the site (Appendix 1), the proposed development is unlikely to have a significant archaeological impact. At most the development will impact industrial remains associated with the former brick and tile works, considered to be of no more than a local significance.'

As such the proposal is not considered to impact any archaeological remains.

Contaminated Land

The site has been identified as potentially contaminated land due to previous use as a brick works, as well as fly tipped waste on site. As such the application has been supported by a Phase 1 Desk Study and Site Reconnaissance Report. The report has identified that due to the previous uses at the site, there is the potential for contaminants to be on site that could impact on future uses.

The Councils Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

Water Supply

Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to serve the proposed development. The applicants have provided confirmation, via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with policy DP42 of the District Plan.

Party Wall

Comments have been made from the adjoining property 1 Kingsland Cottages in respect of party wall as the existing property Lyndon and 1 Kingsland are adjoined. These comments are noted; however, this is not a planning matter. Should permission be granted this would require a party wall agreement which is a private matter.

Riparian Rights and Responsibilities

Concerns have been raised by 1 Kingsland Cottages over riparian rights and responsibilities with respect to the culvert. Landowners with watercourses located within, or forming the boundary of, their land have riparian rights and responsibilities to that watercourse. These responsibilities apply to culverted and open channel sections of watercourse alike.

By rerouting the watercourse further into the site, the developer / landowner is accepting that riparian right and responsibility to the watercourse.

It is likely that as part of the rerouting process the developer will block the main flow of water to the existing watercourse which runs through 1 Kingsland Cottages. However, it is unknown whether additional flows enter the system downstream of the proposed rerouting point and therefore the system will continue to be considered a watercourse. Therefore, 1 Kingsland Cottages will maintain their existing riparian responsibility to the section of watercourse located within their boundary. If it can be shown no flows enter the watercourse at 1 Kingsland Cottages, they may be able to apply for consent to remove the watercourse from their land (via West Sussex Lead

Local Flood Authority) at which time they would lose their riparian rights and responsibilities.

Planning Balance and Conclusion

This is a hybrid application consisting of full planning permission sought for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission sought for 2 three bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

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 application site is within the built confines of a Category 3 settlement and allocated under Policy SA30 of the District Councils Site Allocation Development Plan Document for 35 dwellings. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. 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. 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 to provide two self/custom build dwellings is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF 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, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD,

policies HurstH1, HurstH5, HurstH6, HurstH7 and HurstH8 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide, and the requirements of the NPPF.

Officers consider that in the context of the adopted District Plan, Neighbourhood Plan and Site Allocations DPD, 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. Full application - Phase 1 and 2

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

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

2. Outline application - Phase 3

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

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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.

3. 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.

4. The development shall be carried out in accordance with the phasing plan (drwg 1636 / P / 10.05 Rev A - received 27th September 2022).

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

5. **Pre-commencement conditions - for all phases**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal **for all phases of the development** (developer and self-build elements) have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Self-build plots must be clearly identified on drainage plans, allocated a discharge rate and volume allowance within the wider scheme, and provided with an appropriate connection point to the wider system. 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. No development shall take place, including any works of demolition, until a Construction Management Plan **for all phases of the development** (developer and self-build elements) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

7. Prior to the commencement of any part of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A site investigation scheme, based on the desktop study by Leap Environmental, dated 22nd February 2022, Ref LP1490, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site,

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

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 and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

8. Prior to the commencement of any phase of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with Policy DP20 Mid Sussex District Plan 2014 - 2031 and the Fire and Rescue Service Act 2004.

9. Prior to the commencement of any phase a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority in respect of whole of the site.

The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.

- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. No development shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species for the whole of the site has been submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

12. **Pre-commencement conditions - Phase 1 and 2**

No development shall be carried out in respect of phases 1 and 2 unless and until a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed dwellings and garages 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.

13. **Pre-occupation conditions - Phase 1 and 2**

Prior to the occupation of any dwelling or building in respect of the phase 1 and 2 subject of this permission, full details of a hard and soft landscaping scheme including all boundary treatments 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 works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of phase 1 and 2 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. Details shall also be provided in respect of the future management & maintenance of the open areas of land within the site including details of the management company and maintenance schedules. The details shall be implemented as approved.

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

14. Outline application - Phase 3 - Pre-commencement conditions

The development hereby permitted for the self / custom build element (phase 3) 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 for each plot in consultation with Southern Water. Foul and surface water drainage shall be in line with the sitewide drainage design's volume and discharge rate allowances and utilise the connection point identified. The buildings 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 (2014 - 2031).

15. No reserved matters shall be submitted in respect of phase 3 unless and until a design code and plot passport in relation to the two self / custom build plots detailing the parameters of future development for each plot has been submitted to and approved by the Local Planning Authority.

These documents shall include (but not be limited to) the following information:

- a) Palette of materials for external appearance of dwelling including windows
- b) Parameters on height and positioning on the plot
- c) Details on boundary treatment
- d) Information on performance and sustainability requirements.

Each plot should follow the design code and plot passport in the submission of any reserved matters application.

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.

16. If the development in relation to phase 3 hereby approved does not commence within eighteen months from the date of the planning consent, the approved ecological mitigation measures secured through condition 19 shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: establish if there have been any changes in the presence and/or abundance of bats and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

17. **Construction Phase - relevant to the whole of the site**

Prior to the occupation of any dwelling within any phase a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the occupation of any dwelling within any phase a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This will include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with policy DP38 of the District Plan 2014-2031.

20. Hours of site preparation, demolition, and construction, including collections, deliveries, loading and unloading shall be restricted to the following:

0800-1800 Monday to Friday
0900-1300 Saturday
No work permitted on Sundays or Bank holidays.

Reason: To protect the amenities of surrounding residential occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

21. The works shall be carried out in accordance with the Arboricultural Implications Report (dated February 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

22. No part of any concrete foundations or boundary treatments, and no construction activities shall be within 5 metres of any drain, watercourse, or pond, unless details of the proposed works have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment and to accord with Policies DP26 and DP41 of the Mid Sussex District Plan 2014 - 2031.

23. 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, has been 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 shall be submitted to the Local Planning Authority. The dwellings shall not be occupied until the Local Planning Authority has given its written approval that it is satisfied with the submitted remediation details.

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

24. **Construction Phase - Phases 1 and 2**

The development shall be carried out in accordance with the details set out in the submitted Sustainability Statement (dated February 2022) and the Standard Assessment Procedure Calculations (dated July 2022) unless otherwise agreed in writing with 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.

25. **Pre-occupation - relevant to all phases**

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on an approved planning drawing.

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

26. Prior to the occupation of each plot vehicle parking and turning spaces shall be constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

27. Prior to the occupation of each plot covered and secure cycle parking shall be 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.

28. Prior to the occupation of any of the dwellings hereby permitted, details of the facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved by 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.

29. No phase of the development hereby permitted shall be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason: 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

30. Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

Reason: In the interests of amenity and in accordance with Policy DP20 Mid Sussex District Plan 2014 - 2031 and the Fire & Rescue Service Act 2004.

31. Prior to the occupation of any dwelling, details of the external appearance and the scale of the pump station located to the north of the site shall be submitted to and approved by the Local Planning Authority. The pump station shall be carried out in accordance with the approved details.

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

32. Post construction - relevant to Phase 1 and 2

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.

INFORMATIVES

1. 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.
2. 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.
3. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
4. 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: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

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: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). 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. 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.
7. 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.
8. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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
Proposed Floor and Elevations Plan	1636/P/50.03	A	25.08.2022
Proposed Floor Plans	1636/P/20.63	A	25.08.2022
Proposed Floor and Elevations Plan	1636/P/50.02		21.07.2022
Other	03.1	C	19.07.2022
Other	03.2	C	19.07.2022
Other	03.3	C	19.07.2022
Other	04.1	C	19.07.2022
Other	04.2	C	19.07.2022
Proposed Floor and Elevations Plan	1636/P/50.04		19.07.2022
Other	1636/P/10.03	A	19.07.2022
Proposed Elevations	1636/P/20.13		19.07.2022
Proposed Elevations	1636/P/20.24		19.07.2022

Proposed Elevations	1636/P/20.33		19.07.2022
Proposed Elevations	1636/P/20.43		19.07.2022
Proposed Elevations	1636/P/20.53		19.07.2022
Proposed Elevations	1636/P/20.73		19.07.2022
Proposed Elevations	1636/P/20.74		19.07.2022
Proposed Elevations	1636/P/20.83		19.07.2022
Proposed Floor Plans	1636/P/20.91		19.07.2022
Proposed Elevations	1636/P/20.92		19.07.2022
Proposed Elevations	1636/P/20.102		19.07.2022
Proposed Floor Plans	1636/P/20.101		19.07.2022
Other	01	C	19.07.2022
Other	02.2	C	19.07.2022
Location Plan	1636/P/10.01		24.02.2022
Proposed Site Plan	1636/P/10.02	B	25.08.2022
General	1636/P/10.04	A	19.07.2022
Other	1636/P/10.05	A	27.09.2022
Proposed Floor Plans	1636/P/20.01	A	19.07.2022
Proposed Elevations	1636/P/20.02	A	19.07.2022
Proposed Floor Plans	1636/P/20.11	A	19.07.2022
Proposed Elevations	1636/P/20.12	A	19.07.2022
Proposed Floor Plans	1636/P/20.21	A	19.07.2022
Proposed Elevations	1636/P/20.23	A	19.07.2022
Proposed Floor Plans	1636/P/20.31	A	19.07.2022
Proposed Elevations	1636/P/20.32	A	19.07.2022
Proposed Floor Plans	1636/P/20.41	A	19.07.2022
Proposed Elevations	1636/P/20.42	A	19.07.2022
Proposed Floor Plans	1636/P/20.51	A	19.07.2022
Proposed Elevations	1636/P/20.52	A	19.07.2022
Proposed Floor Plans	1636/P/20.61	A	19.07.2022
Proposed Elevations	1636/P/20.62	A	19.07.2022
Proposed Floor Plans	1636/P/20.71	A	19.07.2022
Proposed Elevations	1636/P/20.72	A	19.07.2022
Proposed Floor Plans	1636/P/20.81	A	19.07.2022
Proposed Elevations	1636/P/20.82	A	19.07.2022
Street Scene	1636/P/40.01	A	19.07.2022
Proposed Floor and Elevations Plan	1636/P/50.01		24.02.2022
Landscaping Details	L01	A	19.07.2022

APPENDIX B – CONSULTATIONS

WSCC Highways Authority

Amended

Section 1 - Report Introduction/ Background

1.1 The LHA has been consulted by the LPA to provide comments on the above re-consultation using the new documents submitted on the planning portal by the development team, to consider and comment upon any highway safety or capacity matters.

1.2 A similar application under reference DM/17/4448 has previously been commented on by my colleague in 2017/18. These comments were based on information submitted by the development team at that time under that specific application.

The LHA provide MSDC Planning Team with consultee comments based on the submitted material under the relevant planning application we are replying to. All officers also review a selection of representations to gain an understanding of residents/ Parish Council concerns; however, as a Consultee we are not able to review or comment on every single representation to a planning application, unless specifically asked to review a concern/reoccurring concern in these submissions by the LPA. These raised concerns then also need to be assessed against the relevant National Planning Policy Framework (NPPF) sections for highway safety and capacity and the tests/guidance set out by this national planning document, which we must use to make our assessment

1.3 The representations by 1 Kingsland Cottages about this new application (DM/22/640) have been noted. With regards to the effect the proposed site access may have on their own existing access arrangements and way their property is accessed. However, this is a new application with new application documents and the development team have not provided any specific area of hardstanding outside of the property of 1 Kingsland Cottages to allow for turning vehicles. They have however maintained access to 1 Kingsland Cottages. The LHA as mentioned above can only provide comments on the applied for access design under this application. As the development team didn't propose any new design or provision for the adjacent property (given the previously raised concerns), there has been nothing for the LHA to review in this respect. It is also worth noting that a new Stage 1 Road Safety Audit (RSA) was carried out to support the new application and the Safety Audit Team have raised no concerns regarding the adjacent access onto Reeds Lane. This highlights to the LHA that there are no highway safety concerns that would need to be addressed or mitigated. As such no action would be taken to request an amendment to the design. Should the development team see the comments made by 1 Kingsland Cottages or be contacted by them and wish to change the design themselves and submit revised plans under the application, then the LHA would be able to provide comment on this.

1.4 The LHA are aware that a new site access will alter the way in which 1 Kingsland Cottages is accessed from Reeds Lane. The described way of access, reversing back out onto the highway land between this property and Lyndon, but not into the Reeds Lane carriageway has been occurring and would appear to be the way of accessing the property or Reeds Lane that the occupier prefers and is use too.

1.5 Observations/ the context of the area demonstrate that reversing in and out of drives onto Reeds Lane in this location is common and undertaken by other residents. Most of the land to the front of local properties provides enough space to turn a vehicle in the property boundary to allow entry and exit in forward gear if desired. It is also not uncommon for vehicles to reverse into a driveway in residential areas and rule 201 of the Highway Code confirms this and states, "When using a driveway, reverse in and drive out if you can."

1.6 The LHA are aware of the previous concerns with the old application and have been aware of the concerns with this application also, but for the above reasons have not been in a position to insist this concern is addressed by the development team. There are also no recorded events on the accident data base over the last 5 years to show that reversing in and out of driveways along Reeds Lane is or has been causing a safety issue.

1.7 The LHA are aware that 1 Kingsland Cottages are requesting that a small area of hardstanding is provided to accommodate a reversing manoeuvre that doesn't involve reversing out directly into the carriageway. However, this could lead to vehicle/pedestrian conflict, if a vehicle is reversing out of 1 Kingsland Cottages back onto a section of pedestrian footway that leads into the site. The proposed 'detailed design' of the access that is yet to be fully agreed under a Section 278 agreement and Technical Design check, proposes a flush surface site access/ footway and access to 1 Kingsland Cottages, this will

allow for ease of movement in and out of 1 Kingsland Cottages, instead of raised kerbs being used. It is understood that this is still the intended design, as detailed in the Transport Note by iceni Projects from February 2018 under the old application. As this new application quotes in its Transport Statement (TS) the advice given by my colleague under a Highways Pre-Application request before this new application was submitted - 'The proposed vehicular access to the site is to be consistent with the previous application. The iceni Projects TS doesn't imply that the access will be any different to that proposed/reviewed and accepted by the LHA in our last response to DM/17/4448 dated 1st March 2018.

1.8 It was and is noted that this response requested that 'We would expect that the area of hardstanding is increased in this area to facilitate the manoeuvre, details of which can be secured via a suitably worded access condition.' The LHA asked the LPA to condition the access design, although the application was refused, and no conditions were applied. It should also be noted that no further revised access plans were received after this and no amendments to the access design were reviewed by the Safety Audit team, which would be the normal process after a design change. The LHA were not asked to comment on anything further after the last response on the 1st March 2018.

1.9 With regards to this new application the access details have been reviewed again by the LHA. The proposals are consistent with the 2017/18 application. Although no 'extra' provision has been provided for 1 Kingsland Cottages. On review of the previous application and correspondence, along with the applied for access design under the new application it was the officer's opinion that the extra provision was not required as access could be gained by reversing in or out of Reeds Lane in a similar way to other local properties and that there was space to allow for turning in the front of 1 Kingsland Cottages, if it was desired. It was also the opinion that on review any extra provision would raise conflict with pedestrians on the footway that runs from Reeds Lane and into the site adjacent to 1 Kingsland Cottages access. This along with the fact it wasn't proposed under this application, nor had it been raised as a concern by the Safety Audit team, it was not considered necessary to request a design change.

Section 2 - LHA Re-Consultation matters - Revised site details/design

2.1 The LHA have been consulted on the revised site design/details. As it is understood the following changes have been made and the Highway Authority comments on each follow in red text.

- 'The overall number of units has been reduced to 38 to enable a reduction in frontage parking, the dwelling has been removed from the area between Plots 33-35' - No concerns raised to the reduced level of dwellings on the site in highway safety/capacity terms.
- 'Frontage parking serving plots 1 and 2 has been relocated to the rear' - No concerns
- 'Frontage parking serving Plots 3-5 and 16-18 has been reduced and broken up with more planting and trees.' - It appears visitor spaces have been removed and placed opposite, so no reduction in overall parking provision, no concerns.
- 'Area between Plots 8 and 13 revised to add more Planting, reduce parking and include carports.' - It appears carports have been provided instead of 8 open spaces for plots 6/7 and 14/15. This equates to a reduction in allocated parking by 4 spaces for these plots. Considering these units are 1-bedroom maisonettes, this level of provision (1 space per plot) is considered acceptable.

- 'Eastern Road re-aligned to suit' - Tracking reviewed, no concerns raised.

Section 3 - Summary and Conditions

3.1 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 based on the submitted planning documents.

3.2 Should the LPA grant planning consent, the following conditions should be added.

3.3 Conditions

1. 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 serving the development has been constructed in accordance with the details shown on an approved planning drawing. Reason: In the interests of road safety.

2. 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.

3. EV Charging condition (LPA wording) or this may now be covered by the new Building Regs

4. 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.

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

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

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

Informatives

1. 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.

2. 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.

3. Section 59 Section 59 of the 1980 Highways Act - Extra-ordinary Traffic The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

Original

Section 1 - Report Introduction

1.1 The Local Highway Authority (LHA) has been consulted on the above application, with regards to any highway safety or capacity aspects. The application is supported with the following documents.

- a) Transport Statement (TS) dated February 2022
- b) Stage 1 Road Safety Audit (RSA)

1.2 The LHA has previously commented on this site and a similar proposal back in 2017/18, to which the LHA raised no objection to the proposals in terms of highway matters. This was under planning reference DM/17/4448.

1.3 The TS indicates that the site is now an allocated site (SA30) in the emerging MSDC Site Allocations Development Plan Document (DPD).

1.4 The Site consists of 39 dwellings overall.

- a) 4 x 1 bed dwellings
- b) 14 x 2 bed dwellings
- c) 14 x 3 bed dwellings
- d) 7 x 4 bed dwellings

Section 2 - Access/ Visibility

2.1 Access details have been provided that match the access details for the 2017 application, to which no highway safety or capacity concerns were raised. Visibility has also been demonstrated in line with Manual for Streets (MfS) standards for a road with a speed limit of 30mph (43m in each direction from a setback of 2.4m).

2.2 A Stage 1 RSA was carried out for the previous application; this raised a few matters which were resolved.

2.3 A new Stage 1 RSA has been carried out to support the new application, this has raised no issues.

Section 3 - Trip Generation

3.1 Trips rates have been updated from the 2017 application TRICS data, table 5.1 in the TS demonstrates the likely trip rates for the development. The level of trips detailed below will not give rise to a capacity or safety issue on the local highway network.

Table 5.1 Proposed Trip Rates and Trip Generation for Proposed Dwellings

	Trip Rate / Dwelling			Number of Trips		
	Arrive	Depart	Total	Arrive	Depart	Total
AM Peak (08:00 – 09:00)	0.05	0.383	0.433	2	15	17
PM Peak (17:00 – 18:00)	0.45	0.183	0.633	18	7	25

Note: Numbers may not equate perfectly due to rounding error.

3.2 The TS under section 5.5 - 5.8 also demonstrates that a junction capacity model has been carried out to show that the junction will operate well within its capability.

3.2 The TS under section 5.5 - 5.8 also demonstrates that a junction capacity model has been carried out to show that the junction will operate well within its capability.

Section 4 - Site accessibility/ Sustainable travel

4.1 The site is in an area with good footway provision to local services and amenities. Allowing connection to the local bus stops and adequate service provision, this will enable the sites residents and visitors alternative transport to the private motor vehicle. Burgess Hill train station is also within reach using the local buses or cycling.

4.2 The site itself is providing 2m footways from its access and crossing points to join the main footway provision on the opposite side of Reeds Lane.

Section 4.11 of the TS states that the site will also provide a pedestrian route to the western boundary of the site, adjacent to Kings Business Centre, which will connect to Reeds Lane and the existing PROW network.

Section 5 - Parking/ turning/ Cycle parking

5.1 In terms of parking allocation 77 residential parking spaces are proposed. 50% of garages are included in this number in line with WSCC parking guidance, as garages are only counted as 0.5 of a space. This level of parking meets with the WSCC Parking guidance.

5.2 22 visitor parking spaces are proposed. The WSCC parking guidance states that 0.2 of a space per dwelling should be provided to cater for visitors, this would equate to 7.8 (8) visitor spaces. So, visitor parking is in excess of that required.

5.3 Section 4.17 of the TS states that 50% of spaces will be provided as electrical vehicle charging spaces, whilst the remaining spaces will have passive provision to enable future use.

5.4 Section 4.18 details cycle provision in line with WSCC guidance.

5.5 Tracking has been provided to demonstrate that all expected vehicles to the site can enter, turn on site and exit in forward gear.

Section 6 - Conclusions

6.1 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.

6.2 The following conditions and informative notes should be added to any grant of planning consent.

Conditions

1. 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 serving the development has been constructed in accordance with the details shown on the approved planning drawing.

Reason: In the interests of road safety.

2. 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.

3. EV Charging condition (LPA wording)

4. 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.

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

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

- Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

Informative

6. 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.

7. 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.

8. Section 59 Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	Hassocks		
Population Adjustment	82.8		
	Primary	Secondary	6th Form
Child Product	1.0106	1.0106	0.0000
Total Places Required	7.0744	5.0532	0.0000
Library			
Locality	Hurstpierpoint		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£17,179		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	82.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	37		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	82.8		
Net Parking Spaces	107		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£143,109		
Education - Secondary	£154,020		
Education - 6th Form	No contribution		
Libraries	£17,179		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Secured under Condition		
TAD	£147,036		
Total Contribution	£461,345		

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 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 39 net dwellings, and an additional 111 car parking spaces. These contributions are based on the housing mix provided in the application form. The applicant should note that if the dwelling mix within the outline permission is subsequently amended then the contributions will be re-calculated accordingly.

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>).

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 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.

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

The contributions generated by this proposal shall be spent on additional facilities at Albourne C of E Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Downlands Community School.

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

The contributions generated by this proposal shall be spent on the Sayers Common to Downlands School/Hassocks Station Cycle route.

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 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £20,229 per child
- Secondary Schools- £30,480 per child
- Sixth Form Schools- £33,056 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 £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 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 2022/2023 is £1,549 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 (£773).

Sustainable transport contribution = (net car parking - occupancy) x 773

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

WSCC Lead Local Flood Authority

Recommendation: 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 flood risk.

We have no comments to submit with regards to this matter. Please consult the District Drainage Engineer.

WSCC Minerals and Waste

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/mwsfgrdngrpsntn.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).

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 a 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 the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

MSDC Urban Designer

Layout

The layout is similar to the illustrative outline layout and mostly accords with the principles of the Council's Design Guide. It benefits from a perimeter block arrangement organised so that the building frontages face the attractive boundary trees which also form the backdrop to the public realm and access road.

The main vehicular/pedestrian access to the site is through the south east corner which is currently occupied by the property known as Lyndon; this links up to the existing footway and provides a direct access to the village centre.

The layout can be criticised for its orthogonal/grid-like arrangement that risks appearing urban. To some extent the reflects the rectilinear shape of the site; while the illustrative outline layout benefited from softer corners that created a slightly more irregular and informal arrangement, this was able to be achieved with less dwellings (below the Site Allocations DPD target).

The proposed open spaces are well located close to the site entrance where they are most accessible for the residents of the development. The main space on the west side of the access road is anchored by a fine existing oak tree. The revised drawings show the space defined by houses that face it on all four sides; this provides suitable enclosure and natural surveillance and should help make the space feel like the community focus of the site.

The open space on the east of the access road is more informal and includes an area at risk of flooding. The revised drawings show the reduction and reconfiguration of plots 36 and 37 allowing the creation of more open space. This has also enabled more of the attractive tree belt on the eastern boundary to be revealed.

The parking is now more discreetly accommodated especially near and around the open spaces. Front threshold parking has been omitted in front of plots 1, 2, 34 and 35 and tucked away instead at the rear or the side of the houses allowing a verdant and more well-defined building frontage; this has been helped with the loss of one dwelling which enables this more comfortable arrangement. Where front threshold parking has been retained, such as in front of 3-5 and 16-18, it has been reduced and benefits from larger separation gaps incorporating trees and shrubs that soften and screen it. The parking has also been more discreetly integrated in the central cul de sac which benefits from the inclusion of car barns and more soft landscaping.

The Sustainability Statement states that the development will feature air source heat pumps. However it is not clear where these will be incorporated, and it would be worth getting clarification of this and may be securing it through a condition.

Elevations

The elevations have a rather ubiquitous character, they nevertheless have been improved by the revised drawings:

- The houses are more consistently organised with more consistent roof pitches. For example, plots 21-23 and 33-35 benefit from a run of gable frontages which generate underlying rhythm.
- More houses benefit from secondary facing material (clay hung tiles and boarding) that provide elevational interest.
- The garden boundaries that face the street and open spaces feature brick walls rather than close boarded fencing.

The houses on the corner plots benefit from return frontages that address both streets and many of them have gable fronts that appropriately punctuate the corner. This includes plot 38 that suitably addresses the site entrance.

It is nevertheless disappointing that the facing materials inconsistently applied on several houses where the peeled back boarding/clay hung tiles will be incongruously visible from the side and sometimes at the rear too. I would therefore recommend this is addressed through a condition.

I also note that the type F elevation 1's are confusingly drawn as they are shown handed in relation to their site plan arrangement.

Overall Assessment

This scheme sufficiently accords with the principles set out in the Council's Design Guide and with policy DP26 of the District Plan. I therefore raise no objections but to secure the quality of the design. I would recommend conditions requiring the following further drawings and information:

- Detailed soft and hard landscape drawings including details of the boundary treatment.
- Details of the facing materials and how they are applied to the elevations.

MSDC Drainage

Amended

Following the re-consultation for the above application the flood risk and drainage team can provide the following comments.

Our previous consultation response (dated 2022-04-19) requested two pieces of further information;

1. information regarding the fluvial flood risk posed on and off-site from the ordinary watercourse (post rerouting), and
2. information regarding addressing the West Sussex LLFA culvert policy.

The applicant has undertaken flood modelling and this shows all development (based on the currently proposed site layout) shall be located outside the modelled flood extents, up to the 1 in 1,000-year event. It identified plots 1 and 2's rear gardens could be impacted by surface water flooding and has proposed flood mitigation via raised finished floor levels. This addresses point 1 above.

The applicant has also confirmed that appropriate no development buffers can be provided around the rerouted watercourse, including the culverted section. This addresses point 2 above.

The flood risk and drainage team therefore have no objection to the proposed development subject to the below 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.

WORKS WITHIN 5M OF DRAIN, WATERCOURSE OR POND

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse or pond, until details of the proposed works have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment

Comments in relation to representations received

The flood risk and drainage team are aware of several comments on the planning application made by members of the public which relate to flood risk, watercourses, or drainage. The team have reviewed all public comments available at the time of writing and extracted queries or concerns. The aim of this response is to address these comments to the best of the flood risk and drainage team's ability.

Some subjects have been raised multiple times, in those instances the team have collated these and therefore the wording of the query or concern may not match exactly with those of any one public comment.

Should we have missed any queries or concerns, or misinterpreted any of those identified please do let us know.

1. Would the proposed realignment of the culverted watercourse impact existing riparian responsibilities?

Landowners with watercourses located on or forming the boundary of their land have riparian rights and responsibilities to that watercourse. A watercourse in terms of riparian responsibilities includes open channels such as streams and ditches as well as culverted (piped) sections of the watercourse.

A landowner cannot be held responsible for a section of watercourse located away from their land. Therefore, the proposed culvert located within the eastern area of the development site would be the responsibility of the landowner, or their delegated management company to maintain and not a neighbouring landowner.

2. Does a new culvert or realigned watercourse need to meet with the West Sussex Lead Local Flood Authority (LLFA) Culvert Policy?

All new culverts will be assessed against the West Sussex LLFA Culvert Policy. Minor deviation from the policy may be considered acceptable in some circumstances, however this would need to be supported by technical reasoning and will be reviewed by the flood risk and drainage team.

The required standoff distances from culverts (5m), or open channels (3.5 - 5m) is based on several factors, including building regulations and maintenance requirements. Therefore, the flood risk and drainage team aim to not allow deviation from these requirements.

3. Do the submitted plans show the location of the proposed realigned watercourse with the required standoff distances (no development buffers)?

No - the submitted plans do not show the realigned watercourse or the required no development buffer zones. The flood risk and drainage team have provided consultation response to the planners which requests further information is provided for several elements. One of these is in relation to the proposed watercourse realignment and the no development buffers.

4. Would the depth of the new culvert be similar to the existing culvert?

No information has been provided in relation to the invert levels of the realigned watercourse at this time. The inverts of the up and downstream connection points are known and will dictate the depth of any new system. The detailed design of the culvert is likely to occur at a later stage of planning at which time the depth of the culvert / bed level of any open channels would be confirmed.

5.

- a. What implications would there be for flora and fauna in and around the existing stream?
- b. Will there still be enough of a flow from the remaining input through the existing culvert after the diversion point to the stream to maintain it.

The flood risk and drainage team believe these questions relate the stream which flow from the rear of 1 Kingsland Cottages north towards a larger stream (shown in pink on the plan below). Please advise if this assumption is incorrect.

The diversion of the watercourse away from the culvert beneath 1 Kingsland Cottages and the existing open channel along the boundary would result in this section of the watercourse becoming largely dewatered.

The applicant has however stated they would not propose to remove the existing system which would allow any connections downstream of the diversion to be maintained and any overland flow from the neighbouring areas to utilise the system if necessary.

Any potential impacts on the ecology would need to be reviewed and commented on by suitably qualified professionals.



6. Factors of increased development in Sayers Common and climate change will increase this risk [referring to surface water flooding].

As the commenter states within their wider comments Sayers Common is known to be at increased surface water flood risk and has a history of flooding. Under the National Planning Policy Framework (NPPF) development must not increase flood risk elsewhere for the lifetime of the development. This requirement is addressed via two main mechanisms:

- By not displacing flood waters off a site, and
- By controlling how rain that lands on the site is released into the wider area (surface water drainage).

To ensure these two mechanisms consider the lifetime of the development both flood extents and surface water drainage must consider the impact of climate change. Therefore, the risk of flooding does not increase just because a development takes place in an area. A development is not required to reduce the existing flood risk offsite.

7. The [adjacent] site is not yet complete, and the full impact of the local flood risk will not be known at this time.

Both flood risk and drainage have been considered as part of the adjacent development site's planning process. In line with national (and local) policies the development has been designed to not increase flood risk offsite. The fact the development is not yet complete does not impact the understanding of the development's ultimate impact on flood risk to the adjacent site, or the wider area.

8. There is no reason to believe that the upgrading works in 2021 [Southern Water's works to foul sewers in local area] would be able to handle another 40 homes in Reeds Lane.

Southern Water have provided a consultation response to the application which states they can facilitate foul sewerage disposal to serve the proposed development.

New developments have a legal right to connect to a public foul sewer and it is for Southern Water to determine how they manage their infrastructure and any existing issues within it. The flood risk and drainage team have no authority of this element.

9. It is not yet clear what extra surface water the applicant is planning to direct into the new culver to reduce flooding in Reeds Lane.

The flood risk and drainage team are unaware of any proposal from the applicant to try to reduce the existing flood risk posed to Reeds Lane. The proposed development is not obligated to undertake any works to reduce flood risk outside of its development site.

However, the proposed realignment of the watercourse may result in better falls and an overall better maintenance regime. This could have the side effect of reducing flood risk due to the existing blocked system.

Original

Further information required.

FLOOD RISK - EXISTING

The development is supported by a Flood Risk Assessment and Surface Water Drainage report (RSK, 680344-R2(01)-FRA, Rev 01, Feb 2022).

The report looks at all sources of flooding and states the risk of flooding to the site is low. However, it does identify four areas of the site with increased surface water flood risk.

As part of the flood risk assessment the proposed development layout has been overlain by the 1 in,1000-year surface water flood extent. Plot 38 was the only dwelling shown within the modelled flood extent. The report states that the surface water flood extent which impacts Plot 38 shall be addressed as part of the site's surface water drainage system and the plot would therefore not be located within a flood extent post development.

The report acknowledges that climate change is likely to impact fluvial and surface water flooding but does not provide any information into how that could impact the proposed development.

The flood risk and drainage team are aware of instances of flooding associated with the eastern watercourse. It is their opinion that many of the flood instances are caused by / exacerbated by variations in bed level and lack of maintenance along this eastern watercourse.

PROPOSED REROUTING OF WATERCOURSE

An existing watercourse is located on the eastern boundary of the site. This watercourse is culverted beneath Reeds Lane and 1 Kingsland Cottages before daylighting within the rear garden of 1 Kingsland Cottages and following the eastern boundary of the site. The watercourse continues north along the boundary of the site, with much of the water entering a pond located within the site via a lowered bank. The pond then discharges back into the ditch further north where the ditch continues north away from the site.

The applicant proposes to reroute this watercourse away from the eastern boundary and further into the site itself. The application suggests that the rerouted watercourse would be culverted in some locations and an open channel where levels allowed.

The application also proposes to formalise the connection between the rerouted watercourse and the existing pond with a direct connection between them.

The rerouting of a watercourse to facilitate development is generally considered acceptable under the West Sussex Lead Local Flood Authority's (LLFA) culverting policy and as such the flood risk and drainage team are not opposed to the principle of rerouting the eastern watercourse.

The culverted sections of the rerouted watercourse should comply with the West Sussex LLFA culvert policy

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>.

Culverting of a watercourse is not usually considered acceptable except to obtain access to a site. However, as sections of the watercourse are already culverted the flood risk and drainage team accept the principle of a combined culvert/open channel approach to the proposed rerouting.

The rerouted watercourse in whatever form it takes will be subject to riparian rights and responsibilities. The responsible party for sections of the watercourse are likely to be altered as part of the proposed rerouting and the applicant should consult with all relevant parties as part of their rerouting plans.

To ensure maintenance access can be maintained for the lifetime of the development the flood risk and drainage team advise that the watercourse (in any form) should be located within areas of open public realm.

In addition to this the watercourse (in any form) should be surrounded by a no development buffer to protect both the watercourse and any development in proximity to it. The no development buffer distance is a minimum of:

- 5m either side of a culverted section, and
- 3.5m - 5m from the top of either bank of an open channel.

The no development buffer includes structures off site as well as hard landscaping such as footpaths.

There are two main considerations with regards to the proposed rerouting which the applicant needs to provide further information on at this time; the flood risk and whether the West Sussex LLFA culvert policy can be met. Details of the further information required is set out below.

REROUTED WATERCOURSE FLOOD RISK

The flood risk assessment does not consider the impact the proposed rerouting could have on flood risk both on and off site.

To ensure the proposed rerouting of the watercourse will not increase flood risk elsewhere, or locate development within modelled flood extents we will require the following information to be provided:

- Plans showing the modelled flood extents post development including watercourse realignment. This should consider which sections of the watercourse are to be culverted and which are to be open. Flood extents should be provided for the 1 in 30,

1 in 100, 1 in 100+CC and 1 in 1,000-year flood events.

- Confirmation that no development shall be located within the 1 in 100+CC flood extent and no internal flooding shall occur during the 1 in 1,000-year event.
- We would advise the applicant that if bespoke flood modelling is utilised to address the above points, then this should utilise fluvial flood modelling which takes into consideration the watercourse's catchment.

CULVERT POLICY COMPLIANCE

The detailed design of the proposed rerouted watercourse is not required at this time. However, to ensure the proposed rerouted watercourse can comply with the culvert policy we will require the following information to be provided at this stage:

- o Evidence that the appropriate no development buffer zones can be accommodated within the development site.
- o Outline evidence that the proposed route of the watercourse allows for appropriate culvert sizes and falls.
 - A scalable plan showing the proposed development layout can accommodate the watercourse's new route with the relevant buffer zones.

SEWERS ON SITE

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

Southern Water consultation response to this application states there is an Anti-Flood Device (AFD) located on the site. No details of the location of this device have been provided. However, the consultation response does state the development will need to ensure access is always available to this device.

We would advise the applicant to consult with Southern Water regarding this device. The location of this AFD device should be included on all development plans.

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

The BGS infiltration potential map shows the site to be in an area with moderate and 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.

It is proposed that the development will attenuate and discharge surface water drainage into the online pond located in the north-east corner of the development. The principle of storing surface water before discharging it at a controlled rate into the watercourse is considered acceptable.

The flood risk and drainage team advise the applicant that the surface water drainage system will need to be designed to cater for the 1 in 100-year, plus climate change storm event. Discharge will need to be restricted to the Greenfield QBar runoff rate for the area being drained for all events up to and including the 1 in 100-year, plus climate change event. The existing pond should not be used to provide attenuation storage.

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 discharge foul water drainage to the public foul system. This approach is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

SUMMARY OF FURTHER INFORMATION REQUIRED

The further information required at this time is detailed throughout this consultation response. However, in summary further information is required in relation to:

- The fluvial flood risk posed on and off-site post development from the ordinary watercourses (following the proposed rerouting).
- How the development will address the West Sussex LLFA culvert policy, especially in relation to no development buffers around watercourses and culverts.

Receipt of the requested additional information does not mean further information will not be requested, nor does it guarantee that the Flood Risk and Drainage Team will not object to the development. Neither does it prevent the team from recommending a flood risk or drainage condition.

MSDC Tree Officer

I note that 9 individual trees are to be removed and 1 group, two of these trees are cat B.

I note the retention of an mature oak within the scheme.

In general, as this is an allocated site, I have no objection.

However, I note, despite the landscape strategy, there are no details of additional planting/landscaping, although this is mentioned in several documents, neither is there a maintenance plan for specific landscaped areas.

Further details are required of replacement trees, native hedgerows and landscaped areas, as well as a planting and management plan.

MSDC Ecology Consultant

Amended

Recommended Approval subject to attached conditions

Summary

We have reviewed the Final Survey Report (Ecology Solutions, July 2022), the Interim Update Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) supplied by the applicant, relating to the likely impacts of development on protected and Priority habitats and species, particularly bats, breeding birds and reptiles and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species, particularly bats, Badger, reptiles and nesting birds. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that the residential building to be lost to the proposal should be subject to a soft demolition protocol under the supervision of an Ecological Clerk of Works or a suitably qualified ecologist (Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022)).

We also support the recommendation that a reptile mitigation strategy should be implemented as the Final Survey Report (Ecology Solutions, July 2022) indicates that the site supports low populations of Slow-worm, Grass Snake and Common Lizard. The finalised measures should be provided in a Reptile Mitigation Strategy to be secured as a pre-commencement condition of any consent.

We welcome the creation of new meadow grassland, tree and shrub planting and enhancements to waterbodies. These mitigation and enhancement measures should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level. We recommend that bird and bat boxes should be integrated into the new dwellings.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions for full application

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

3. PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

4. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

5. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

Recommended conditions for outline application

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- i) Risk assessment of potentially damaging construction activities.
- j) Identification of "biodiversity protection zones".
- k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- l) The location and timing of sensitive works to avoid harm to biodiversity features.
- m) The times during construction when specialist ecologists need to be present on site to oversee works.
- n) Responsible persons and lines of communication.
- o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- p) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

3. CONCURRENT WITH RESERVED MATTERS: PRIOR TO COMMENCEMENT REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- k) Purpose and conservation objectives for the proposed works.
- l) Review of site potential and constraints.
- m) Detailed design(s) and/or working method(s) to achieve stated objectives.
- n) Extent and location/area of proposed works on appropriate scale maps and plans.
- o) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- p) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- q) Persons responsible for implementing the works.
- r) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- s) Details for monitoring and remedial measures.
- t) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

4. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- f) Purpose and conservation objectives for the proposed enhancement measures;
- g) detailed designs to achieve stated objectives;
- h) locations of proposed enhancement measures by appropriate maps and plans;
- i) persons responsible for implementing the enhancement measures;
- j) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

5. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed.
- j) Ecological trends and constraints on site that might influence management.
- k) Aims and objectives of management.
- l) Appropriate management options for achieving aims and objectives.
- m) Prescriptions for management actions.
- n) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- o) Details of the body or organisation responsible for implementation of the plan.
- p) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. CONCURRENT WITH RESERVED MATTERS: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

7. CONCURRENT WITH RESERVED MATTERS: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED

"If the application hereby approved does not commence within eighteen months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: establish if there have been any changes in the presence and/or abundance of bats and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

Original

In my opinion, there is insufficient up-to-date ecological survey information to support the application.

Bat activity surveys, whilst updated in 2020, sampled only a limited part of the main period of bat activity covering late August late September and late October. Given the detected presence of a rare Annex II species (barbastelle), it is important that use of the site by this species is determined with sampling across the main active period in accordance with best practice (Collins, 2016). It is particularly important that the period when females are rearing young are adequately sampled to assess whether the site might be supporting a breeding colony. Surveys should be undertaken in accordance with good practice guidance unless an alternative design can be ecologically justified. Results should be presented with sufficient data to support assessments (eg. call timings in relation to sunset and sunrise times to support inferences about commuting versus foraging). Summary statistics, metadata and details of quality control procedures for use of autoid software should be also provided as part of a robust report, with raw data available on request.

The submitted Ecological Assessment concludes that no further bat surveys are required for an existing house and annex and states that no evidence of bat use was found. However, there is rarely evidence of bat use for external crevice type features used by species such as pipistrelles and whiskered bats unless dusk/dawn surveys are undertaken. The report does not attempt to categorise the potential as negligible or low (as per best practice recommendations in Collins, 2016) but the description of features appears more compatible with low potential for which the guidance recommends a minimum of one dusk/dawn survey in most cases to provide confidence in the assessment. Therefore, I would recommend that this is required unless a more thorough justification for lack of surveys is provided. The report should accord with the best practice guidance cited.

Notwithstanding the assessment in the report that habitat suitability for reptiles has not improved since the previous survey, populations could have changed due to other factors and therefore I would recommend that updated reptile surveys are required to ensure that adequate mitigation is feasible.

MSDC Archaeology Consultant

Amended

No historic environment objections.

As attested by the desk-based assessment submitted with this application, and historic Ordnance Survey mapping, the proposed development site was the subject of extensive levels of quarrying in the early 20th-century, associated with the brick and tile works that previously occupied the site. As a result, any archaeological remains are likely to have already been comprehensively disturbed or removed.

Given the above, based on our current knowledge, it appears unlikely that the proposed development would impact any archaeological remains. Consequently, this office has no archaeological recommendations to make regarding this application.

Original

The application site is large with a therefore enhanced potential to contain below ground archaeological remains. As such, I am pleased to note the application has been submitted with an Archaeological Desk Based Assessment, produced by the applicant's archaeological consultant RPS. The assessment concluded that no known designated heritage assets exist within the site, and considered it to have 'low' potential for previously unknown remains of all archaeological periods, with 19th /20th century quarrying activity and brickworks likely to have removed any remains pre-dating this phase of land use.

It is disappointing that the heritage significance of the old brick and tile works was not considered further beyond the statement that the significance would be 'low' or 'local'. In accordance with Historic England guidance, this should have been properly assessed in relation to factors such as preservation, rarity, historic associations, contemporary documentation, and any group associations. However as the standing remains of any brickworks have since been demolished, and remains of more modern brickworks of this date are not especially rare, on balance I agree with the general assessment of 'low' heritage significance and do not recommend further work is undertaken.

Given the limited likelihood of any other archaeological remains surviving on the site I have no archaeological concerns regarding this proposal.

MSDC Leisure

Amended

The revised contributions based on 38 dwellings are as follows:

Play £33,957
Kickabout £28,524
Formal Sport £38,889
Community Buildings £23,391

Original

Thank you for the opportunity to comment on the plans for the development of 39 residential dwellings on Land To The North Of Lyndon, Reeds Lane, Sayers Common 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

Reeds Lane Recreation Ground, owned and managed by the Parish Council, is the nearest locally equipped play area approximately 250m from the development site. This facility will face increased demand from the new development and a contribution of £35,714 is required to make improvements to play equipment at this site. In addition, a contribution of £30,000 is required toward kickabout provision for older children at Reeds Lane Recreation Ground and / or Berrylands Farm Recreation Ground. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £40,902 is required toward formal sport facilities at Berrylands Farm Recreation Ground, Sayers Common.

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 £24,546 is required to make improvements to Sayers Common Village Hall to meet increased demand.

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

Amended

The applicant is proposing a development of 38 dwellings including 2 plots for self /custom build, which gives rise to a minimum onsite affordable housing requirement of 30% (12 units) in accordance with District Plan Policy DP31. The 12 affordable housing units proposed comprise 2 x 1 bed /2 person ground floor M4(3) flats @ 60.69m², 2 x 1 bed /2 person upper floor maisonettes @ 50.86m² (excluding the ground floor hall and stairs), 6 x 2 bed /4 person M4(2) houses @ 79.35m² and 79.85m² and 2 x 3 bed /5 person M4(2) houses @ 93.83m². All of the units will meet our minimum size and occupancy requirements and it is noted that the wheelchair accessible flats are provided with an area of private open space as required.

The wheelchair accessible units will need to meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended. 3 hard copies of 1:50 plans showing the various dimensions and the floor areas of individual rooms together with their furniture layouts will therefore need to be provided for the wheelchair accessible flats, together with a plan showing the access from the wheelchair accessible parking spaces to each wheelchair accessible unit. These plans should be sent to me at the Council offices as soon as possible, since they will need to be checked against the requirements and approved by our OT prior to planning permission for the scheme being granted, with final details approved as a condition of planning consent. The proposed tenure mix of 75% (9) rented and 25% (3) First Homes is compliant with our tenure requirements, and it is noted that the First Homes will comprise the 3 x 2 bed houses on plots 3-5. The distribution of the affordable housing units is acceptable and the tenure blind approach to be taken concerning elevational treatments is welcomed.

It is noted that the development also includes 2 plots for self/custom build (plots 10 and 11) which would be suitable for 3 bed houses and the inclusion of these is also welcomed. They will need to be delivered as serviced plots in accordance with District Plan Policy DP30 and should be offered in the first instance to those who are registered on the Council's Self and Custom Build Register of Interest. A self/custom build design code and plot passports will also need to be agreed prior to outline planning consent being issued for the plots."

Original

The applicant is proposing a development of 39 dwellings including 2 plots for self /custom build, which gives rise to a minimum onsite affordable housing requirement of 30% (12 units) in accordance with District Plan Policy DP31. The 12 affordable housing units proposed comprise 2 x 1 bed /2 person ground floor M4(3) flats @ 58.28m², 2 x 1 bed /2 person upper floor maisonettes @ 53.41m², 6 x 2 bed /4 person M4(2) houses @ 79.85m² and 2 x 3 bed

/5 person M4(2) houses @ 93.83m². As long as the floorspace of the upper floor one bed maisonettes does not include the hallway and staircase, (or if it does they measure under 3.41m²), all of the non M4(3) units will meet our minimum size and occupancy requirements.

The 2 x 1 bed/2 person M4(3) flats will however, as stated in the Affordable Housing SPD, need to be wheelchair accessible dwellings not wheelchair adaptable dwellings, and should have a minimum floorspace of 60m² in order to meet our size requirements, and access to an area of private open space. These units will need to meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended. 3 hard copies of 1:50 plans showing the various dimensions and the floor areas of individual rooms together with their furniture layouts will therefore need to be provided for the wheelchair accessible flats, together with a plan showing the access from the wheelchair accessible parking spaces to each wheelchair accessible unit. These plans will then need to be checked against the requirements and approved by our OT prior to planning permission being granted and as a condition of planning consent. The proposed tenure mix of 75% (9) rented and 25% (3) intermediate is compliant with our tenure requirements, however the intermediate units now need to be provided as First Homes rather than shared ownership but they will still need to be 2 bed houses, as previously advised, due to the £250K post discount First Homes price cap. We would suggest that they are plots 33 and 34 as currently shown, and plot 16 rather than plot 18. The distribution of the affordable housing units in two clusters is acceptable and the tenure blind approach to be taken concerning elevational treatments is welcomed.

It is noted that the development also includes 2 plots for self/custom build which would be suitable for 3 bed houses and these are also welcomed. They will need to be delivered as serviced plots in accordance with District Plan Policy DP30 and should be offered in the first instance to those who are registered on the Council's Self and Custom Build Register of Interest. A self/custom build design code and plot passports will also need to be agreed prior to outline planning consent being issued.

MSDC Environmental Protection

Amended

The 2000 permission for Millennium House, with the conditions 4, 5 and 17 in place, would provide me sufficient assurance that the new residents at the proposed site on land to the north of Lyndon, Reeds Lane would be suitably protected from potential environmental impacts from industrial activities arising at Millennium House. So my previous comments are still pertinent, it is just the 2000 permission (00/00315/FUL) that is relevant rather than the 2004 permission (04/01486/FUL).

Original

The applicant is proposing to build residential units on a former clay quarry and brickworks. The potential contamination risks will therefore need to be addressed and this will be considered in the Contaminated Land Officer's response to the application. The other matters that will need addressing are the noise, dust and light issues during the development phase(s) and the potential conflicts between the existing commercial units and the proposed residential use. The former can be dealt with by condition restricting hours of work for the site preparation phase and the build out and, in addition, requiring a construction environmental management plan to be submitted, approved implemented and maintained. The King Business Centre is located adjacent to the development site to the south and south

west of the development area. The closest commercial unit is Millennium House. Paragraph 187 of the National Planning Policy Framework states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

The King Business Centre was approved under application reference HP/04/01486/FUL. This includes conditions restricting hours of deliveries and placing limits on noise emissions from the site (conditions 16 and 20). If these conditions are enforceable then I am satisfied that this potential for conflict of uses and the risk of unreasonable restrictions being placed on the existing commercial operators in the event of noise complaint, are adequately safeguarded.

Recommended conditions

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

2. Hours of site preparation, demolition and construction, including collections, deliveries, loading and unloading shall be restricted to the following:

0800-1800 Monday to Friday

0900-1300 Saturday

No work permitted on Sundays or Bank holidays

MSDC Environmental Health - Contaminated Land

The site has been identified as potentially contaminated land due to previous use as a brick works, as well as fly tipped waste on site.

As part of the application a phase 1 desktop Study has been undertaken by Leap Environmental dated 22nd February 2022, Ref LP1490.

The report has identified that due to the previous uses at the site, there is the potential for contaminants to be on site that could impact on future uses. Appendix D of the report outlines the risk classification for various contaminants and receptors.

As such, the report recommends that intrusive testing be undertaken, especially in the vicinity of former boilers and greenhouses.

The intrusive investigation will be part of phased approach, whereby if contamination is found about the assessment criteria, a remediation option appraisal, remediation plan, and

verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, then the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the desktop study by Leap Environmental, dated 22nd February 2022, Ref LP1490, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Landscapes

As there are no play areas within the plans, I have no comments.

MSDC Street Name and Numbering Officer

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

Informative (Info29)

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

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. 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: southernwater.co.uk/developing-building/connection-charging-arrangements

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:

water.org.uk/sewerage-sector-guidance-approved-documents/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.

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.

Our records indicate that an Anti-Flood Device (AFD) is located within the site. Access to an AFD should be maintained at all times. The applicant is advised to discuss the matter with Southern Water Services Operations Team.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance 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.

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

MID SUSSEX DISTRICT COUNCIL

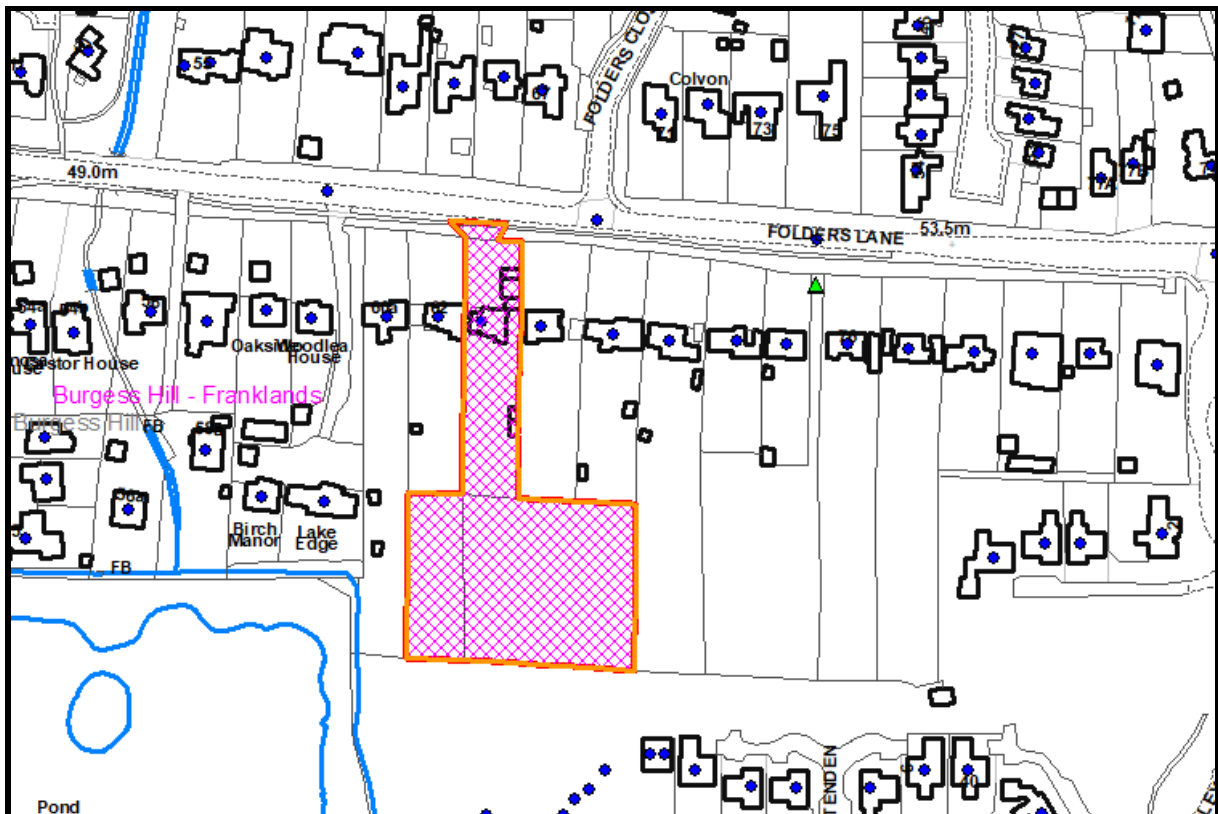
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/0732



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REAR OF 62-68 FOLDERS LANE BURGESS HILL WEST SUSSEX RH15 0DX

REPLACEMENT OF EXISTING DWELLING AT 64 FOLDERS LANE AND DEVELOPMENT TO PROVIDE A MIX OF 17 ONE, TWO, THREE, AND FOUR BEDROOM DWELLINGS (USE CLASS C3), NEW ACCESS AND ASSOCIATED INFRASTRUCTURE (ADDITIONAL STATEMENTS RECEIVED 22-03-2022) (AMENDED DRAWINGS RECEIVED 22.04.22 AND 27.04.22). ADDITIONAL PLAN SHOWING WHEELCHAIR ACCESS FOR PLOT 1. RECEIVED 16.05.2022. AMENDED AND ADDITIONAL DRAWINGS INCLUDING UPDATED SUSTAINABILITY STATEMENT AND BAT AND REPTILE PHASE 2 SURVEY REPORT RECEIVED ON 30.05.2022 AND 06.06.2022. ENERGY _ SUSTAINABILITY STATEMENT

RECEIVED 13.06.2022 AND AMENDED DRAINAGE REPORT RECEIVED ON 10.06.2022. ARBORICULTURAL IMPACT ASSESSMENT AND AMENDMENTS TO WHEELCHAIR UNIT RECEIVED ON 05.08.2022. AMENDED DESIGN AND ACCESS STATEMENT REV D RECEIVED ON 27.09.2022.

MR ROB BURNHAM

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / Tree Preservation Order / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 13th November 2022

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Rachel Richardson

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks full planning permission for 17, one, two, three and four bedroom dwellings and the replacement of 64 Folders Lane, Burgess Hill. Also including a new access and associated infrastructure.

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), Site Allocations Development Plan Document (DPD) and the Burgess Hill Neighbourhood Plan (BHNP).

As the proposed development is within the built up area boundary as amended by the adopted Site Allocations DPD, 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.

Burgess Hill Neighbourhood Plan policies H2: Back Garden Development and H3: Protect areas of Townscape Value are also relevant, in the design and appearance of the new development as a whole and with regards to the proposed access point within the context of Folders Lane.

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.

There would be no adverse impact in relation to ecological or tree related matters. There are no objections raised in relation to drainage matters nor in relation to highway issues. It is proposed to use the existing access. As such these points are neutral in the planning balance.

The proposed development will provide 18 new dwellings (a net gain of 17) 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.

Therefore, taking all the points into consideration, there are compelling reasons to approve this application. This is a relatively small site (0.66 ha) comprising portions of rear gardens of 4 dwellings on Folders Lane. The density of development (25.7dph) for this proposal is at the lower end considered acceptable for residential development in a defined built-up area boundary, such as this. It is also surrounded to the east, west and southern sides of the application site, by other recently approved housing developments. 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 full 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 and affordable housing provision.

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 13th January 2023, then permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reason:

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

SUMMARY OF REPRESENTATIONS

35 letters of objection (including SOFLAG - South of Folders Lane Action Group) have been received and 2 letters in support. The comments in support, and objections to the application are summarised as follows:

SUPPORT

- This is a good use of under used land as a first time buyer trying to get on the property ladder
- There have been similar development proposals in the locality which is good for the growing community

OBJECTION

Design

- Overdevelopment. The 2020 SHELAA (site ref 206), land rear of 60a-78 Folders Lane was a much larger site for 10 houses.
- cramped layout
- the mix of housing is out of keeping with semi-rural character
- This is a garden grab exercise and contrary to Neighbourhood Plan policy H2
- No communal area for future residents
- Too much hard surface compared to soft landscaping

Residential Amenity

- Noise and disturbance during construction
- Light pollution to adjacent properties
- Loss of outlook
- Loss of privacy

Highways

- Poor narrow access (the width of a driveway) for emergency vehicles and limited visibility
- Parking is substandard. Only 1 visitor parking space for 17 houses.
- Traffic congestion (and large HGV's) along Folders Lane will be exacerbated prejudicial to highway safety
- Increased pedestrian traffic crossing the road with no official crossing facilities

Housing

- Not needed. MSDC has enough housing sites (particularly on this side of town, namely, Northern Arc) and this is unjustified. There are 8 or 9 accesses to new developments between Ditchling Common roundabout and Keymer Road.
- Replacement of a structurally sound property is wasteful and unsustainable.

Infrastructure

- Puts additional pressure on local infrastructure and services/utilities
- No evidence of improvements made along Folders Lane from monies secured for other housing developments within the locality.

Drainage

- Increased risk of flooding due to reduction in natural drainage ground.

Policy conflict

- Contrary to policy MSDP policy DP12 as it is in the countryside
- Is within a designated area of townscape value and conflicts with Neighbourhood Plan policy H3.
- Section 7 of the design and access statement refers to Bracknell housing and confirms that it has met Bracknell parking policy. This is a cut and paste job and pays no regard to local residents.
- This is a speculative development that does not conform to the plan-led system as mentioned in the recent White Paper - Planning for the Future, August 2020.

Ecology/Biodiversity

- A significant number of mature trees were removed prior to submission of the application. Habitats have been destroyed. The developers should be obliged to replant lost trees.

SUMMARY OF CONSULTTEES (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. The area is low risk from flooding. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

West Sussex County Council Highway Authority

No objection subject to conditions.

West Sussex County Council Fire, Water and Access

No objection subject to conditions showing details for the location, installation and maintenance thereafter of fire hydrants.

West Sussex County Council Waste and Minerals

No comment.

Sussex Police

No major concerns given that the level of crime and anti-social behaviour in the Mid Sussex district is below average compared with the rest of Sussex.

MSDC Environmental Health Officer

No objection subject to conditions to control noise and hours of construction as well as a condition to mitigate against the impact of the development upon air quality.

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. Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 27/06/22) and a surface water flood compensation note (TN02, Motion, 27/06/22).

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

MSDC Urban Designer

No objection to the amended drawings received on 22.04.22 and 27.04.22.

MSDC Community Facilities Project Officer

Requires contributions towards off site leisure and community buildings provision.

MSDC Tree Officer

Has concerns but has recommended a planning condition to mitigate the impact of the development on threat to life expectancy of protected trees.

MSDC Ecology Consultant

Recommends approval subject to conditions.

Housing Officer

No objection to 6 affordable rented units. Recommendation of a planning condition requiring final approval of plans for the wheelchair accessible unit.

TOWN COUNCIL OBSERVATIONS

Recommends refusal.

The application is contrary to policies in the MSDP (DP26, DP12, DP21), Mid Sussex Design Guide (DG21, DG25, DG26, DG31 and DG37) and the BHNP (H2 and H3).

INTRODUCTION

Full planning permission is sought for the construction of 17 dwellings and the replacement of 64 Folders Lane, all on land to the rear of 62-68 Folders Lane, Burgess Hill.

RELEVANT PLANNING HISTORY

11/00380/FUL 23 dwellings, access and associated infrastructure. Refused.
26.07.2011

10/02676/FUL 27 dwellings, access and associated infrastructure. Refused.
23.11.2010

SITE AND SURROUNDINGS

The site area totals 0.66 hectares and consists of a detached dwelling, ancillary buildings and associated garden and land to the rear of 62, 66 and 68 Folders Lane.

The site lies off the southern side of Folders Lane (B2113) almost opposite Folders Close to the east.

No 64 is a large detached dwelling set back from the road behind two detached garages. Its front garden is hard surfaced and the boundaries are defined by hedgerow planting.

It has a substantial rear garden bounded by a hedgerow and post and rail fence. The garden at the rear of No.68 has been shortened and is separated with a 5 bar gate. The area at the southern end of the site has shrubs and trees which have undergone some clearance.

The site is flat albeit has a very shallow drop from north to south of around 0.5 metres over its 145 metres depth from the Folders Lane boundary at the front to the southern boundary at the rear.

There is ongoing housing development adjoining the site to the south. The Planning Statement references these developments as sites 1, 2 and 3 as being to the west, east and southern sides of the site.

The area is characterised by large detached dwellings of varying styles which are set well back from the road and in generous plots.

Folders Lane runs in an east-westerly direction linking with the B2112, Ditchling Road to the east and the Keymer Road to the west. It is a tree lined road with grass verges and pavements all of suburban character.

In terms of planning policy, Map 7 - Burgess Hill in the Site Allocations DPD, illustrates that the application site dwelling as defined within Protecting Areas of Townscape Value (policy H3 of the Neighbourhood Plan) and rear garden land of the application site is within the built-up area boundary. As such, policies DP4 and DP6 are relevant. DP4 seeks to ensure the deliverability of housing. Policy DP6 states that development will be permitted within towns and villages within defined built-up area boundaries subject to it being demonstrated that it is of an appropriate nature and will not cause harm to the character and function of the settlement. The proposal must not represent an underdevelopment of the site having regard to policy DP26 of the DP.

APPLICATION DETAILS

As stated above the application is seeking full planning permission for a mix of 17, one, two, three and four bedroom dwellings and the replacement of No.64 Folders Lane with a five bedroom dwelling. Existing garaging will be demolished. Access is proposed off Folders Lane and along the western boundary to land at the rear of 62-68 Folders Lane.

Layout

A loop road is proposed around the outer edge of 14 dwellings which are situated to the eastern side of the access leading off Folders Lane. Plots 15-17 are on the western side of the access road. All dwellings front onto the access road. An area of open space is to be retained along the southern boundary of the site where there are existing trees.

There are in total 44 parking spaces proposed including 29 parking spaces and 15 garage spaces. Covered cycle storage is to be provided within garages or garden cycle stores for houses/apartments.

External residual and recyclable waste storage will be located within rear gardens for houses and within communal stores for the apartments (plots 1-6) proposed.

Amount and Tenure

The schedule of accommodation states that the proposed development comprises:

- 3 x one bedroom flats
- 3 x two bedroom maisonettes
- 6 x three bedroom houses
- 5 x four bedroom houses
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling.

6 affordable houses are proposed as part of the scheme. The housing mix and tenure is illustrated on a dwelling mix distribution plan within the design and access statement. Plots 1-6 are the 1 bed flats and 2 bed maisonettes.

Scale

A building heights plan illustrates that all of the development is 2 and a half storeys in height except for plot 17 which is 2 storeys. All proposed garaging is single storey.

Appearance

The development has been designed with narrow fronted properties with clipped gables presented to the roads at plots 7, 9 and 12 and 15 to provide vertical emphasis. The main roofs will have barn hipped ends as shown on the street scene illustration.

A mixture of brick and tile hanging is proposed. The exception to the rule is the replacement dwelling which takes on a modern interpretation of the Tudor boarding. All properties will have plain tiled roofs.

The application is accompanied by an amended design and access statement, planning statement, statement of community involvement, transport statement and road safety audit and designers' response, arboricultural statement (tree survey and impact assessment), Preliminary ecological appraisal, a bat and reptile phase 2 survey report, affordable housing statement, energy and sustainability statement, drainage statement.

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 conflict's 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, The Site Allocations DPD and the Burgess Hill Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP6 Settlement Hierarchy
- DP17 Ashdown Forest
- DP20 Securing Infrastructure

DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP 30 Housing Mix
DP31 Affordable Housing
DP37 Trees, Woodlands and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage
DP42 Water Infrastructure and the Environment

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

SA38: Air Quality

Neighbourhood Plan

Burgess Hill Neighbourhood Plan.

Relevant policies:

H2 Back Garden Development

H3 Protect Areas of Townscape Value

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (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.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- The principle of development
- Design and Layout
- Trees and Landscape Impact
- Space standards

- Sustainability
- Air Quality
- Neighbour amenity
- Highways
- Ecology
- Drainage
- Infrastructure provision
- Affordable Housing Impact on Ashdown Forest
- Water Infrastructure
- Planning Balance and Conclusions

The principle of development

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 boundary as defined in the Site Allocations DPD.

The application site is considered to be a sustainable location for residential development.

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

Design and Layout

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 Council's Urban Designer has commented on and influenced the design of the proposed development and following subsequent amendments during the course of the application, is now satisfied that the scheme complies with the above relevant planning policies and the provisions contained within the NPPF.

Design and Layout

The comments of the Council's Urban Designer are summarised at the start of the report and set out in full in the appendix. He advises that, *'The overall layout has been appropriately designed to provide a positive frontage facing the east and south boundaries which reveals the attractive tree belt on the southern side that gives the scheme a soft backdrop.'*

He goes on to comment that the amended drawings have addressed most of his previous concerns, including;

'a pedestrian link between plots 1-6 and 7 to access plots 13 and 14; a reduction of hard surface at the point of arrival into the site through the introduction of soft landscaping and a car barn; the western flank of 64 Folders Lane is now formally organised with windows on all floors that allows the building to address the entrance approach and provide some natural surveillance over this key link into the site. The front garden now incorporates a pergola structure covering the parking (in place of a garage) that allows the house to positively address Folders Lane; an improvement to the building design resulting in flats 1-6 appearing as a terrace of houses. The introduction of a barn hipped roof on all 4 sides of plots 9 and 12 and with the hanging tiles provides a more coherent approach in design terms. Plot 17 now also benefits from a symmetrical frontage and a fully fenestrated northern flank. The majority of false glazing bars have now been omitted.'

He did comment on negative points which have now also been addressed. The applicant has confirmed that;

- 'Drawing No. P113 A shows the tile hanging extending around the side façade of plots 10/11 and the removal of the glazing bars.'

- Drawing No. P112 B shows the second floor window in the same ratio as the windows below on the first floor.
- The proposed site plan No. P101 B shows the roofline correctly.'

The applicant has also agreed to a planning condition for details of facing materials, downpipes, boundary treatment (brick walls instead of close boarded fencing as well as planting along the eastern boundary which may need to be in the form of climbers due to the limited space. This supports the recommendation of the urban designer's comments.

The scale of the development being at most two and a half storeys in height has been designed to utilise roof spaces and reflect existing houses within the locality. The half hipped 'barn' style roofs provides interest and reduces the building bulk and massing.

The looped outer road provides outward facing dwellings with back to back rear gardens. There are a further 3 dwellings which face outwards providing interest in the street scene. There is also an area of public open space under a tree belt along the southern boundary which is to be dedicated to a wildlife area. The applicant is of the opinion that any pressure from future occupants to remove these trees will be removed by the houses fronting onto this tree belt and on the opposite side of the estate road.

It should also be noted that the application site is to the southern side and at the rear of the Protected Area of Townscape Value (Policy H3 of the BHNP). Notwithstanding this, the proposal will preserve the existing character of the area in terms of spacing, building heights and general layout. It should also be noted that the application site lies just to the eastern side of SA13 (Land to the East of Keymer Road and South of Folders Lane) in the SADPD which is a site of 15.2 ha for the allocated development of 300 houses.

It is considered that given the above the design of the development is acceptable and accords with the aims of Principles DG27, DG37 and DG38 of the Design Guide SPD.

The Water and Access Manager has requested a condition regarding fire hydrant provision. This can be imposed to address this issue.

Quantum of Development

The proposed development will provide a net increase of 17 new dwellings across a site area totalling 0.66ha which equates to a density of 25.8 dwellings per hectare. As such, this is not considered to constitute a cramped or 'tight' development. It is also considered that the proposed development would not represent an underdeveloped or inefficient use of the land. It is considered that the spacing between and around the buildings has the desirability of maintaining the area's prevailing character and setting. It also has regard to promoting regeneration and change and securing well designed, attractive and healthy places whilst having regard to the grain and pattern of existing development in the locality. This is in accordance with para 124 of the NPPF, achieving appropriate densities.

It is also considered that in terms of density, the prevailing character and appearance of the area would be maintained in accordance with Policy H2 (Back Garden Development) of the BHNP. Notwithstanding this, it should also be noted that approximately two-thirds of the southern half of the application site falls outside of the Neighbourhood Plan boundary and the policies within the Neighbourhood Plan cannot be applied to this part of the site.

Trees and Landscape Impact

Policy DP37 in the DP states in part 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.

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.'

The Council's Tree Officer has raised concerns (but not objected in principle) regarding the loss of trees and potential impact on the life expectancy and pressure to remove trees as a result of the development proposed.

The applicant has confirmed agreement to a planning condition in relation to the submission of no dig construction details, fencing and pergola construction in association with the Arboricultural Method Statement. As part of this submission, kerb detailing can be agreed too.

In respect of drainage, the applicant has also confirmed that only a single foul water drain passes through this area and can be located outside of the RPA and will form part of the details submitted under the drainage condition. It is worth noting access to the development utilises existing arrangements and no trees are being removed on Folders Lane so the green nature of Folders Lane would remain unchanged. Furthermore and in response to the tree officers comments the applicant has confirmed that:

1. *'The access drive and crossover already exist with only localised works required*
2. *Only one category B tree will be lost, the rest are all either C or U.*
3. *None of the trees to be removed front onto Folders Lane*
4. *The construction detailing of a no dig surface and non-traditional kerbage have been requested as matters to be conditioned.*
5. *As part of the drainage strategy there is only a single foul water drainage route which currently encroaches on a less than 2per cent of an RPA. This can be designed out as part of the detailed drainage design which requires clearance by condition.*
6. *The development is not considered 'tight'. It has been through several iterations of design changes following comments from Will Dorman who has supported the proposals.'*

Given the above it is considered that while the proposed development will result in a loss of trees, there is appropriate mitigation measures in place to minimise any material harm caused to the character of the area.

Space standards

MSDP policy DP27: Dwelling Space Standards states:

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

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

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

'Dwelling space standards ensure that all residential development in Mid Sussex is of an acceptable size for the wellbeing of future occupants, that there is appropriate circulation space and that homes are highly functional in terms of typical day to day needs. The space standard helps to achieve sustainable development, encouraging useable and flexible living environments in which residents can undertake a range of activities such as bringing up families, working from home and communal and social activities, as well as providing for residents' changing needs by taking into account the spatial implications of providing improved accessibility and adaptability, particularly for older or less mobile people, including meeting the requirements of residential building accessibility standards in Building Regulations Approved Document M.'

The Schedule of Accommodation submitted with the application provides the following information:

- 3 x one bedroom flats - 50 - 62sqm (Nationally Described Technical Housing Standards 37 sq.m)
- 3 x two bedroom maisonettes - 85 sqm (NDTHS - 70 -79sqm)
- 6 x three bedroom houses 113 - 132 sqm (NDTHS 84-108 sqm)
- 5 x four bedroom houses 139 - 222 sqm (NDTHS 97 - 130 sqm)
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling. 210 sqm (NDTHS 128 sqm)

The proposed development is more than compliant with the Nationally Described Technical Housing Standards and MSDP policy DP27.

MSDP policy DP28: Accessibility states:

'Developments of 5 or more dwellings will be expected to make provision for 20per cent 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 4per cent, dependent on the suitability of the site and the need at the time.'

The proposed development will have to comply with access under building regs, i.e. level or ramped access to all areas.

A condition that 20per cent of the dwellings will meet the requirement of Part M of the building regulations can be added to any planning permission. Essentially this means that 20per cent provision across the development needs to be made to ensure that 4 dwellings are wheelchair accessible M4(2). The proposal includes for 1 unit to be wheelchair adaptable under M4(3), which meets policy criteria.

The applicant has provided detailed comments to ensure that all design elements of the wheelchair adaptable M4(3) unit meet regulatory requirements.

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 energy and sustainability statement (June 2022).

In terms of location, the application site is within the built up area as defined in the Site Allocations DPD. The site is within a 20 minute walk of Burgess Hill Town Centre (approximately 1 mile south-east of the Town Centre) and Train Station with a wide variety of services easily accessible from the site. Folders Lane is accessible on foot with pavements either side and is a road that is well lit to ensure pedestrians can access nearby services and facilities at all times and without the need for a car. There is also a bus stop just 100m from the site.

There are 2 primary schools within 1.5 miles and a secondary school within 1.2 miles.

It is therefore considered that in terms of location, the site is sustainable.

In terms of renewable energy, the proposed development would incorporate a range of measures as set out in the sustainability report submitted with the application through the installation of Air Source Heat Pumps and a high quality approach to building fabric. Consideration has been given to the use of local materials and suppliers to reduce transport distances and support the local economy. The Design and Access Statement also says that consideration will be given to the use of 'A' rated materials as assessed using the BRE Green Guide to specification for buildings wherever possible and for the use of insulation materials with zero ozone depletion potential.

A planning condition is also recommended for the installation of electric car charging points.

The scheme has been designed to maximise solar gain and natural lighting through the orientation of the majority of the dwellings to the south, east and west. 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.

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

Currently Building Regulations set the energy efficiency standards to be applied across the country. It is acknowledged that changes in Building Regulations in the form of the Future Homes Standard will be implemented from June 2022 (with a transition period to 2023) with a further uplift in requirements set out in 2025. Essentially, for part L (Conservation of Fuel and Power) if a building notice or full plans have been submitted by June 2022, the proposed transitional arrangements mean that work will have to start by June 2023 for the development to be constructed to the 2013 Buildings Regulations.

With regards to Electric Vehicle (EV) charging points, the changes to the Building Regulations will require every new home with onsite parking to have an EV charging point. This will apply to schemes where the building regulations application has been submitted after 15th June 2022.

It is considered that the applicants have had regard to policy DP39 in the DP.

Air Quality

Policy SA38 seeks to avoid unacceptable impacts on air quality and says development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development.

There are no air quality management areas (AQMAs) in the vicinity of the site and the Councils EHO has not raised any concerns in relation to air quality on this development.

Neighbour Amenity

Policy DP26 in the DP seeks to avoid significant harm to neighbouring amenities from new development.

The existing properties fronting onto Folders Lane to the north of the application site, numbers 66, 68 and 70 Folders Lane, will retain rear gardens with depths of approximately 25m to the northern boundary of the proposed site. Nos 60a and 62 will retain rear gardens with a depth of around 52m.

Given these distances it is not considered the proposal would cause any loss of amenity to the occupiers of this property.

Regarding distances to the new (Jones') housing development at the rear, the separation distances between housing is over 45m, notwithstanding the strong landscape buffer between the two sites.

Given these distances and intervening tree screening it is not considered there would be a loss of amenity to the occupiers of these properties. As such this element of policy DP26 in the DP would be met.

Highways

Policy DP21 in the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians, and*

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 111 of the NPPF, which states:

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

The speed limit for the road is 30mph but on-site observation indicates that speeds are likely to be higher than this and for proposals of 37 mph a 59m visibility splay would be needed.

In respect of the vehicular access to the highway, this would operate as a shared space. The Local Highway Authority (LHA) raise no objection to the proposed access onto the public highway. The LHA are satisfied the required visibility splays of 2.4m by 64m to the west (for eastbound vehicles) and 2.4m by 54.3m to the east (for westbound vehicles) are in accordance with the recorded road speeds and can be provided within land forming the site and the public highway.

The Road Safety Audit (RSA) Team have accepted the designer's response stating: "The Audit Team is satisfied with the Designers Response to Problem 5.4 (of the stage 1 RSA), that the access operates as shared space. The size of the development does lend itself to this, and a similar layout has been applied at nearby Oak Grange."

The access works will be subject to a Section 278 Agreement and technical check with the LHA's Highway Agreements Team.

In terms of capacity, a trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 7 and 9 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have a 'severe' impact on the network in line with National Planning Policy Framework (NPPF) Guidance.

Your Planning Officer agrees, this level of vehicular movement would certainly not result in a severe impact on the local highway network.

With regards to car parking, the scheme proposes a total of 29 parking spaces, which includes 1 visitor parking space. This would meet the standards in the WSCC parking calculator and is considered sufficient. The Design and Access Statement has been amended and at paragraph 6.2 (page 45) highlights the 29 standard parking spaces in yellow and the remaining 15 spaces, for garages, car barn and

pergola, in blue. This comprises a total of 44 parking spaces proposed across the site.

With regards to cycle parking, the applicants advise the cycle parking will be provided within the curtilage of each property. The details of this could be secured by a planning condition. The Highway Authority has confirmed that cycle parking provision is in line with current WSCC guidelines.

In terms of site layout, the proposals have been supported by swept path diagrams which will demonstrate the likely types of larger vehicles entering the site. The roads within the development have been tracked and approved by the Highway Authority (WSCC) for Waste and Emergency Access.

With regards to sustainable transport options, the site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for residents to travel to the site. The site is situated to the south of Folders Lane within Burgess Hill. The site benefits from close proximity the A23, the A272 and the A27, as well as a number of bus stops and Burgess Hill railway station. Burgess Hill town centre is circa 1.5 kilometres west of the site.

This is a site which is now located within the built-up area as defined by the Site Allocations Development Plan. As such, it is considered to be in a sustainable location for the development of new housing.

It is considered that the proposed development accords with the criteria of DP21 and the provisions contained within the NPPF.

Ecology

Biodiversity

Policy DP38 in the DP seeks to protect and enhance biodiversity.

The application is accompanied by a preliminary ecological appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) supplied by the applicant, relating to the likely impacts of development on protected and Priority habitats and species, particularly bats, Hazel Dormouse, Great Crested Newt, reptiles, Badger and nesting birds, and identification of proportionate mitigation.

Place Services, who are the Council's consultee for ecology, has recommend approval subject to planning conditions.

In summary, the conclusions of the bat and reptile survey report (phase 2 surveys) are supported. It is noted that two common species of pipistrelle bat were recorded foraging/commuting on the site. Any loss of trees on the southern boundary of the site should be compensated for. Tree planting as part of a landscaping scheme, to be agreed with the Council prior to occupation, can be conditioned as part of any recommendation to grant permission. It is also recommended that there should be a

precautionary method of works during habitat clearance. It should also be noted though that the amended Design and Statement, at para 1.1 does confirm that the key tree belt to the southern boundary will be retained.

Place Services also support the recommendation that pre-work badger surveys should be undertaken immediately prior to construction works commencing. This can also be conditioned.

A low breeding population of reptiles (slow worms and grass snakes) was also recorded and Place Services also therefore support the Reptile Mitigation Strategy in the Bat and Reptile Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

Place Services are satisfied that there is sufficient ecological information available for determination and with appropriate mitigation measures secured, the development can be made acceptable. Officers are therefore satisfied of the likely impacts on protected and Priority species and the Council can therefore demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The Wildlife Friendly Lighting Strategy should be secured by a condition of any consent for discharge prior to occupation.

Finally, Place Services also supports the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level. The proposed habitats, including native species-rich hedgerows, species-rich meadow grassland and pond should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

Any impacts will be minimised through the use of appropriate planning conditions and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

As such, the criteria of Policy DP38 is met in addition to the provisions contained within the NPPF.

Flood Risk/Drainage

Policy DP41 of the DP states:

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

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

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

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

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

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

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

The application is accompanied by a Surface Water Flood Risk Technical Note.

The Council's Drainage Engineer has no objection to the proposed development subject to the recommendation of planning conditions relating to foul and surface water drainage, works within 5m of a drain or watercourse and flood risk management.

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

It is therefore considered that the flood risk can be managed on the site.

With regards to public sewers on the site these are not shown on the drawings. However, advice in relation to this matter can be found on the relevant water

authority's website and in this case Southern Water advise on proximity of any development to the public sewer.

With regards to surface water drainage as said above the application is accompanied by a drainage strategy report. The report states that the development will attenuate and discharge surface water into an adjacent watercourse. Drainage calculations indicate that sufficient attenuation storage can be accommodated within the development utilising attenuation tanks and non-infiltration permeable paving. The applicants have been advised that permeable paving be located outside any flood extents to mitigate the chance of the drainage system being overwhelmed with flood water. As said above any planning permission will be subject to planning conditions as recommended by the Council's drainage engineer.

The foul water drainage will discharge into the main public foul sewer which is acceptable.

It is therefore considered that policy DP41 in the DP is met.

Infrastructure provision

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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).

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

The development would require the following infrastructure contributions to mitigate its impact:

West Sussex County Council

Education primary £62,177
Education secondary £66,918
Education Sixth Form £15,676
Libraries £7,042
Total Access Demand £60,099

Mid Sussex District Council

Formal sport £19,765 to go towards formal sport facilities St Johns Park and / or the new Centre for Outdoor Sport to be built south of the A3200.

Children's play space £29,470 to go towards play equipment (£16,017) and kick about provision for older children (£13,454) at Burners Close and Folders Meadow, owned and managed by the District and Town Councils respectively. These are the nearest locally equipped play areas to the development site.

Community buildings £11,336 to go towards improvements to the Cherry Tree, Park Centre and / or Cyprus Hall in Burgess Hill.

Local community infrastructure £12,710 to purchase some Speed Indicator Devices (SID's) for Burgess Hill Town Council.

The County Council have identified that the Total Access Demand (TAD) contribution would be spent on sustainable transport schemes which come forward through the Burgess Hill Growth Programme, which is a joint project between WSCC and MSDC.

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

Housing Mix and Affordable Housing

Policy DP30 in the DP seeks housing development to provide a mix of dwelling types and sizes that reflects current and future housing needs. The overall mix of the scheme is as follows:

- 3 x one bedroom flats (18per cent)
- 3 x two bedroom maisonettes (18per cent)
- 6 x three bedroom houses (35per cent)
- 5 x four bedroom houses (29per cent)
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling.

It is considered that this is a reasonable mix on this relatively small site and that policy DP30 is met.

Policy DP31 in the DP seeks 30 per cent affordable housing on sites providing more than 11 dwellings. The application would provide 6 affordable units which is policy compliant. The Councils Housing Officer is content with the mix of affordable units that is proposed.

All 6 policy compliant affordable housing units will be for social or affordable rent, rather than 4 for social or affordable rent and 2 for intermediate, and the figures from our Common Housing Register would support this.

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.

Water Infrastructure

Mid Sussex District Plan Policy DP42: Water Infrastructure and the Environment states;

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development.'*

South East Water are the water supply company for this area. They have been consulted on the application. No comments have been made in relation to an inadequate water supply for the proposed development.

The applicant has provided confirmation from South-East Water regarding connection costs which they have confirmed are in agreement to. This indicates that there will be an adequate water supply to the proposed application site.

In any event, a 106 legal agreement is being finalised which will secure the required infrastructure and affordable housing provision before a planning permission could be issued and it is considered that the requirements within policy DP42 can be addressed through this process.'

It is therefore considered that, in terms of water supply, the proposed development satisfies the criteria of DP42.

CONCLUSION

Planning law states that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

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

The principle of development is acceptable on this site by virtue of the fact that the site is now within the built up area boundary, as amended by the adopted Site Allocations DPD.

The scheme would deliver 17 dwellings, 6 of which would be affordable. This should be afforded significant positive weight in the planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

The scheme can be satisfactorily drained and a legal agreement can secure the required infrastructure provision. As such these matters are neutral in the planning balance.

There are no ecological objections to the scheme subject to conditions to secure a biodiversity protection and mitigation plan and method statement, habitat enhancement and long-term management and a wildlife sensitive lighting plan.

Whilst unfortunate, the scheme will result in the loss of some trees, replacement tree planting and landscaping can be secured by a planning condition. This is negative in the planning balance but is outweighed by all other positive planning benefits.

The proposal will secure infrastructure monies for improvements to be made locally towards education at all levels, libraries and TAD for sustainable transport schemes. This also includes financial contributions towards play space, kickabout provision and community buildings.

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations). This mitigates the impact of the development and is therefore neutral in the planning balance.

The proposal would also provide economic benefits from the investment and spending during the construction period and from the additional spend in the local economy once the development has been completed.

The government is committed to a plan led system of development. Therefore, the fact that this proposal would result in development on a site that is now within the amended built up area boundary of the Site Allocations DPD, and surrounded by residential development both approved and as allocated (SA13) under this plan led approach, should be afforded significant positive weight.

The scheme would be of a satisfactory design and would provide 17 units of accommodation, 6 of which would be affordable. Overall, taking all of the relevant issues into account, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the DP, policy SA38 in the Site Allocations DPD and policies H2 and H3 in the BHNP and therefore complies with the development plan, when read as a whole. The application proposal is also in accordance with the design principles of the MSDG and the provisions contained within the NPPF. Therefore, it is recommended that the application be approved, subject to appropriate conditions, and a legal agreement to secure the required infrastructure and affordable housing.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

Pre commencement

3. 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.

4. The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details and that submitted under Technical Note 01.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

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

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

6. Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers in accordance with policy DP26 of the Mid Sussex District Plan.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

7. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the details contained within the details contained in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. 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.

8. Prior to works above slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). 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.

9. 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 works shall be carried out as approved. As part of the landscaping details a Method Statement should be submitted to address the impact of the driveway and crossover widening on the RPAs of trees, particularly the two TPO trees, the impact of the pergola and fencing on TPO trees, T50 and T53 and the potential impact of drainage works within the same RPAs affected by the access, T48 and T49. 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

10. 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/rainwater downpipes facing road frontages 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 development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

11. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy DP20 in the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

Pre occupation

12. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered 2107052-01 Rev B.

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.

13. The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex, which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

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.

14. 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.

15. 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

16. 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.

17. 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) including plans for the Wheelchair Accessible Unit, in order to ensure that the unit meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. These dwellings 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, 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.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). 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.

19. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux

drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
- The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.
- As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

Construction phase

21. 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.

22. 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.

23. 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.

INFORMATIVES

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

Accordingly, you are requested that:

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

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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. 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: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). 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.
5. 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.

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	20106-P110B	Plots 1-6	05.08.2022
Proposed Floor Plans	20106-P109C	Plots 1-6	05.08.2022
Proposed Floor Plans	20106-P108A	Plot 1	05.08.2022
		Wheelchair Unit	
Site Plan	20106-P101	G	05.08.2022
Site Plan	20106-C101	B	30.05.2022
Illustration	20106-C105	Air Source Heat Pump	30.05.2022
General	20106-P102B	Materials Layout	30.05.2022
Proposed Floor and Elevations Plan	20106-P112B	Plots 9 _ 12	30.05.2022
Proposed Floor and Elevations Plan	20106-P113A	Plots 10-11	30.05.2022
Proposed Floor Plans	20106-P118	Layout of flats	30.05.2022
General	20106-P119	Accessibility Diagram	30.05.2022
Proposed Floor and Elevations Plan	20106-P111	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P114	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P115	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P116	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P117	A	27.04.2022
Street Scene	20106-C102	A	27.04.2022
Location Plan	S101A		04.03.2022
Survey	S102A		04.03.2022
Illustration	20106-C103	Perspective view 1	04.03.2022
Illustration	20106-C104	Perspective view 2	04.03.2022
Street Scene	20106-P103	Proposed	04.03.2022

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

02.09.2022

Recommend Refusal. The Committee rejected this application citing their previous rejections made during the Planning Committee Meeting on 16 May 2022, regarding the contravention of the following policies under the Mid Sussex District Plan:

DP26 - does not protect valued townscapes, DP12 - outside boundary/ in countryside, and DP21 - does not avoid additional severe traffic congestion.

Mid Sussex Design Guide:

DG21 - site plan showed narrow roads, DG31 - no accessible transport, DG26 - no space for play, DG25 - does not enhance open spaces, and DG37 - did not incorporate renewable energy

Burgess Hill Neighbourhood Plan:

H2 - no backyard development, and H3 - protect areas of townscape value (Folders Lane)
The Committee also asked that this application be considered by the Planning Committee at Mid Sussex District Council, and that should there be any money put towards the development of community buildings, that it would be directed towards those being developed by Burgess Hill Town Council.

18.05.2022

Recommended refusal. The application did not support the following policies.

Mid Sussex District Plan;

DP26 -does not protect valued townscapes

DP12 -outside boundary/in countryside

DP21 -does not avoid additional severe traffic congestion

Mid Sussex Design Guide;

DG21 -site plan showed narrow roads

DG31 -no accessible transport

DG26 -no space for play

DG25 -does not enhance open spaces

DG37 -did not incorporate renewable energy

Burgess Hill Neighbour Plan;

H2 -no backyard development

H3 -protect areas of townscape value (Folders Lane)

MSDC Urban Designer

16.05.2022

Drawings: Amended drawings received 22.04.22 and 27.04.22

The overall layout has been appropriately designed to provide a positive frontage facing the east and south boundaries which reveals the attractive tree belt on the southern side that gives the scheme a soft backdrop.

The amended drawings have addressed most of my previous concerns in the following respects:

- A pedestrian link has been accommodated between plots 1-6 and 7 to provide a direct pedestrian access for plots 13+14 (which allows pedestrians to avoid the circuitous road connection).
- The arrival point into the main part of the site has been redesigned so that it is no longer dominated by surface parking; this has been achieved with the addition of a car barn and trees/soft landscaping to break up/soften the parking in front of plots 1-6.
- The western flank of 64 Folders Lane is now formally organised with windows on all floors that allows the building to address the entrance approach and provide some natural surveillance over this ley link into the site. The front garden now incorporates a pergola structure covering the parking (in place of a garage) that allows the house to address Folders Lane better.
- The building design has been improved in the following respects:
- The flats on plots 1-6 are now better ordered and convincingly evoke the appearance of terraced houses. Nevertheless here and on the other houses, the rainwater downpipes need to be included; as per DG 42 of the Council's Design Guide they should be carefully located so they do not detract (for 1-6, I would expect them reinforce the rhythm of the frontage by articulating the individual bays).
- On plots 9 and 12, barn hip now feature on all four sides and with the hanging tiles also more comprehensively integrated (as it does too on plots 7/8 and 15/16), it provides a more coherent and consistent design.
- Plot 17 now benefits from a symmetrical frontage and a fully fenestrated northern flank.
- Fake glazing bars have mostly been omitted.
- As well as the improvements to the western flank, the rear elevation of 64 Folders Lane is better composed.

Nevertheless, the house on plots 10/11 still suffers from an unconvincing design. While the secondary facing materials are more comprehensively applied than before on the other houses, the hanging tiles peel away at the side of plots 10/11. These houses also still feature fake glazing bars.

The second-floor window on the rear/north elevations of plots 9 and 12 still unbalance the façade because of its size/shape/depth and would work better if it simply replicated the tripartite windows below.

The perspective images and the proposed street scenes have not been updated and therefore should not register on the list of approved drawings. Also, the revised site layout does not show the revised roofline on plots 9 and 12 correctly as it is inconsistent with the amended plans and elevations; so this may require an informative (or a revised plan).

As the design of the boundaries is not clear from the submission, I would like this included in a landscaping condition. Where they face the street, boundaries should avoid c/b fencing in favour of a brick wall. Also, these boundaries should be softened with plants; the limited space on the eastern site boundary reduces the opportunity for this; here I would at least expect climbing plants to be included.

Overall Assessment

My remaining design issues are relatively minor, but it is a shame the opportunity has not been taken to accommodate renewable energy. Nevertheless, overall the scheme sufficiently addresses policy DP26 of the District Plan and the design principles in the Council's Design Guide. I therefore raise no objections, but would recommend conditions that require the approval of the following further information/drawings:

- Hard and soft landscaping details including boundary treatment.
- Details of facing materials
- The rainwater downpipes on all elevations facing road frontage.

MSDC Drainage Officer

28.06.2022

PLANNING APPLICATION CONSULTATION RESPONSE

Application Details

Application Number	DM/22/0732
Planning Officer	Rachel Richardson
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-0-28
Site Location	64 Folders Lane, Burgess Hill
Development Description	Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one-, two-, three-, and four-bedroom dwellings (Use Class C3), new access and associated infrastructure
Recommendation	No objection subject to conditions

Flood Risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 27/06/22) and a surface water flood compensation note (TN02, Motion, 27/06/22).

The technical notes acknowledge that some development is located within the 1 in 1,000/year surface water flood extent, with a maximum 150mm depth of flooding. The technical notes state that development would result in 12.87m³ loss of floodplain storage.

The applicant proposes to lower land located within the 1 in 1,000-year flood extent by 20mm to provide 15m³ of storage within the existing flood plain to compensate for the loss due to development. This approach to flood compensation does not follow the standard level for level, volume for volume approach recommended by the Environment Agency. However, in this instance the flood risk and drainage team consider it likely to be acceptable, subject to detailed design.

In addition to the flood compensation provided the technical notes commit to finished floor levels of all structures within the floodplain being set no lower than 150mm above the surrounding ground levels.

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

Sewers On Site

The Southern Water public sewer map shows a public foul sewer located within the redline boundary of the site. This sewer runs east-west approximately 10m from the northern boundary of the site (to the front of the existing No. 64).

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.

We would advise the applicant to consider Southern Water's requirements for development in proximity to public sewers.

Surface Water Drainage

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. 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 a drainage strategy report (2107052, Motion, 07/07/22, Final C). The report stated that the development will attenuate and discharge surface water at the Greenfield QBar runoff rate of 2.01/s into adjacent watercourse.

Initial drainage calculations have been undertaken and the report states sufficient attenuation storage can be accommodated within the development utilising sub-base attenuation beneath permeable paved private driveways and the shared access road. The principle of attenuating and discharging surface water into the adjacent watercourse is considered acceptable.

We would advise the applicant that **permeable paving should be located outside any flood extents** to mitigate the chance of the drainage system being inundated with flood water.

We would also advise the applicant that **all attenuation storage should be located within areas of public realm** (with private permeable drives connected but not providing

attenuation). This approach is to ensure the required attenuation volumes are maintained for the lifetime of the development by a maintenance company and are not reliant on multiple private homeowners (who could alter the surfacing of driveways in the future).

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 utilise an existing foul water drainage connection which ultimately discharges to the main public foul sewer.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

CONDITION RECOMMENDATION

Foul And Surface Water Drainage

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.

Works Within 5m Of Drain Or Watercourse

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse, except where necessary and approved in writing by the local planning authority, for drainage or flood management measures

Reason: In the interests of protecting the natural environment.

Flood Risk Management

The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and

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

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development.

General Drainage Requirement Guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

Surface Water Drainage

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Foul Water Drainage

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

³ Formal approval via S106 etc is not required.

Table 1: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ¹	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

20.05.2022

Hi Rachel,

I note that new plans have been submitted for the above application. Our comments on the application were based on the flood risk and drainage information provided, both of these are based on the previous layouts. I would advise that the applicant will need to review both flood risk and drainage and provide updated reports based on these new plans.

I also note Will's comments regarding boundary treatment and would like to raise that no solid boundaries (close board fences or walls etc) should be located within the flood extents on site, and no closer than 3.5m from the top of bank of a watercourse (5m buffer is preferred). This is because these structures create barriers between the watercourse and the floodplain which can increase flood risk both on site and elsewhere.

¹ Formal approval via S106 etc is not required.

To confirm our updated recommendation for this application is "further information required".

Kind regards,
Nat

Natalie James, MSc, FGS
Drainage Engineer (Flood Risk)

26.04.2022

No objection subject to condition

Flood Risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 23/03/22) and a surface water flood compensation note (TN02, Motion, 31/03/22).

The technical notes acknowledge that some development is located within the 1 in 1,000/year surface water flood extent, with a maximum 150mm depth of flooding. The technical notes state that development would result in 12.87m³ loss of floodplain storage.

The applicant proposes to lower land located within the 1 in 1,000-year flood extent by 20mm to provide 15m³ of storage within the existing flood plain to compensate for the loss due to development. This approach to flood compensation does not follow the standard level for level, volume for volume approach recommended by the Environment Agency. However, in this instance the flood risk and drainage team consider it likely to be acceptable, subject to detailed design.

In addition to the flood compensation provided the technical notes commit to finished floor levels of all structures within the floodplain being set no lower than 150mm above the surrounding ground levels.

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

Sewers On Site

The Southern Water public sewer map shows a public foul sewer located within the redline boundary of the site. This sewer runs east-west approximately 10m from the northern boundary of the site (to the front of the existing No. 64).

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.

We would advise the applicant to consider Southern Water's requirements for development in proximity to public sewers.

Surface Water Drainage

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. 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 a drainage strategy report (2107052, Motion, 17/02/22, Final B). The report stated that the development will attenuate and discharge surface water at the Greenfield QBar runoff rate of 2.1l/s into the adjacent watercourse.

Initial drainage calculations have been undertaken and the report states sufficient attenuation storage can be accommodated within the development utilising attenuation tanks and non-infiltration permeable paving.

The principle of attenuating and discharging surface water into the adjacent watercourse is considered acceptable. We would advise the applicant that permeable paving should be located outside any flood extents to mitigate the chance of the drainage system being inundated with flood water.

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 utilise an existing foul water drainage connection which ultimately discharges to the main public foul sewer.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

CONDITION RECOMMENDATION

Foul And Surface Water Drainage

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.

Works Within 5m Of Drain Or Watercourse

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse, except where necessary and approved in writing by the local planning authority, for drainage or flood management measures

Reason: In the interests of protecting the natural environment.

Flood Risk Management

The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development.

General Drainage Requirement Guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

Surface Water Drainage

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Foul Water Drainage

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

³ Formal approval via S106 etc is not required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ²	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> c) The system meets latest General Binding Rules d) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> c) The system meets latest General Binding Rules d) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

MSDC Environmental Protection Officer

06.09.22

The amendments do not affect previous comments made by EP on 22 March 2022.

22.03.2022

Environmental Protection has no particular concerns, but does recommend conditions to control noise and hours during construction, as well as a condition to mitigate against the impact of the development upon air quality. Should the development receive approval, Environmental Protection recommends the following conditions:

² Formal approval via S106 etc is not required.

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase 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.

- Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

- Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

22.3.22 Nick Bennett, EHO, Environmental Protection

MSDC Community Leisure Officer

09.05.2022

Thanks for the opportunity to comment on the amended drawings and additional information sent in regarding the 64 Folders Lane development. As the housing mix does not appear to have changed I have no further comments to make.

22.03.2022

Dear Rachel,

Thank you for the opportunity to comment on the plans for the development of 17 residential dwellings at Rear Of 62-68 Folders Lane, Burgess Hill RH15 0DX 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 over 5 units.

CHILDRENS PLAYING SPACE

Burners Close and Folders Meadow, owned and managed by the District and Town Councils respectively, 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 £29,470 is required to make improvements to play equipment (£16,017) and kickabout provision for older children (£13,454).

FORMAL SPORT

In the case of this development, a financial contribution of £19,765 is required toward formal sport facilities at St Johns Park and / or the new Centre for Outdoor Sport to be built south of the A3200.

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 £11,336 is required to make improvements to the Cherry Tree, Park Centre and / or Cyprus Hall in Burgess Hill.

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

Thanks,
Elaine

MSDC Tree and Landscape Officer

25.08.2022

The Council's Tree Officer (Irene Fletcher) has commented as follows:

'I have a number of concerns about this development, including the loss of 30 trees, mainly C category, but also a B category tree.

I do consider this will impact further on the green nature of Folders Lane.

I am also concerned about the impact of the driveway and crossover widening on the RPAs of trees, particularly the two TPO trees, the impact of the pergola and fencing on TPO trees, T50 and T53 and the potential impact of drainage works within the same RPAs affected by the access, T48 and T49.

Whilst no dig surfacing will mitigate to some extent, a method statement detailing construction details of all these features should be submitted. Whilst drainage is not a matter for planning, nevertheless, it will have a cumulative impact on the RPAs of these important trees, further compromising them.

Non traditional kerbage is proposed to avoid further root damage but this does not appear to be specified, only suggested.

I do consider that the proposed garages would place future pressure on retained trees and, it is clear there is some impact on their RPAs which does not appear to be specified.

The development is 'tight' and I am not sure that the 'high quality landscaping scheme' mentioned within the AIA could be implemented.

If the application is approved, please could the above matters be conditioned.'

MSDC Housing

22.08.2022

Recommends a planning condition re: the wheelchair accessible unit at the above scheme needs to say that "final approval of the plans for the Wheelchair Accessible Unit will be required, in order to ensure that the unit meets all of the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended."

Ecology Consultant - Place Services

21.06.2022

Thank you for consulting Place Services on the above application.

Recommended Approval subject to attached conditions

Summary

We have reviewed the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, particularly bats, Hazel Dormouse, Great Crested Newt, reptiles, Badger and nesting birds, and identification of proportionate mitigation.

We note that no bats were recorded emerging from Building B1 during the bat emergence survey and that two common species of pipistrelle bat were recorded foraging / commuting on the site (Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022)). Therefore we support the conclusions of the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) that Building B1 can be demolished and that any loss of trees on the southern site boundary must be compensated for.

We note that the woodland on the southern boundary provides some suitable foraging, commuting, nest building and hibernating opportunities for Hazel Dormouse, a European Protected Species. Therefore, we support the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) recommendations for compensation for any loss of trees on the southern boundary and a precautionary method of works during habitat clearance.

As the site has some foraging and commuting opportunities for Badgers, we support the recommendation that pre-works Badger surveys should be undertaken immediately prior to the start of construction works (Preliminary Ecological Appraisal (PJC Consultancy, March 2022)).

We also note that a low breeding population of reptiles (slow worms and grass snakes) were recorded and we therefore support the Reptile Mitigation Strategy in the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

We are satisfied that there is sufficient ecological information available for determination and with appropriate mitigation measures secured, the development can be made acceptable. This provides certainty for the LPA of the likely impacts on protected and Priority species and enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Therefore, the mitigation measures identified in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species, particularly bats, Hazel Dormouse, Great Crested Newt, reptiles, Badger and nesting birds. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats and to Dormouse, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

The Wildlife Friendly Lighting Strategy should be secured by a condition of any consent for discharge prior to occupation. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level. The proposed habitats, including native species-rich hedgerows, species-rich meadow grassland and pond should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. Prior To Commencement: Construction Environmental Management Plan For Biodiversity

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the details contained within the details contained in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. Prior To Occupation: Landscape And Ecological Management Plan

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

WSCC Highways

16.08.2022

Comments

No further comments from the Local Highway Authority (LHA) over and above previously submitted. The LHA has been in consultation with the planning officer in relation to a

wheelchair accessible space. These comments have already been submitted to the planning officer for consideration.

Jamie Brown
West Sussex County Council - Planning Services

12.05.2022

Amended drawings received 22.04.22 and 27.04.22.

The Local Highway Authority (LHA) acknowledges the revised information provided by the applicant. We have assessed the plans and confirm that our comments would remain as advised in our previous consultation response from 21st April 2022.

S106/TAD Scheme - Contributions can be allocated to Public realm and connectivity improvements in Burgess Hill Town.

Jamie Brown
West Sussex County Council - Planning Services

21.04.2022

No Objection

Background

The LHA provided comments to the Local Planning Authority on the 30th March 2022 and requested the following information:

- Speed survey to ascertain 85th percentile road speeds to apply the correct visibility splays.
- Further comment from the Auditor on the applicant's Designer's Response in relation to Problem 5.4 of the Stage 1 Road Safety Audit (RSA).

This information has now been provided within the Response Note (RN) submitted in support of the application.

Comments

As requested data has now been provided for Automated Traffic Count (ATC) placed between 1st November 2021 and 8th November 2021. The ATC results are attached within Appendix A of the RN. The 85th percentile directional speeds and applicable visibility splays shown to achieve 2.4 metre by 64 metre visibility to the west (for eastbound vehicles). Whilst to the east (for westbound vehicles) the required visibility splay is shown to 2.4 metres by 54.3 metres. The LHA would be satisfied with both splays proposed and that they are in accordance with the recorded road speeds. The splays are shown on the drawing included within Appendix B of the RN.

The LHA agreed with the Designers Response however it was suggested that the Auditor reviewed the Designers Response to confirm that the content was accepted. The RSA Team have since accepted the designer's response stating: "The Audit Team is satisfied with the Designers Response to Problem 5.4, that the access operates as shared space. The size of the development does lend itself to this, and a similar layout has been applied at nearby Oak Grange."

Conclusion

Having assessed the information within the RN we would now be satisfied with the

proposals from the highway perspective. Our comments on Capacity, Parking, Layout and Accessibility would still stand and these comments are detailed in our response from the 30th March 2022-no concerns were raised at this time on any of these aspects. Any approval of planning permission would be subject to the following conditions:

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered 2107052-01 Rev B.

Reason: In the interests of road safety.

Construction Management Plan

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

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

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

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.

Jamie Brown
West Sussex County Council - Planning Services

30.03.2022

Background

WSSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and access on the proposals outlined above. The site currently accommodates a single dwelling (64 Folders Lane) and land to the rear of 62, 64, 66 and 68 Folders Lane. The proposals seek to demolish the existing dwelling to provide an access road leading into the site from Folders Lane. The development proposals include replacing the existing dwelling at the northern end of the site and the construction of an additional 17 dwellings to the rear. The proposals would be accessed from Folders Lane which has a 30mph speed limit.

The highway aspect of the proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information System (TRICS) data and a Stage 1 Road Safety Audit (RSA).

Access and Visibility

Access to the site is proposed via an upgrade to the existing access onto Folders Road to the north of the site. The TS refers to on-site observations that speeds are likely more than 30 mph and has based speed limits for the proposals on 37 mph and therefore 59 metre visibility splays. With local knowledge the LHA would concur that speeds do appear to exceed the 30 mph limit and would therefore advise that a speed survey is undertaken to ascertain the 85th percentile road speeds along Folders Lane to ensure the correct levels of visibility have been applied.

The access works will be subject to a Section 278 Agreement and technical check with the LHA's Highway Agreements Team.

Stage 1 Road Safety Audit (RSA)

A Stage 1 Road Safety Audit (RSA) has been carried out on the site access onto Folders Lane. The content of the RSA including the Designers Response has been commented on by the Auditor. The Designer has agreed with Problem 5.1 and the response appears to answer the Auditors point. With regards to Problem 5.4 the Auditor makes the recommendation that provision should be made for non-motorised users. We have read the Designers Response and would accept the principle of what has been put forward. We would however advise the Auditor provides comment on Problem 5.4 to confirm they are satisfied that this addresses this Problem.

Capacity

A trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 7 and 9 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have a 'severe' impact on the network in line with National Planning Policy Framework (NPPF) Guidance.

Parking and Layout

Car and cycle parking provision will be in line with current WSCC guidelines. The applicant has stated 29 parking spaces within their supporting TS. The LHA would be satisfied with this amount of parking and given the sites layout this is likely to be the maximum that could realistically be provided.

In terms of site layout, the proposals have been supported by swept path diagrams which will demonstrate the likely types of larger vehicles entering the site. This is included within Appendix D of TS.

Accessibility

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for residents to travel to the site. The site is situated to the south of Folders Lane within Burgess Hill. The site benefits from close proximity the A23, the A272 and the A27, as well as a number of bus stops and Burgess Hill railway station. Burgess Hill town centre is circa 1.5 kilometres west of the site.

Conclusion

Having assessed the information within the TS and having regard to on-site observations the LHA would require the following areas of information from the applicant:

- o Speed survey to ascertain 85th percentile road speeds to apply the correct

visibility splays.

o Further comment from the Auditor on the applicant's Designer's Response in relation to Problem 5.4 of the RSA.

Jamie Brown
West Sussex County Council - Planning Services

WSSC Fire and Rescue - Ian Stocks

23.03.2022

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

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

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

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

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

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

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

Ian Stocks
Water and Access Manager

Email: frs.waterandaccess@westsussex.gov.uk

WSCC Planning Officer - Naomi Hoyland

Planning Services Division: Section 106 Consultation Response

DATE: 13th May 2022

FROM: Naomi Hoyland

DISTRICT/BOROUGH COUNCIL: Mid Sussex

Application Number: DM/22/0732

The Provision of Service Infrastructure Related to Rear of 62-68 Folders Lane, Burgess Hill, West Sussex, RH15 0DX

Planning Application details Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four bedroom dwellings (Use Class C3), new access and associated infrastructure (additional statements received 22-03-2022) (amended drawings received 22.04.22 and 27.04.22) -

Summary of Contributions

Education			
School Planning Area	Burgess Hill		
Population Adjustment	39.6		
	Primary	Secondary	6th Form
Child Product	0.4391	0.4391	0.2371
Total Places Required	3.0737	2.1955	0.4742
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£7,042		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	39.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	17		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	39.6		
Net Parking Spaces	38		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£62,177
Education - Secondary	£66,918
Education - 6th Form	£15,676
Libraries	£7,042
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£60,099
Total Contribution	£211,912

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 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 17 net dwellings, and an additional 38 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 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on additional facilities at Birchwood Grove Community Primary School.

The contributions generated by this proposal shall be spent on additional facilities at The Burgess Hill Academy.

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

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

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

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 33per cent 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 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £20,229 per child
- Secondary Schools- £30,480 per child
- Sixth Form Schools- £33,056 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 £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 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 2022/2023 is £1,549 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 (£773).

Sustainable transport contribution = (net car parking - occupancy) x 773

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

cc: **Peter Sugden/Russell Allen, WSCC Library Services (via email)**
Vanessa Cummins, WSCC Children and Young People's Services (via email)

WSCC Flood Risk Management Team

09.08.22

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 flood risk. We have no further comments to submit with regards to this matter. Please consult the District Drainage Engineer.

Kind Regards

Flood Risk Management Team

20.05.2022

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 majority of 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 high 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.

Ground water contamination and Source Protection Zones.

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.

Ordinary Watercourses nearby? Yes

Comments:

Current Ordnance Survey mapping shows an ordinary watercourse running close to the boundary of 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 Drainage Strategy/Technical Note for this application proposes that permeable paving, attenuation, with a restricted discharge to the watercourse, would be used to control the surface water from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

Kevin Brook
Flood Risk Management Team

WSCC Minerals & Waste - County Planning Officer

06.06.2022

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

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/mwsfgrdngrsntn.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).

Tyra Money
West Sussex County Council - Planning Services

Sussex Police

30.08.2022

Contact Name: Phill Edwards Tel: 01273 404 535 ext: 540113 Mobile No: 07780987871

Dear R Richardson

RE: Rear of 62-68 Folders Lane, Burgess Hill, West Sussex, RH15 0DX.

Thank you for your correspondence of 03rd May 2022, advising me of a full planning application for the replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four-bedroom dwellings (Use Class C3), new access and associated infrastructure (additional statements received 22-03-2022) (*amended drawings received 22.04.22 and 27.04.22*) 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 using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex I have no major concerns with the proposals from a crime prevention perspective, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

R Richardson

Southern Water - 02.09.2022

Thank you for your letter dated 15/08/2022.

Please see the attached extract from Southern Water records showing the approximate position of our existing foul drain in the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 100 mm public foul drain requires a clearance of 3 metres on either side of the public foul drain to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul drain without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul drain.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Furthermore, 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.

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:

southernwater.co.uk/developing-building/connection-charging-arrangements

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

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

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.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

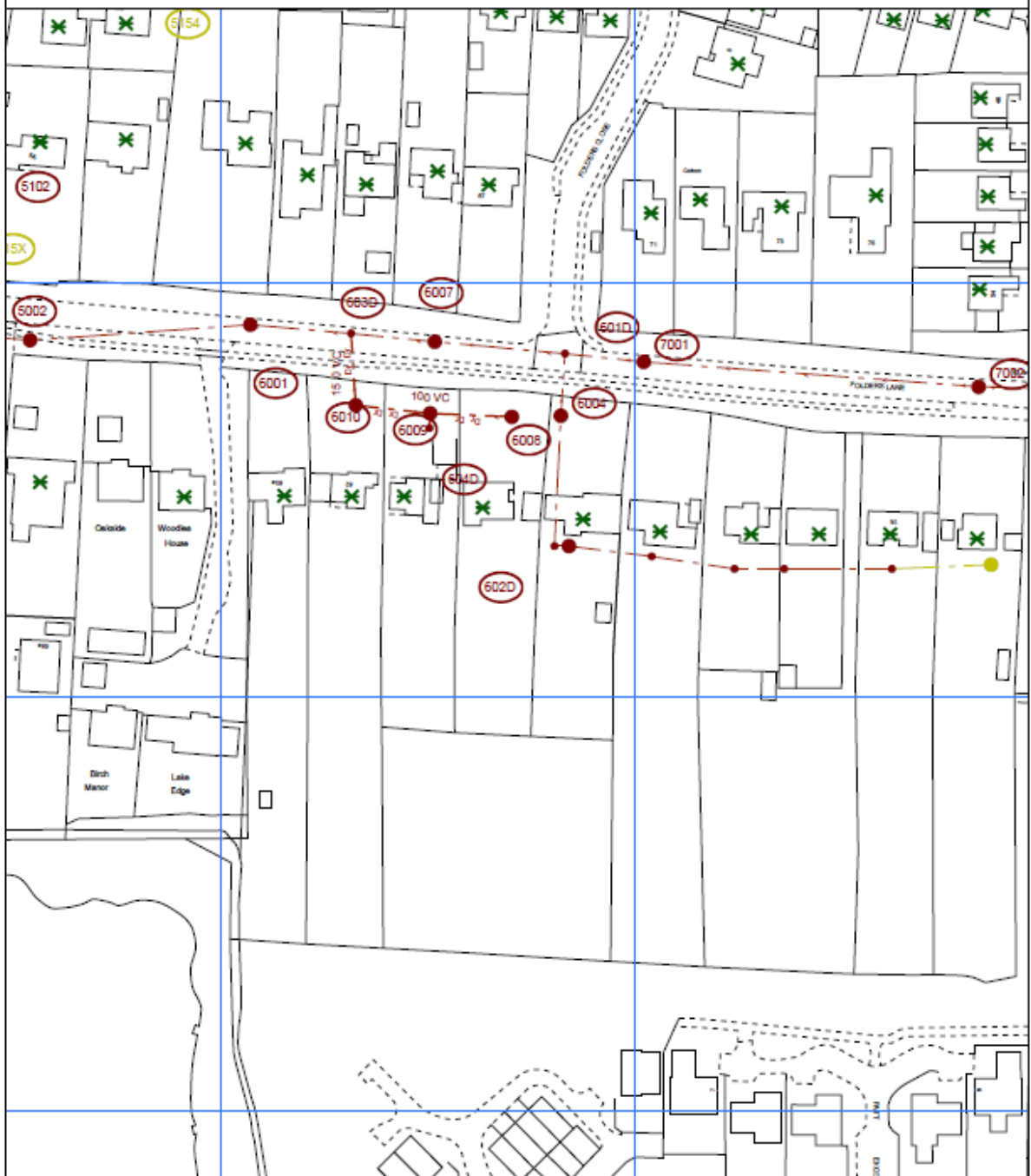
Yours faithfully,

Future Growth Planning Team

Business Channels

southernwater.co.uk/developing-building/planning-your-development

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

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O.S. REF: TQ3218SE

Scale: 1:1250

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: BoregoS

Date: 2-9-2022

Southern Water MapGuide Browser

Requested By:

MID SUSSEX DISTRICT COUNCIL

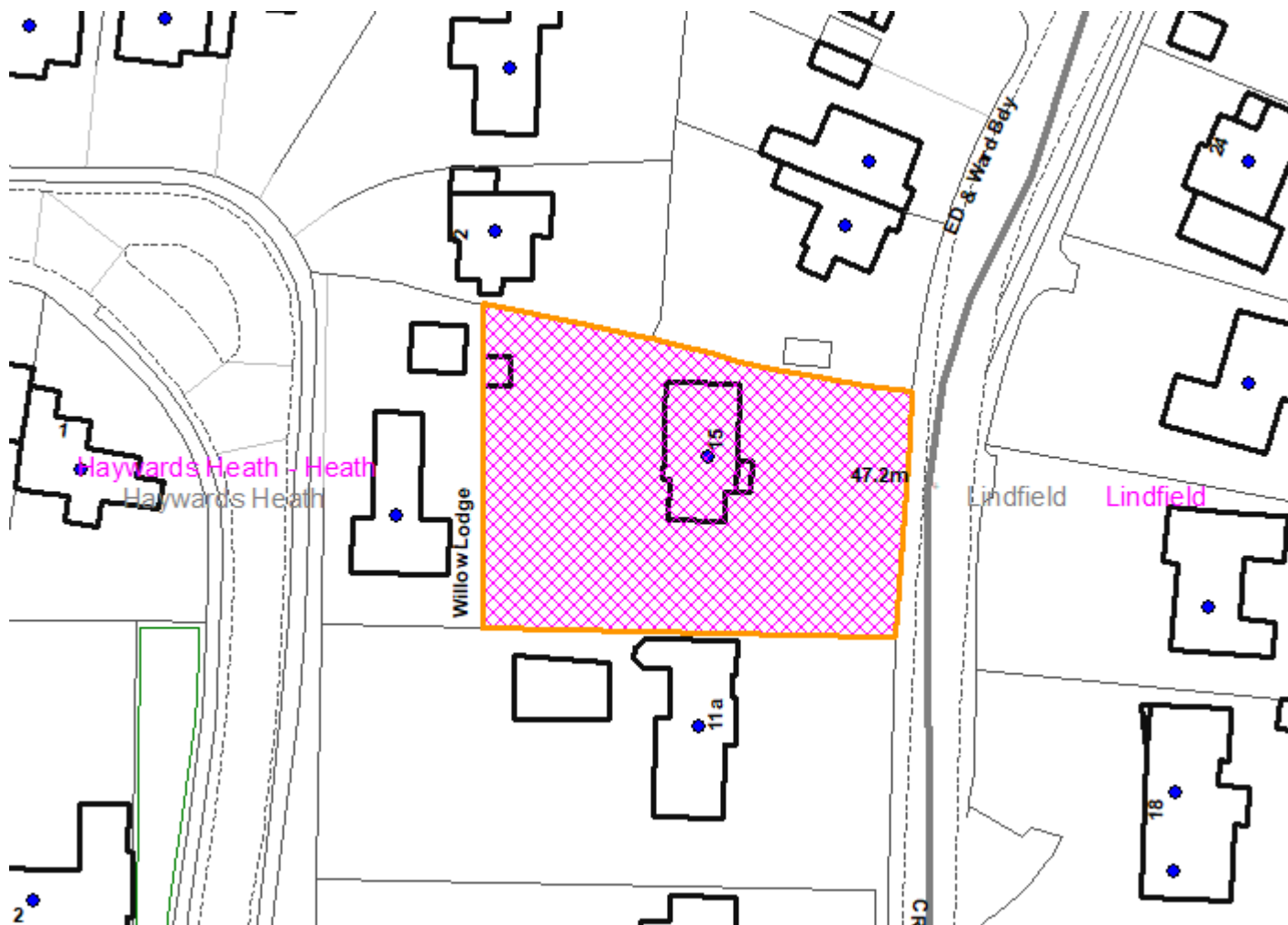
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/2160



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**15 PORTSMOUTH LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX
RH16 1SE
PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR
EXTENSION. NEW ROOF OVER EXISTING DORMERS AND NEW PORCH
CANOPY.
MR R LEWRY**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 17th October 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Caroline Grist

Purpose of Report

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

Executive Summary

This application seeks planning permission for a two storey side extension, single storey rear extension, new roofs over existing dormer windows and a new porch canopy at 15 Portsmouth Lane, Lindfield.

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 National Planning Policy Framework.

It is considered that, following a recent decision from the Planning Inspectorate for a similar scheme on this site, the proposed side extension would be acceptable in terms of scale, form and design. Whilst no substantial changes have been to the roofs over the dormer windows or porch, the changes made to the side extension would assist in integrating these features into the dwelling more successfully. The single storey rear extension is considered to remain acceptable and there will be no harmful impact to neighbouring amenity. Subject to an appropriately worded condition, there would also be no significant harm to the existing trees on the site.

The proposal would therefore comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, principles DG49, DG50 and DG51 of the Design Guide Supplementary Planning Document as well as the broader requirements of the NPPF.

Planning permission should therefore be granted, subject to the conditions outlined at Appendix A.

Recommendation

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

Summary of Representations

No representations have been received in response to this application.

Town Council Observations

Supports the application as it addresses some of concerns previously raised by the refusal of DM/22/0850.

Introduction

This application seeks planning permission for a two storey side extension, single storey rear extension, new roof over existing dormer windows and a new porch canopy at 15 Portsmouth Lane, Lindfield, Haywards Heath.

Planning History

00/00593/FUL - Two storey side extension and single storey rear extension. Permission.

DM/20/3758 - Erection of detached double garage building with office within roof space. (Amended Plans 26.02.2021). Permission.

DM/22/0850 - Proposed 2 storey side extension, single storey rear extension. New gables over existing dormers and new porch canopy. Refused. Split decision at appeal.

DM/22/2162 - Proposed new garage. Pending Consideration.

Site and Surroundings

15 Portsmouth Lane is an east facing, detached dwelling. It is constructed of red brick, with sections of hanging tile, a plain tile roof and upvc windows. The dwelling is characterised by a flat roof canopy over the entrance and two flat roof dormer windows to the front. It has been previously extended through a two storey side extension to the north, with a front facing dormer window, and a single storey rear extension.

The site is located within the built up area of Haywards Heath. Neighbouring dwellings are situated to the north, south and west, whilst the highway is to the east. An area of hardstanding is to the front of the property and the dwelling also benefits from garden space to the side and rear. The application property is situated on higher land than the highway and there is an incline from north to south along Portsmouth Lane.

Application Details

Planning permission is firstly sought for a two storey side extension, which would contain a lounge at the ground floor level and a master bedroom, with en-suite, at the first floor level. It is to be some 5.7 metres wide and have a staggered depth. The ground floor is to be approximately 9.0 metres deep, whilst the first floor would be 8.1 metres. A pitched roof design is proposed that would measure some 4.0 metres to the eaves and the ridge would be consistent with the host dwelling.

An extension is also proposed to the rear of the building. This would be single storey and form part of the kitchen, as well as contain a study. It is to have a width of some 10.9 metres and depth of 3.0 metres. It is to have a flat roof, which would have an overall height of approximately 2.7 metres.

Other works are also proposed to the front elevation. This would include adding two pitched roofs over the existing, flat roof dormer windows. Each would be some 5.5 metres wide and continue the existing ridge and eaves lines. Also proposed is a porch canopy. This would be approximately 3.5 metres wide, 1.4 metres deep, 2.1 metres to the eaves and 3.9 metres to the ridge.

The extensions are to be finished in materials to match the host dwelling.

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 Mid Sussex District Plan, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

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

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy E10 - Areas of Townscape Character

Policy H9 - Building Extensions

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

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.

National Planning Policy Framework

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 that is well designed, beautiful and safe, 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.

Paragraph 134 of the NPPF states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

National Planning Policy Guidance

Ministerial Statement and National 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;

- Design and impact on the character of the surrounding area,
- Impact on neighbouring properties, and
- Planning balance and conclusions.

Design and impact on the character of the surrounding area

Policy DP26 of the Mid Sussex District Plan relates to 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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Policy E10 of the Haywards Heath Neighbourhood Plan is also considered to be relevant to the assessment of this application:

'Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question'.

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.

Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

- Designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and*
- Designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.*

Both approaches can create successful, well-designed extensions that can be mutually beneficial to both the house and the wider area.

All extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity)'.

In terms of front and side extensions DG50 sets out:

'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.

Front extensions

Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.

Where front extensions are considered acceptable, they should normally be limited to a modest single storey or porch-type extension that reflect the character of the existing property.

Side extensions

Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted

where they close an important gap and view'.

Principle DG51 relates to rear extensions and states:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens'.

This submission follows application DM/22/0850, which was refused by the Local Planning Authority. Following the submission of an appeal, a split decision was issued by the Planning Inspectorate. The appeal was dismissed for a two storey side extension, new gables over existing dormers and new porch canopy. The appeal was allowed for a single storey rear extension, subject to conditions. Key issues for the dismissed works were design and the impact on the existing building.

As identified by the Inspector, this section of Portsmouth Lane is characterised by detached, two storey family houses that are set back from the street and are within large, mature, landscaped plots. Many dwellings are, as a minimum, partially screened from public vantage points by mature boundary planting and trees.

The Inspector goes onto state:

'The dwellings are individually designed and include a variety of roof forms and design features. Amongst other things this includes gable and catslide roof, crown roofs and two storey front projections. Front and rear building lines vary and many of the dwellings have front and/or rear projections. These features, together with the abundance of soft planting and sloping ground levels, contributes to the informal and verdant character and appearance of the locality'.

The application property is also situated on an elevated position, set back from the street and screened from the front and side by mature shrubs, trees and a bank. It is also noted by the Inspector that No. 15 has an uncluttered and balanced appearance, with strong horizontal lines.

In terms of the side extension that was previously considered, the Inspector determined that it would be unacceptable due to:

'its combined mass; proportions; design detailing; and large expanses of tiling, brickwork and garage doors, the front section of the proposed side extension would fail to respect the proportions of the host dwelling and would be visually overbearing'.

Changes have been made to the proposed side extension, following the refusal of the previous application. The proposed extension no longer includes a front projection and has been further reduced in depth at the first floor level, to the rear. The extension has also been reduced in width, by approximately 1.5 metres, and has

changed the roof form. An a-symmetric design is now proposed, which assists in visually reducing the massing of the proposed side extension. The reduced form of the addition has also resulted in reduced expanses of tiling and brickwork. Overall it is considered that the proposed two storey side extension appears more in proportion to the existing building and would not appear overbearing.

The Inspector also found the proposed gables over the dormer windows and porch to be unacceptable. She stated:

'The proposed gables over the existing flat roofed dormers appear slightly unbalanced due to their failure to align symmetrically with the dormer windows below. In addition, the juxtaposition between the ridge line of the porch and the first-floor window above is cramped and unbalanced. Whilst these are small details, together with the projecting side extension they would result in the house appearing poorly proportioned and disjointed'.

Whilst the gables and porch have remained broadly the same as the previously refused scheme, it is considered that the changes made to the side extension would assist in integrating them into the host dwelling. For example, the proposed pitches would reflect that of the side extension, providing a rhythm to the front elevation across the development.

No objection was raised to the single storey rear extension by the Local Planning Authority or the Planning Inspector. This addition remains the same as the previous application and, as such, it remains your Planning Officers view that it would respect the proportions of the existing dwelling and reflect the character of the existing building.

In terms of the impact on the area, as noted by the Inspector, surrounding properties vary in design and appearance. No objection has been raised regarding the side extension infilling an important gap or view, as required by Principle DG51 of the Design Guide. Given the acceptability of the proposed addition in design terms in relation to the existing building, the variation in the design of surrounding houses and that no important gaps or views would be affected, to the front or side of the property, it is considered that there would be no harm to the character of the street scene or the Area of Townscape Character.

Impact on neighbouring amenities

In terms of the impact to neighbouring amenity the test, as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Policy DP26 of the Mid Sussex District Plan seeks to ensure that new development

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)'.

The proposed two storey side extension would be positioned closest to 11A Portsmouth Lane. This neighbour is situated to the south of the application site and has its garage closest to the shared boundary. This neighbour is also on higher land than the application site and there is a mature planted boundary between the two properties. Whilst it is acknowledged that this neighbour has side windows facing the application site and a rear projection, the proposed extension would not extend beyond the current rear elevation and it would remain set back from the shared boundary by some 5.0 metres. Given the arrangement of the properties and the position of the extension it is considered that, on balance, there would not be significant harm to this neighbour's light or outlook.

The single storey rear extension would be situated adjacent to the shared boundary with 17 Portsmouth Lane. This neighbour is set further forward on its plot and is positioned towards its northern boundary. Due to this arrangement it is considered that there would not be a harmful impact to this neighbour in terms of a loss of light or outlook.

No windows are proposed that would result in any direct overlooking. Due to the domestic nature of the proposed development it is considered that it would not have a significant impact in terms of noise, air or light pollution.

Other matters

It is noted that there are three mature trees within 15 metres of the proposed development. A pine, maple tree and a conifer adjacent to the property. No details have been submitted as part of this application to demonstrate the proximity of the trees in relation to the proposed development and any relevant mitigation measures.

The previous application DM/20/3758 demonstrated that the initial and revised schemes could accommodate the proposal without the trees being removed. A condition was placed on this permission to retain the trees and for tree protection measures to be provided prior to the commencement of development. Similarly, it is considered that the footprint of the proposed development would not require the removal of the existing trees and that a similarly worded condition could be attached to any permission to ensure that they would not be harmed during the course of the development.

Planning Balance and Conclusions

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.

Planning permission is sought for a two storey side extension, single storey rear extension, new roof over existing dormer windows and a new porch canopy. Whilst it is acknowledged that there has been a recently refused application for a similar development that was partially upheld at appeal, it is considered that the changes that have been made would be sufficient to overcome the previously raised design concerns. No harm has also been identified in relation to the impact to the streetscene, Area of Townscape Character, neighbouring amenity or trees.

It is therefore recommended that planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

3. The materials and finishes of the external finishes of the extension hereby permitted shall match in colour and texture those of the existing dwelling house.

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 E9 and H9 of the Neighbourhood Plan.

4. Prior to the commencement of development a tree protection plan, with associated written statement, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. The tree(s) shall not be damaged, destroyed, uprooted, felled, lopped or topped during the development 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 of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

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.

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	045.22.02a		08.07.2022
Existing Floor and Elevations Plan	045.22.02a		08.07.2022
Proposed Site Plan	045.22.03		08.07.2022
Proposed Floor and Elevations Plan	045.22.03		08.07.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council has considered this application in conjunction with DM/22/2162 - proposed new garage - and SUPPORTS both of them. The proposal addresses some of the concerns raised by the refusal of DM/22/0850 and the modifications, particularly to the front elevation of the property to include three gable ends, give some asymmetrical balance in design terms and would effectively improve the street scene. Notwithstanding the pending appeal in respect of DM/22/0850, this latest proposal updates the existing poor design, removing the flat roof dormers which were unfortunately permitted by a previous application. The proposal largely rectifies this oversight, representing improved aesthetics which would benefit the street scene.

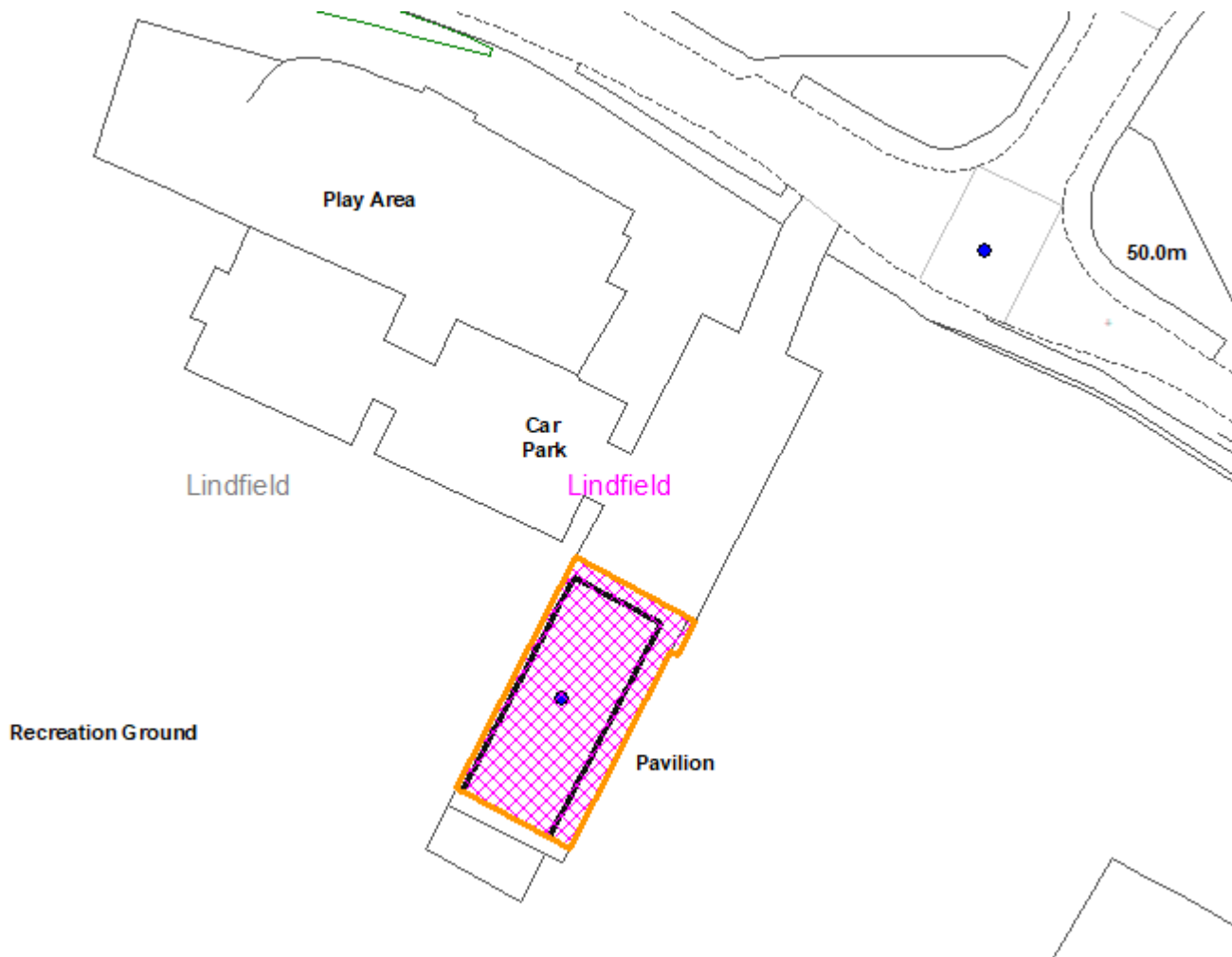
MID SUSSEX DISTRICT COUNCIL

Planning Committee

RECOMMENDED FOR PERMISSION

Lindfield

DM/22/2490



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**HICKMANS LANE PAVILION HICKMANS LANE RECREATION GROUND
HICKMANS LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX RH16
2PX**

**CHANGE OF USE FROM F2 HALL OR MEETING PLACE TO SUI GENERIS
TO INCLUDE TWO USE CLASSES, CLASS F1 - LEARNING AND NON-
RESIDENTIAL INSTITUTIONS AND CLASS F2 WHICH COMPRISES
RECREATIONAL USES INCLUDING OUTDOOR SPORTS FACILITIES
AND COMMUNITY HALLS (ALL FORMERLY CLASS D2).**

**REFURBISHMENT, LOFT CONVERSION AND INTERNAL ALTERATIONS
TO THE EXISTING SPORTS PAVILION
MR PAUL WILLIAMS**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Minerals Local
Plan Safeguarding (WSSC) /

ODPM CODE: Change of Use

8 WEEK DATE: 17th October 2022

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

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for changes to the use of, and for internal and external alterations to, the Hickmans Lane Pavilion located on the recreation ground off Hickmans Lane in Lindfield.

The application is being reported to committee as MSDC is the landowner.

The proposal includes the change of use of the existing pavilion building to a sui generis use to allow a mixed use for learning and non-residential institutions (falling under Use Class F1) and recreational uses to include outdoor sports facilities and a community hall use (Use Class F2).

The submitted proposal also includes physical changes to refurbish the building and includes the addition of a new first floor within the building, the addition of a glazed roof extension and an external first floor viewing balcony platform.

The changes will update the pavilion, and extend its potential use. The alterations to the building are considered to be of an appropriate design that would not harm neighbouring amenity and would meet the requirements of Policy DP26 of the Mid Sussex District Plan and Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan. The new uses of the building would improve the existing community facilities for the area and meet the aims of Policies DP24 and DP25 of the District Plan and Policy 6 of the Lindfield and Lindfield Rural Neighbourhood Plan.

The application is therefore recommended for conditional approval as set out in full at Appendix A.

RECOMMENDATION

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

Summary of Consultations

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

Lindfield Parish Council

Lindfield Parish Council has no objections to this application.

Environmental Health Officer

No comments on the proposed recreational use with added learning use and loft conversion. Recommend conditions on the building works to protect residents.

Urban Designer

Accepts the design in principle, but has raised some issues with the detailed design of the dormer fascia, glazing details and the proposed rendered finish on the gable wall.

Summary of Representations

Two representations received, which contain the following concerns/objections:

- Potential for increased noise and disturbance from the new club lounge and social spaces, with internal and external areas.
- The application is not clear on the proposed opening hours or capacity for the change of use.
- It is unclear whether there will be an alcohol licence.
- Potential future uses/The end users are unclear.
- Concern pavilion may become available for evening functions, private hire, etc
- Introduction of music, groups of people and alcohol will disturb neighbouring residents.
- The proposed balcony will cause overlooking to a neighbouring property in Denmans Close.
- fully support use during the week as a nursery and on weekends as a high-quality sports facility.
- request a tighter definition on permitted use, with clear restrictions on use, hours, etc.

INTRODUCTION

This application seeks planning permission for the development of the existing pavilion at Hickmans Lane recreation ground in Lindfield.

The pavilion has an existing use as a sports facility by Lindfield Cricket Club and Lindfield Juniors Football Club and is in daily use as a childcare facility for Norto5kidz, which is open from 8am to 6pm Mondays to Fridays.

The application is being reported to committee as MSDC is the landowner.

RELEVANT PLANNING HISTORY

Planning reference: LF/067/89. Proposed extension and internal alterations to sports pavilion. Approved October 1989.

Planning reference: LF/100/87. Extension to existing car park. Approved December 1987.

SITE AND SURROUNDINGS

The application site is the existing pavilion at the Recreation Ground off Hickmans Lane in Lindfield. The site is located within the Area of Townscape Character, as identified in the Lindfield and Lindfield Rural Neighbourhood Plan, and lies within the built up area of the village.

The building is sited adjacent to the existing car park serving the recreation ground and a children's play area, with shared vehicular access from Hickmans Lane. A number of mature trees are located to the rear (western side) of the building, which is accessed by a pedestrian path from the car park. There are football pitches laid out to the east and west of the building, which lies in the centre of the grassed recreation space.

The recreation ground is surrounded by residential properties located off The Welkin and Hickmans Close, off Hickmans Lane to the north, and in Pickers Green and Denmans Close to the south.

APPLICATION DETAILS

In detail the application seeks planning permission for dual use of the pavilion building for learning and non-residential institutions and recreational use for outdoor sports/community uses.

Physical alterations are also proposed to the building, which include the insertion of a new first floor, with a platform lift for access, to create a club lounge and kitchen and an exterior balcony. The works include a centrally located roof addition on the eastern roofline, consisting of a 11.6m wide flat roofed dormer with glazed sliding

door inserts and three rooflights. The dormer style roof addition extends from approx. 0.5m above the eaves level to the ridge line of the building. Amended plans have been submitted to show minor design amendments to the dormer roof canopy.

Other alterations to the building include reconfiguration of the internal space to create a new entrance hall, accessed from a new door, with added window openings in the northern wall of the building. Associated external alterations to the northern approach end elevation include the addition of a partly rendered finish and added lettering to read 'HICKMANS LANE'.

The proposed works also include the formation of a new double height internal foyer with revised ramped access off the eastern elevation and other changes to the doors and fenestration on the ground floor. The layout of the ground floor is also to be reconfigured to include externally accessed lobby areas for the changing rooms, new toilet and shower facilities, and altered storage provision. The proposed plans also show the introduction of a new air source heat pump on the southern end gable of the building, and it is confirmed in the accompanying Planning Statement that a solar voltaic array will be added to the roof to generate electricity.

The application has been accompanied with a combined Planning, Design and Access Statement which confirms: 'The existing pavilion is single storey brick structure built circa 1960 and is no longer fit for purpose. With the evolution of the sports clubs and MSDC hiring needs over the years, in particular the increase in the need to accommodate the burgeoning number of girls taking up cricket and football.'

The Statement explains that one of the Council's key Priority Themes is Supporting Healthy Lifestyles as follows:

'to create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations.'

'The Plan also states that this objective will be delivered by providing new and/or enhanced leisure and cultural facilities. The Plan recognises the importance to Lindfield and the District Council of the sports provision at Hickman's Lane and highlights the aspiration of MSDC to improve their facilities, noting the role the existing building plays as a facility for the wider community.'

The supporting Statement submitted with the application explains the design in detail and concludes as follows:

'The proposal embodied in this submission seeks to provide a refurbished pavilion to accommodate the expanding sports clubs that use the facility and the changing needs of MSDC as a facilities provider. The rationale behind the submission is to upgrade the current outdated building to accommodate the needs of the public and the sports clubs. The enlarged facilities will ensure that those who do attend, can use a facility that is fit for purpose.'

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 Lindfield and Lindfield Rural Neighbourhood Plan and the Site Allocations Development Plan Document.

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 DP24: Leisure and Cultural Facilities and Activities

Policy DP25: Community Facilities and Local Services

Policy DP26: Character and Design

Policy DP28: Accessibility
Policy DP39: Sustainable Design and Construction

Lindfield and Lindfield Rural Neighbourhood Plan - Made March 2016.

Relevant policies:
Policy 6 Local Green Spaces
Policy 7 Areas of Townscape Character

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 Policy

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

The main issues for consideration in determining the application are:

Principle of development
Design
Impact upon residential amenity
Access and Parking
Sustainability
Habitats Regulations Assessment for Ashdown Forest
Planning Balance and Conclusion

Principle of development

The most relevant policies in considering the principal of this proposal are District Plan Policies DP24 and DP25 and Neighbourhood Plan Policies 6 and 7.

District Plan Policy DP24 states:

Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

District Plan Policy DP25 states:

The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported. 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 on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document. Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Policies within the Lindfield and Lindfield Rural Neighbourhood Plan also seek to protect local green spaces (Policy 6) and seek to enhance the Areas of Townscape Character (Policy 7), in which Hickmans Lane Recreation Ground, and the pavilion site is located.

The Neighbourhood Plan Policy 6 states:

'The Neighbourhood Plan designates Local Green Spaces in the following locations, as shown on the Proposals Map:

- i. Hickman's Lane Recreation Field, Lindfield*
- ii. The Wilderness Field, Lindfield*
- iii. Limes Estate, Lindfield*
- iv. Scaynes Hill Common, Lindfield Rural*
- v. Anchor Pond & Common, Lindfield Rural*
- vi. Scaynes Hill Recreation Ground, Lindfield Rural*
- vii. Scaynes Hill Cricket Ground, Lindfield Rural*
- viii. Recreation area of Lyoth Lane, Lindfield Rural*

Proposals for development which would not be ancillary to the use of Local Green Spaces for public recreational purposes and would not be permitted under development plan policies in respect of protecting open spaces will be resisted unless it can be shown that there is an exceptional public interest need.'

The proposal accords with the principles of these policies as set out in the District Plan and in the Neighbourhood Plan for Lindfield.

The proposal involves changes to the existing pavilion building, but no loss of playing field space as the alterations will not increase the building's footprint. The creation of

a first floor will allow the adaptation of the existing building and increase the available space for the proposed future uses. As such it is considered that the proposal accords with District Plan Policies DP24 and DP25 and Policy 6 in the Neighbourhood Plan.

Design

Policy DP26 of the Mid Sussex District Plan states:

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

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

Neighbourhood Plan Policy 7 states:

'The Neighbourhood Plan designates the following areas as Areas of Townscape Character, as shown on the Proposals Map:

- i. Summerhill Lane/West Common*
- ii. Sunte Avenue/Hickmans Lane/Denmans Lane*
- iii. The Welkin*
- iv. The Wilderness*
- v. Portsmouth Wood and Portsmouth Wood Close*

Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement. In particular, proposals should:

- i. retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- ii. retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- iii. avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The MSDC Design Guide contains design principles for High quality and Sustainable Building Design in Chapter 6. Reference is made to the design of dormer windows and rooflights. The Design Guide states:

'6.3.5 While dormer windows can sometimes be prominent features in the streetscene, care needs to be taken with their design, proportions and position on the roof. The choice of design should be informed by the character and appearance of the local vernacular.

6.3.6 Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.

6.3.7 Dormer windows should normally be positioned below the ridge-line, and above the eaves line.

6.3.8 Rooflights that follow the roof profile can be an appropriate substitute for a dormer where it is important to retain the profile of the roof slope or avoid a dormer that break the eaves line. Care though needs to be taken to avoid them dominating the roof. Rooflights are best designed with a slender-profile that are flush with the roof slope.'

The proposed alterations to the pavilion are designed to be contemporary in appearance with the introduction of new materials in the proposed external alterations. It is considered that the adaptations to the building will be acceptable to update the existing pavilion and to increase and improve the existing community facility.

Some of the external details shown on the proposed elevation plans have been amended to accord with the design recommendations of the Urban Designer. His comments are set out in full in Appendix B. It is considered that the external materials can be the subject of appropriately worded planning conditions to control

the final appearance of the alterations, in particular the timber cladding, the glazing and external render.

Subject to such details the design of the alterations to the pavilion building will accord with the requirements of District Plan Policy DP26, Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan and the Design Guide principles.

Impact upon residential amenity

Hickmans Lane Pavilion is located in the centre of the recreation area, within a wider residential area. The building is sited over 50m from the nearest property at Nos 12 Pickers Green to the south west, and over 80m from the next nearest at No 1 Hickmans Close to the north east.

The size of the recreation ground allows a reasonable degree of spacing between the immediate properties and the extended pavilion building. Whilst the form of the building is to be altered by the addition of the roof addition and the first floor balcony construction it is considered that the scale and form of these additions to the building will not be dominant additions when viewed from the neighbouring properties and their respective gardens.

Given the presence of the existing pavilion at the site and the distance of the site from the neighbouring properties, the orientation of the new roof addition and the intervening land it is considered that the construction of the extension and associated external alterations to the existing pavilion will not adversely impinge upon the occupiers of these neighbouring properties.

The MSDC Landscapes and Leisure team have provided additional information regarding the proposed use, the intended users and the expected hours of use of the pavilion. These details are available to view on the planning file.

The MSDC Environmental Health response raises no concerns regarding the proposed use of the pavilion. Their response recommends appropriate planning conditions to control the timing of building works and associated deliveries to protect the neighbouring amenities.

Subject to the imposition of a planning condition to limit the hours of use of the extended building the proposal will not cause significant harm to the amenities of the neighbouring properties and is therefore considered to accord with District Plan Policy DP26.

Access and Parking

Policy DP21 in the District Plan seeks to ensure, amongst other things, that proposals provide adequate car parking to serve the development, avoids severe additional traffic congestion and protects the safety of road users and pedestrians.

The pavilion benefits from a 50 space car park, sited immediately adjacent to the building with level access. In addition, there are nearby bus stops on Hickmans Lane and the site is within easy walking distance of the centre of the village.

The siting of the pavilion on an established recreation ground is sustainable. The proposal therefore accords with Policy DP21 of the District Plan and the relevant requirements of the NPPF.

Sustainability

District Plan 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 submitted Planning, Design and Access Statement includes a section regarding the sustainable features of the proposal. In terms of the requirements of DP39 the proposal has been demonstrated to include a series of energy efficiency and sustainability measures including: natural lighting and ventilation, the proposed use of solar panels for electricity, heating via an air source heat pump, the reuse of tiles for cladding the side walls of the dormer, and the reuse of sanitary items, light fittings, and water system fittings, to ensure an energy efficient building.

In terms of the location, the site is on an established recreation ground sited within walking distance of the village centre and bus stops and this is considered to be a sustainable location for the development.

It is considered that the proposal has been demonstrated to represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39.

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.

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Planning Balance and Conclusions

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.

The proposal will enhance community facilities, in accordance with Policies DP24 and DP25 in the District Plan.

Subject to amended details the design of the alterations to the pavilion building will accord with the requirements of District Plan Policy DP26 and Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Given the presence of the existing pavilion at the site and the distance of the site from the neighbouring properties, it is considered that the detailed new uses for the pavilion, and the proposed extension of the pavilion building to add a new first floor and external balcony will not adversely impinge upon the occupiers of these neighbouring properties. Subject to the imposition of recommended planning conditions the proposal is considered to accord with District Plan Policy DP26.

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 includes energy efficient features. 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 siting of the pavilion on an established recreation ground within the village is sustainable, being within easy access to the surrounding residential area and walking distance of the village centre and local residents. The proposal accords with Policy DP21 of the District Plan and the requirements of the NPPF.

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 of the proposed development is not required.

In light of the above it is recommended that the application is approved, subject to appropriate restrictive planning conditions.

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 development shall be carried out unless and until samples of materials and finishes to be used for external walls / roof additions / balcony and new external doors and fenestration of the extended and altered proposed pavilion building 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 Policies 6 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed solar voltaic array, which is detailed to be added to the roof to generate electricity, have been submitted to and approved in writing by the Local Planning Authority. The solar panels shall thereafter be installed on the roof in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan (2014 - 2031) and Policies 6 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

5. The premises shall not be open for use except between the hours of 0700 to 2200 hours Monday to Sunday and on Public/Bank holidays (and there shall be no external illumination on the premises except between the above-mentioned hours).

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies 6 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

6. Works of construction, 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 09:00-13:00Hours
Sundays and Bank/Public Holidays no work permitted.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal

to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Accordingly, you are requested that:

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	PL003	-	09.08.2022
Existing Elevations	PL004	A	09.08.2022
Proposed Floor Plans	PL005	A	09.08.2022
Proposed Floor Plans	PL006	-	09.08.2022
Proposed Floor Plans	PL007	-	09.08.2022
Proposed Roof Plan	PL008	A	22.09.2022
Proposed Sections	PL009	A	22.09.2022
Proposed Elevations	PL010	A	22.09.2022
Location Plan	PL001	-	09.08.2022
Block Plan	PL002	-	09.08.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Lindfield Parish Council has no objections to this application.

Environmental Health Officer

Given the recreational use is not changing, other than to add the use of learning, and we have had no complaints about the use of the hall, I have no comments to make about the proposed change. The addition of the loft conversion is unlikely to have a significant impact on noise breakout.

I would however recommend conditions in relation to the building works, in order to protect residents.

Recommendation: Approve with conditions

1. Construction hours: Works of construction, 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: 09:00-13:00Hours

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 construction phase shall be limited to the following times:

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

Saturday: 09:00-13:00hrs

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Urban Designer

While I am prepared to accept the design in principle for the reasons I set out in my previous email, I would like the following issues addressed:

- The fully glazed dormer benefits from simple clean aesthetic. Unfortunately, the vertical timber clad fascia above it looks unduly heavy. I also question whether it will be possible to neatly integrate a scoreboard within the allocated space.
- The fully glazed dormer and balustrade is a sensible design as it allows for a good view of the pitch; however, consideration also needs to be given to the building's environmental performance and potential overheating problems with skylights potentially exacerbating this. It might be alleviated by incorporating solar glass and/or an extended roof canopy. The latter could also help to terminate the roofline more attractively.
- The configuration of the proposed glazing panels is inconsistently drawn on the elevation and first floor plan. It would also be more elegant if the panels were consistently proportioned across the whole dormer facade.
- The proposed rendered end wall should be avoided as it inappropriately draws the eye and is likely to require additional maintenance as it does not normally weather as well as brick.

MID SUSSEX DISTRICT COUNCIL

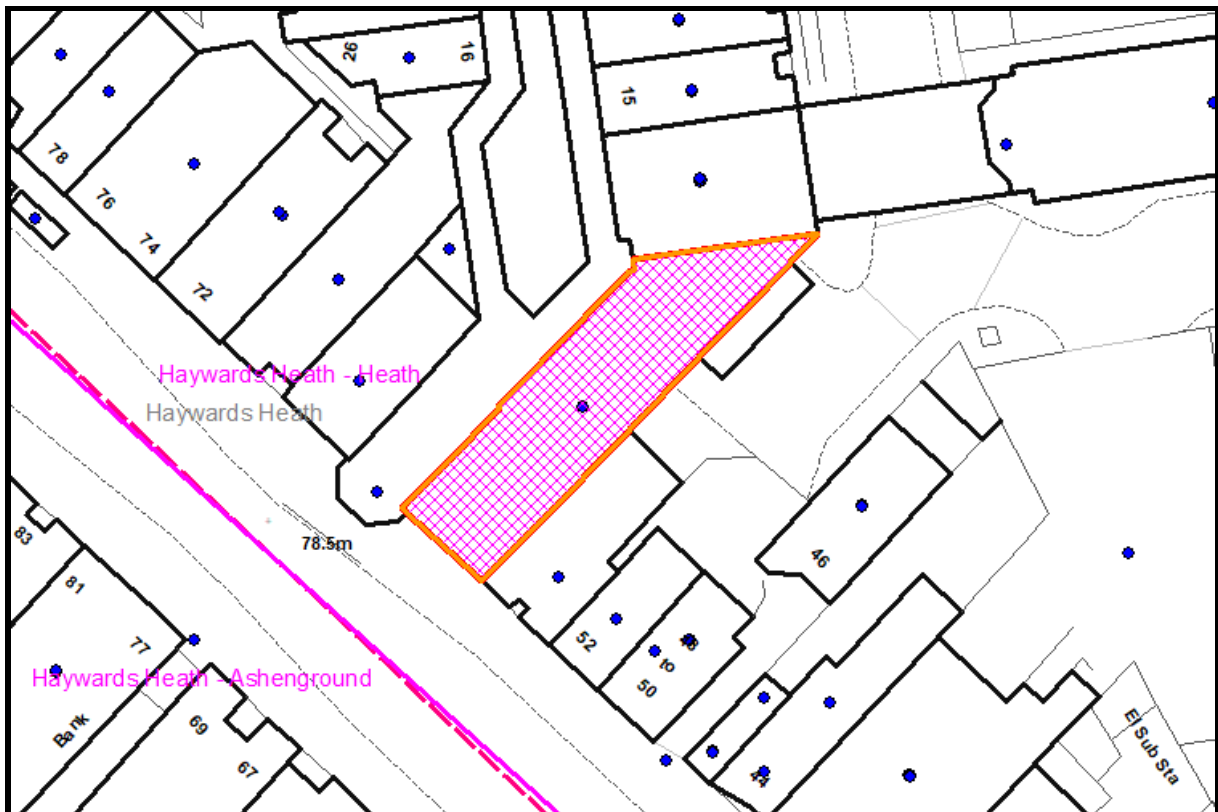
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/2620



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**FATFACE UNIT B THE ORCHARDS HAYWARDS HEATH WEST SUSSEX
RH16 3TH
REPLACEMENT OF 3NO. FASCIA SIGNS, WINDOW FRAMES,
ENTRANCE DOOR AND FRAME WORK TO BE REPAINTED
MS LUCY ANDERSON**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome
Safeguarding (CAA) / Trees subject to a planning condition /
Highways Agreement (WSCC) /

ODPM CODE: Advertisements

8 WEEK DATE: 25th October 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Katherine Williams

PURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Advertisement consent is sought to replace three existing signs, which would be non-illuminated.

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre on South Road. The ground floor comprises the Fat Face shop, with an existing fascia on two sides.

It is being reported to planning committee as the Council is the landowner.

The proposed development complies with policies DP21 and DP26 of the Mid Sussex District Plan and policy E9 of the Haywards Heath Neighbourhood Plan.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

TOWN COUNCIL OBSERVATIONS

None

INTRODUCTION

The application seeks advertisement consent in order to replace three existing signs, which would be non-illuminated.

RELEVANT PLANNING HISTORY

CU/007/80 - Haywards Heath Town Centre Redevelopment comprising supermarket, 33 shops with 30 one-bed flats over, rebuilding of George Hilton and Sons' premises, all formed around pedestrian square and walkways together with additional car parking and service areas; also highway works to Church Road and Hazelgrove Road. Granted.

HH/198/97 - Refurbishment of public areas of shopping centre, including new canopies and entrance treatment. Extension of one shop unit. Granted.
DM/20/1108 - Remove existing signs and replace with 3 new updated brand logo fascia signs, one illuminated. Granted

SITE AND SURROUNDINGS

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre onto South Road. The ground floor comprises the Fat Face shop, with an existing fascia on two sides. Externally the walls have a red brick finish, with regularly spaced large windows that have dark frames.

The site is located within Hayward Heath Town Centre, on the primary shopping frontage. Neighbouring units are located to the south and east of the site. To the west is the public highway whilst a pedestrian entrance into The Orchards is to the north.

APPLICATION DETAILS

This application seeks advertisement consent to replace existing signage. Three fascia signs are proposed, two on the northern and one on the western elevation and would be in a similar position to the existing signage with a grey background and white lettering.

The current application is similar to the proposal granted under application reference DM/20/1108, however the current proposal does not include any illumination.

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, Haywards Heath Neighbourhood Plan and the Site Allocation DPD.

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:

DP21 - Transport

DP26 - Character and Design

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:
E9 - Design

Mid Sussex Site Allocations Document (DPD)

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

Other Planning Guidance

Mid Sussex Design Guide:

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

National Policy

The National Planning Policy Framework (NPPF) 2021 is also a material consideration and paragraphs 8, 11, 111, 126, 130 and 136 are considered to be relevant to this application.

LEGISLATION

Town and Country Planning Control of Advertisements) (England) Regulations 2007

ASSESSMENT

The Town and Country Planning Control of Advertisements) (England) Regulations 2007 states that '*a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -*

- a) the provisions of the development plan, so far as they are material; and*
- b) any other relevant factors'.*

Factors that are listed as relevant to amenity include '*the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest*'; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others).

Paragraph 136 of the National Planning Policy Framework states:

'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisement, which should be operated in a way which is simple,

efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Impact on Visual Amenity

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy E9 of the Haywards Heath Neighbourhood Plan states:

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

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*

- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

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

The proposed signage is considered to be appropriate and proportionate in its size, nature and design. There are a variety of existing signage within the locality, with differing designs, scales and illumination levels. Taking into account the above, and that the proposal would replace the existing signage to the unit, which are of similar dimensions and positions to the proposed, the proposal is considered to have an acceptable impact upon visual amenity of the street scene and in terms of design and character it is considered to comply with policy E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and policy DP26 of the Mid Sussex District Plan.

Public Safety

Policy DP21 of the Mid Sussex District Plan relates to transport and states that development proposals should protect the safety of road users and pedestrians.

The proposed signage is set back from the highway and would not be illuminated. As such the proposed works are not considered to represent a hazard to public safety. Therefore, the proposal complies DP21 of the Mid Sussex District Plan.

CONCLUSION

The proposed signage is considered to be appropriate in terms of the design and would not detract from the amenity of the surrounding area. There would also not be an adverse impact on highways safety as a result of the development. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the NPPF.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reasons 1-5: To comply with Regulations 13(1)(b) and Schedule 1 of the above regulations.

6. The advertisement consent hereby granted expires at the end of the period of five years from the date of this notice.

Reason: To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Approved Plans

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

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

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

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

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

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			22.08.2022
Block Plan	22 0136-1	A	30.08.2022
Existing Elevations	22.0136 E1		22.08.2022
Proposed Elevations	22 0136 01		22.08.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

No Comment.

MID SUSSEX DISTRICT COUNCIL

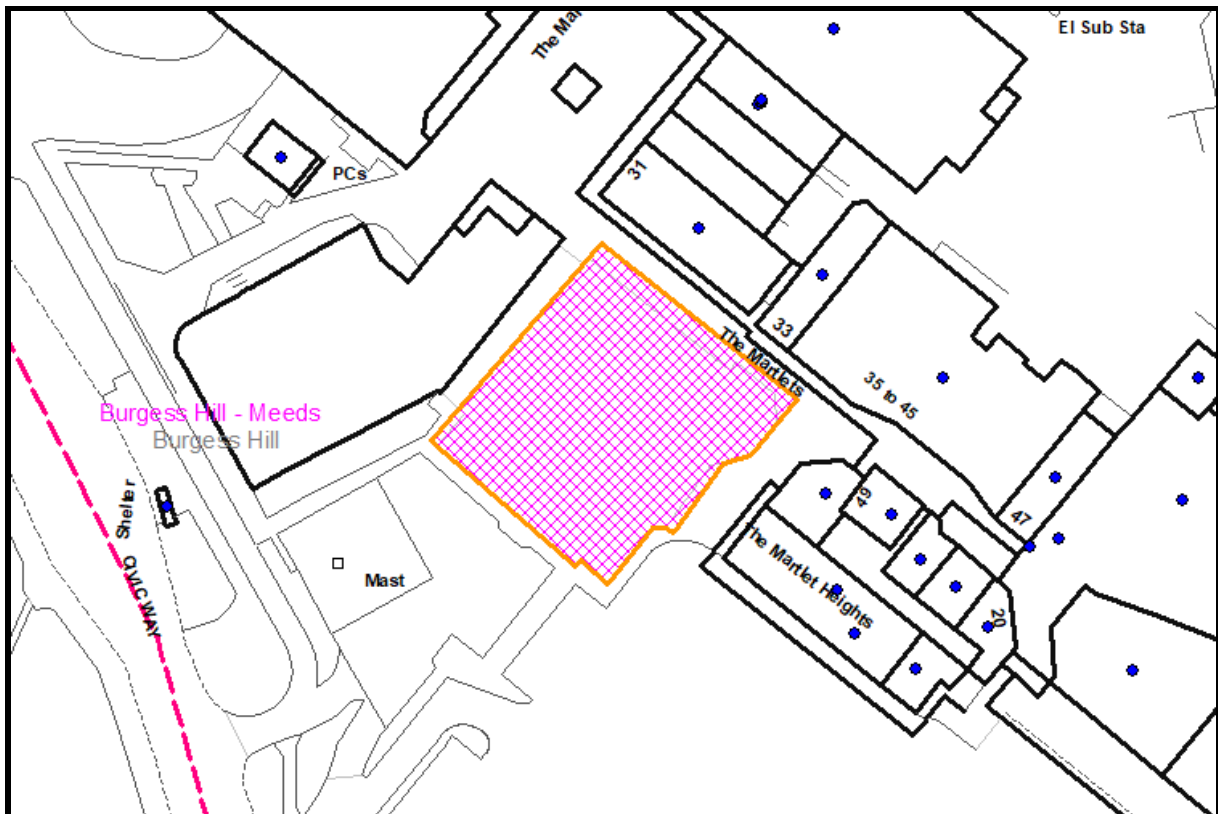
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/2751



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**SITE OF FORMER MARTLETS HALL THE MARTLETS BURGESS HILL
WEST SUSSEX RH15 9NN**

TEMPORARY PUBLIC PARK, UP TO 18 MONTHS. CONSISTING OF A POP-UP VENUE SPACE ENCLOSED AND DEFINED BY PLANTING AND SCREENING, MOVEABLE PLANTERS ON THE WESTERN BOUNDARY TO HELP CONTAIN THE SITE AND ALLOW VEHICULAR ACCESS, TWO SHIPPING CONTAINERS FOR STORAGE AND FOR POTENTIAL KIOSK USE, SMALL STAGE FOR ORGANISED PERFORMANCE AND INFORMAL SEATING ON THE NORTHERN BOUNDARY, AND AN ART-CANVAS ACROSS THE CENTRE OF THE SITE USING THE EXISTING CONCRETE SLAB FOUNDATION FOR COMMUNAL ARTWORK.

MR ROB ANDERTON

POLICY: Brownfield Land / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / Highways Agreement (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 31st October 2022

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Temporary planning permission is sought for the creation of a pop up urban park on the site of the former Martlets Hall, in Burgess Hill Town Centre. The site is currently derelict and made up of a hard surfaced area.

The application is before members as the applicant and the site owner is the Council (MSDC). It is intended that the temporary public space will provide a public facility in the interim period before it is redevelopment as part of the wider town centre development, which already benefits from a planning permission.

The proposed pop-up urban park will create a new community space from an existing derelict site in a prominent town centre location. The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

It is not considered that proposal, given its location within the town centre and the distance to the nearest residential dwellings, would give rise to any significant harm to the amenities of nearby residents, by means of noise or light pollution.

The proposed use is only temporary, and the facility can be removed relatively easily and quickly anytime within the 18 month period sought and the proposal is not a hurdle for the delivery of the wider town centre redevelopment scheme.

It is considered that the proposal complies with policies DP2, DP24 and DP26 of the Mid Sussex District Plan and policies TC3 and TC6 of the Burgess Hill Neighbourhood and can be recommend for approval.

Recommendation

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

Summary of Consultations

MSDC Environmental Health Officer

No objection.

Southern Water

No objection

Summary of Representations

Two letters of objections received. While many of the points raised are not material planning considerations, the following point is considered material;

- Permission could cause delays to the wider redevelopment

Burgess Hill Town Council

The Committee supported the application in principle and raised the following concerns:

Concern over a water supply, the removal of an already existing, growing tree, a power source e.g., would there be lighting at night?

Concern over the shipping container being an eyesore, and its potential usage.

Concern over seating - the Committee expressed a want to consider the elderly and those with mobility issues when choosing seating.

Concern over shelter - the Committee expressed a want for any shelter to be transparent, as so to avoid any potential anti-social behaviour.

Concern over the usage of table tennis tables.

The Committee also suggested picnic tables being incorporated into the design, and expressed concern over the variety and texture of trees in the design, stating that they would like to see a mixture of evergreen and deciduous.

INTRODUCTION

Temporary planning permission is sought for the creation of a pop up urban park on the site of the former Martlets Hall, in Burgess Hill Town Centre.

The application is before members as the applicant and the site owner is the Council (MSDC). It is intended that the temporary public space will provide a public facility in the interim period before it is redevelopment as part of the wider town centre development, which already benefits from a planning permission.

PLANNING HISTORY

The site forms part of the wider redevelopment scheme for the town centre, for which there are two planning permission. While the 2016 permission has been implemented, and is extant, it is anticipated that the latter 2021 approved scheme is what will be delivered.

DM/19/3331 - Demolition of multi-storey car park, public library and offices. The conversion of existing buildings and erection of new buildings to provide, additional retail floor space (Classes A1 and A3), residential units (Class C3) with undercroft car parking, a multi-screen cinema (Class D2), bowling alley (Class D2), gymnasium (Class D2), a hotel (Class C1), the reconfiguration and expansion of existing public car park, amendments to the site access, public realm improvements including landscaping, and other associated works. Approved 2nd July 2021 (to be implemented)

DM/15/3858 - Demolition of multi-storey car park, public library, community building and offices. Provision of additional retail floor space (Class A1-A5), residential units (Class C3), a multi-screen cinema (Class D2), public library (Class D1), a hotel (Class C1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016 (extant)

SITE AND SURROUNDINGS

The site covers approximately 0.1 hectares in the centre of Burgess Hill, adjacent to the Martlets Centre car park, on the former site of the Martlets Hall, just off Civic Way.

The site is currently derelict and entirely hard surfaced.

To the north and east, are retail units that form part of the Martlets Shopping Centre. To the west, is the former Lidl's store, which is currently vacant.

APPLICATION DETAILS

It is proposed that a temporary public space (pop up urban park) will be created to make use of a current vacant site before it is redevelopment as part of the wider town centre scheme (which has planning permission). A period of up to 18 months is sought.

It is proposed that the space will be enclosed at its southern end with hit and miss fencing, with a raised planted bed forming its northern boundary. The eastern boundary will be mainly open, with some moveable planters along its western boundary to allow pedestrian movement through. The moveable western planters will also allow access to vehicles to service the area/events.

Two ships containers are proposed along the southern side of the park, which will have cedar clad sliding doors to the front elevation (facing into the park). A series of benches will be placed around the space, along with a raised platform/stage to its northern side. Two table tennis tables are also proposed.

The design of the space is defined by day to day activity/pop up facilities in its southern half, and organised events, performances and markets in its northern half.

This temporary permission only seeks consents for the creation and use of the space as an urban park, and separate consents/licences may be required for any additional events that which to take place in the 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 Mid Sussex District Plan, the Site Allocation Development Plan Document (SADPD) and the Burgess Hill 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:

DP2 - Town Centre Development
DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design

Site Allocations Development Plan DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in March 2016.

Relevant policies;

TC3 - The Brow Quarter
TC6 - Urban Realm and Access to Town Centre

National Planning Policy Framework

ASSESSMENT

Principle of Development

The site is located within the Burgess Hill town centre, as defined within the District Plan, where policy DP2 states;

'Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- *is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- *has regard to the relevant Town Centre Masterplans and is in accordance with relevant Neighbourhood Plan.'*

In addition, the policy DP24 of the District Plan deals with Leisure and Cultural Facilities and Activities and states, inter alia;

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural strategy for Mid Sussex will be supported.'

In respect of the Burgess Hill Neighbourhood Plan, the site falls within 'The Brow Quarter', where policy TC3 is relevant and states;

' There are opportunities to redevelop the Brow following relocation of any public and community services from this area. The development mix that could be supported includes:

- *Relocate St Wilfrids School within the Quarter.*
- *Additional open space.*
- *Redevelopment per of the Martlets site for significant of open market housing on conjunction with new River Retail proposals.*
- *New community facilities.*
- *Improved medical/health facilities.*
- *Opportunities for new employment/hotel development.*
- *Improvement to access across Civic Way.'*

It is worth noting that within the illustrative map with the Neighbourhood Plan for 'The Brow Quarter', the application site shows housing, community and leisure uses.

Policy TC6 of the Neighbourhood Plan focuses on improvements to the public realm and access across the town centre and states, inter alia;

The Town Council will support the following improvements across all Quarters within the town centre. All new development within the town will be expected to provide for or contribute towards;

- *The creation of a network of linked new public spaces and pedestrian routes which includes planting trees and landscaped areas. These should form part of the 'spokes' into the town from the Green Circle.'*

Having regard to the above it is clear that the proposed use is supported by policy. Notwithstanding the policy support, the proposed facility will provide a positive addition to the town centre, and the wider community, on what is currently a derelict site that provides no positive contribution to the town.

It is noted that there is concern that the proposal will in some way impact on the delivery of the wider town centre scheme, however, the proposed facility does seek any permanent structures (all equipment/furniture can easily be removed) and the temporary use can cease at any time within the 18 month period sought. As land owners, the Council have full control over this aspect of the site.

In light of the above, it is considered that the principle of the use is acceptable, and it will not have any prejudicial impact on the delivery of the wider redevelopment scheme for the town centre. The application in this regard, complies with policies DP2 and DP24 of the Mid Sussex District Plan and the policies TC3 and TC6 of the Neighbourhood Plan.

Impact on Character and Appearance of the Area

Policy DP26 of the District Plan deals with character and design matters. It requires all developments and surrounding spaces to be well designed and reflect the distinctive character of the area it is located within. It requires applicants demonstrate, inter alia, that their development;

- *is of high quality design and layout includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms..*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape..'*

It is considered that the proposed park will make a positive contribution to the character and appearance to this part of the town centre. Currently the site is derelict and consists of an exposed hard surfaced area, with a wooden hoarding along its southern boundary. It provides no enclosure or sense of place, and does not provide any relief to views in and out of this part of the town.

The proposal will provide much needed enclosure to the space and its surroundings, with the landscape edges providing much needed relief to the hard edged urban realm that currently exists. The proposed ship containers on the southern boundary will be screened from the south by the proposed fencing and their general form and

scale is considered appropriate to this location. The final finish, in terms of colour, can be secured through a planning condition.

The Town Council comments regarding the landscaping are noted and the final specimen mix can be secured through a planning condition. The existing vegetation that is shown to be removed from the northern side of the site is of little value and the overall landscaping proposals will significantly increase the 'green' coverage on the site.

The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

Having regard to the above, it is considered that the application complies with policy DP26 of the District Plan in respect of this issue.

Impact on Residential Amenity

Policy DP26 of the District Plan sets out that proposals should not cause significant harm to the amenities of nearby residents by, amongst other things, noise and light pollution.

The site is not directly overlooked by any existing residential properties, the closest are some 140m to the southeast on Queen Elizabeth Avenue nearest. While there are properties to the north, at about 95m from the site, these are located above premises in Church Walk and there are existing buildings in-between.

Given the distances involved, and the fact that surrounding area is already lit by existing street lighting, it is not considered that any significant harm to existing residents' amenity will arise from the proposal. In any event, it should be noted that as the proposal is for a limited period, any harm that does arise, will not be permanent.

Your Environment Protection Officer has not raised an objection to the proposal.

In light of the above, it is considered that the application complies with policy DP26 in respect of this issue.

Other Issues

The comments from the Town Council regarding the shelter are noted. The proposed two ship containers will have lockable doors, so access to them when not in use will be restricted. It is not considered that the proposal would give rise to new anti-social behaviour that does not already exist within the wider town centre area.

PLANNING BALANCE AND CONCLUSIONS

The proposed pop-up urban park will create a new community space from an existing derelict site in a prominent town centre location. The proposal, while only temporary, will provide a significant enhancement to the character and appearance of this part of the town centre. The park will create additional, usable, public realm that will make a positive contribution to the benefit to users of the Martlets Shopping Centre and the wider community.

It is not considered that the proposal, given its location within the town centre and the distance to the nearest residential dwellings, would cause any significant harm to the amenities of nearby residents by means of noise or light pollution.

The proposed use is only temporary, and the facility can be removed relatively easily and quickly anytime within the 18 month period sought and the proposal is not a hurdle for the delivery of the wider town centre redevelopment scheme.

It is considered that the proposal complies with policies DP2, DP24 and DP26 of the Mid Sussex District Plan and policies TC3 and TC6 of the Burgess Hill Neighbourhood and can be recommend for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. The pop-up urban park hereby approved shall be removed and the land restored to its former condition, or to a condition to be agreed in writing with the Local Planning Authority, on or before the expiration of the period 14th April 2024.

Reason: To ensure that the permitted use of the land does not prejudice the delivery of the wider town centre redevelopment scheme and to comply with policy DP2 of the Mid Sussex District Plan 2014 - 2031 and policy TC3 of the Burgess Hill Neighbourhood Plan.

2. Prior to the commencement of development hereby permitted, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These works shall be carried out as approved and completed prior to the park first coming into use. Any trees or plants which, within a period of one year 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.

3. Prior their placement on site, the external finish of the ships containers shall be submitted to and agreed in writing with the Local Planning Authority. This element of the scheme shall only be carried out in accordance with the approved details.

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.

4. **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.

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.

APPENDIX B – CONSULTATIONS

Environmental Protection

Environmental Protection has no concerns regarding this proposal for a pop-up venue in the town centre.

Parish Consultation

The Committee supported the application in principle and raised the following concerns:

Concern over a water supply, the removal of an already existing, growing tree, a power source e.g., would there be lighting at night?

Concern over the shipping container being an eyesore, and its potential usage. Concern over seating ' the Committee expressed a want to consider the elderly and those with mobility issues when choosing seating.

Concern over shelter ' the Committee expressed a want for any shelter to be transparent, as so to avoid any potential anti-social behaviour.

Concern over the usage of table tennis tables. The Committee also suggested picnic tables being incorporated into the design, and expressed concern over the variety and texture of trees in the design, stating that they would like to see a mixture of evergreen and deciduous.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing surface water sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 300 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

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.

Southern Water requires a formal application for a connection to the public surface water 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: southernwater.co.uk/developing-building/connection-charging-arrangements.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

MID SUSSEX DISTRICT COUNCIL

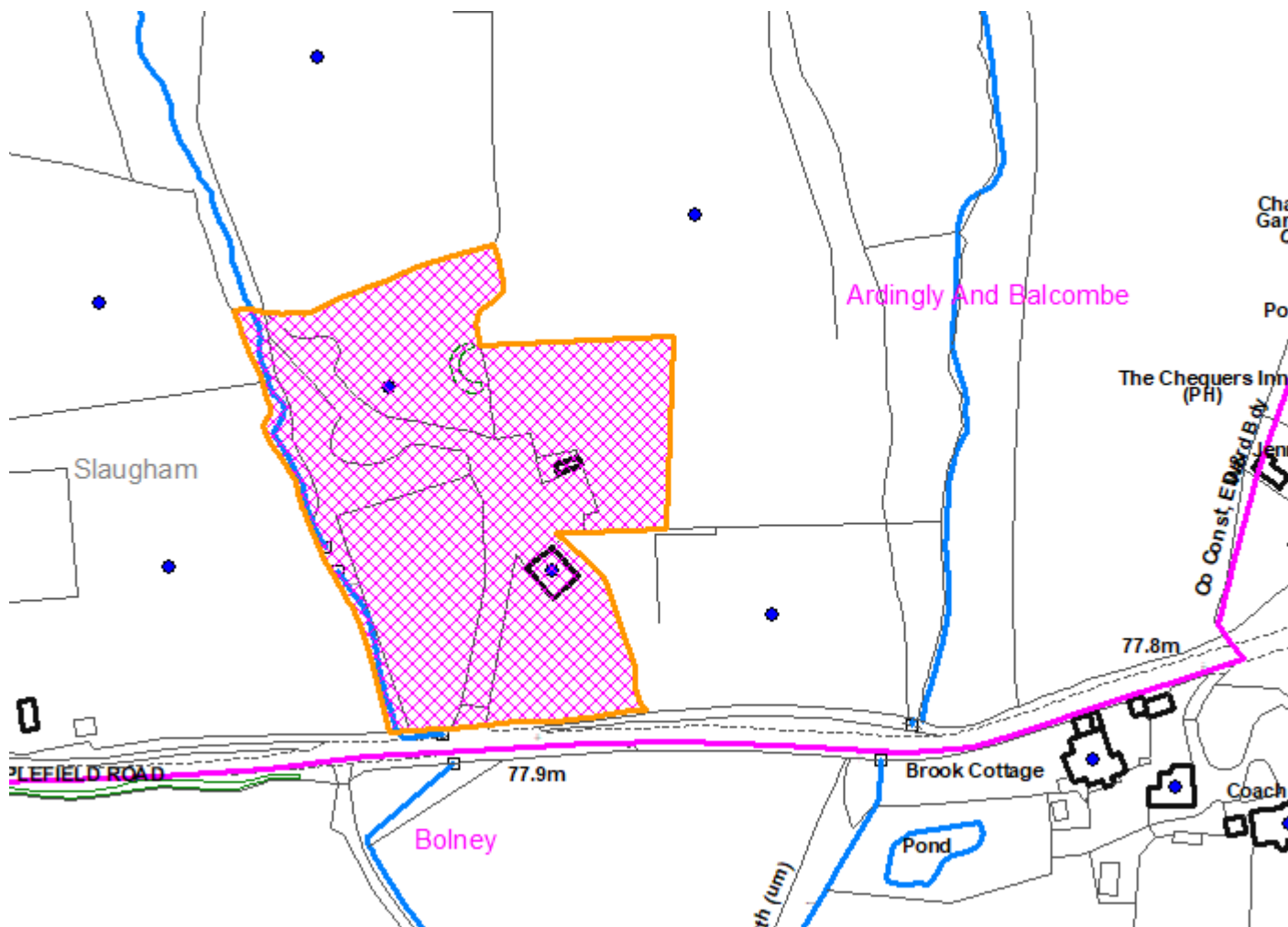
Planning Committee

13 OCT 2022

RECOMMENDED FOR REFUSAL

Slaugham

DM/22/2015



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**LAND NORTH OF STAPLEFIELD ROAD SLAUGHAM HAYWARDS HEATH
WEST SUSSEX RH17 6AG
PROPOSED CHANGE OF USE OF LAND TO A TRANSIT SITE FOR
GYPSY/TRAVELLER'S COMPRISING THE FORMATION OF 6 TOURING
CARAVAN PITCHES FOR NOMADIC USE ONLY, AND THE ERECTION OF**

**6 UTILITY BUILDINGS, AS WELL AS THE FORMATION OF A CHILDREN'S PLAY AREA.
MR LEN NUGENT**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Minor Gypsy

8 WEEK DATE: 13th October 2022

WARD MEMBERS: Cllr Gary Marsh / Cllr Jenny Edwards /

CASE OFFICER: Lesley Westphal

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years. The site is located to the west of the historic village of Slaugham and to the north of the adjacent Staplefield Road. The site lies within the High Weald Area of Outstanding Natural Beauty (AONB).

Permission is sought for the change of use of the former nursery site to use for a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area.

It is considered that the scheme would be contrary to established policy regarding the need for and location of transit sites as well as causing harm to the character of the surrounding countryside. It is also considered that the proposal would fail to conserve the natural beauty of the AONB. Insufficient evidence has been provided regarding the impacts upon ecology and the means of dealing with proposed drainage, although it is acknowledged that the drainage issue could be dealt with by means of pre-commencement condition. Potentially these matters could be resolved with the submission of further details.

It is not considered that the scheme would adversely affect the character or setting of the nearest conservation area, the public highway nor the amenities of any residents in the vicinity of the site.

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, the Site Allocations DPD and the Slaugham Neighbourhood Plan.

It is considered that the scheme would be contrary to the provisions of policies DP6, DP12, DP16, DP26, DP33 and DP38 of the Mid Sussex District Plan and Policies 1 and 3 of the Slaugham Neighbourhood Plan and should be refused.

RECOMMENDATION

It is recommended that permission be refused for the reasons set out in Appendix A.

SUMMARY OF REPRESENTATIONS

2 letters of support, including from the Friends, Families and Travellers Organisation (a Registered Charity), raising the following issues:

- Living nomadically is part of Gypsy and Traveller cultural heritage and many settled Travellers continue to maintain this tradition for at least part of the year
- There are approximately 3,000 caravans live in by families with no place to stop in England and for which there are currently only 42 available transit pitches across England. This is likely to be intensified by the recent Police, Crime, sentencing and Court Act (June 2022) which criminalises unauthorised stopping.
- The Traveller community needs more temporary facilities to avoid illegal occupations and associated costs: the site in Chichester is approximately 44km away which, if someone is travelling for economic purposes is quite a substantial distance, especially given the current cost of living crisis
- This national shortfall is reflected locally in Mid Sussex illustrated by the number of illegal encampments 28 over the last 12 months, the number of applicants on the County Council Waiting list (47) and for the Mid Sussex sites (25,23 and 21 for the Councils 3 sites).
- Transit sites allow respite for the travelling community to gain access to essential health, welfare and maternity services, for example, whilst still pursuing a nomadic way of life.
- The government has removed the duty of local authorities to participate in a nation wide strategic overview of needs and issues of Gypsies, leading to a lack of joined up thinking between regions, leading to shortfalls in provision.

Over 60 letters of objection including from the CPRE, and Warninglid Residents Association raising the following issues:

- The Council has only recently updated its detailed assessment of the needs of Gypsies and Travellers (GTAA) and concluded that there is no demand locally for transit sites that needs to be met within the district. Section 1.23 referring to 'historic low numbers of short term unauthorised encampments'.

- Policy DP33 provides that planning consent should only be considered where a "clearly defined need" has been assessed within the GTAA. The applicant assertion that there is a large unmet need across West Sussex is not supported by any evidence.
- The scheme would be contrary to the following policies:
- DP12: It offers no prospect of maintaining or enhancing the quality or the local rural or landscape character of the locality being intrusive visually and potential noise polluting. Its use is unrelated to agriculture and not supported by DP33. The site is not screened by existing vegetation with many trees being deciduous where they do exist and in any event the purpose of landscaping is not to hide otherwise unacceptable development but to permit the successful integration of development into its surroundings.
- DP16: the site is within a sensitive landscape (High Weald AONB), all the more so since Slaugham village has a medieval history that is intimately linked to the High Weald landscape -this being one of the best preserved landscapes in the North West Europe. Furthermore the site abuts an ancient woodland and a Local Wildlife Site and is hence of intrinsic landscape value. The application does not mention its possible impacts upon the High Weald AONB for its special visual qualities and essential characteristics - nor the High Weald Management Plan, despite this being a material consideration.
- Small scale housing has been rejected on this site previously due to incompatibility with Policy DP16
- Policy DP37 : The adjacent Homestead Wood would be a heritage asset for NPPF purpose and a 15m corridor should be maintained. There is potential for damage to the ecology if visitors and their children visit/use the woodland
- Policy DP35: Harm to the Slaugham Village Conservation Area. It may be relevant that the medieval beginnings of the village are closely linked to the historic significance of the High Weald Landscape. No enhancements or other contributions are offered that would benefit the Conservation Area.
- DP38: Harm to local ecology: the application submission recognises that further study work needs to be carried out - which hasn't been done. Furthermore the site is currently home to a number of species. Works were carried out earlier this year to remove trees and shrubs during the nesting season thus causing harm to wildlife previously on the site.
- Harm to the Site of Nature Conservation Interest at Homestead Wood
- Lack of detail on the childrens play area.
- Potential Site contamination hazard
- Lack of economic or social benefits
- No information to clarify how it would be ensured that only those meeting the planning definition of Gypsies could stay on the site
- In an unsustainable location there being no educational or health facilities reasonably accessible to the site nor public transport easily available
- Slaugham is a category 4 settlement and one of the few settlements which has been allocated a settlement requirement of no new homes before 2031.
- Poor access to public transport: there is no commercial bus route serving Slaugham - only the Handcross district Community bus, a volunteer service operating 4 routes, each running once a week in either direction.
- Increased noise and disturbance resulting from the constant changeover of residents on the site which would be incompatible with the quiet rural

character of the area. This would be exacerbated by reliance upon the private motor car for private journeys whilst residents are on the site.

- No details regarding waste disposal
- Potential inconvenience and highway safety concerns resulting from the caravans having to negotiate small rural lanes to access the site
- Some of the trees and hedgerow shown on the plan as screening the scheme were removed earlier this year
- Adverse impact upon the streetscene - the scheme being unrelated in use, location, typology and architectural character with its surroundings.
- Potential contamination on the site due to waste being previously dumped on the site
- Potential security threat to local residents homes
- As a result of the submission of a number of unsuitable previous applications for this site concern is expressed that this may be a way of ultimately securing permission for a residential scheme.

SUMMARY OF CONSULTEES

WSCC Highways:

No Objection.

WSCC Flood risk

No comment

WSCC Gypsy and Traveller Team:

WSCC would support additional capacity to support gypsies and Travellers moving through the county having appropriate stopping places.

MSDC Drainage:

More information required to establish that drainage can, in principle, be provided.

MSDC Planning Policy:

It is not considered that the application proposal satisfies a "clearly identified need" required by Policy DP33.

MSDC Ecology:

Recommend further information is required prior to reaching a decision in order that the Council can establish the extent to which protected species may be affected and in order to ensure compliance with its statutory duties, including its biodiversity duty under S40 NERC Act 2006.

MSDC Environmental Protection:

No objection, subject to condition.

MSDC Environmental Health (Contamination):

No objection, subject to conditions

SLAUGHAM PARISH COUNCIL OBSERVATIONS

Slaugham Parish Council object for the following reasons and noting that 25 residents were in attendance at the meeting:

The Mid Sussex GTAA does not identify any need for a transit site at this time as there is an operation site in Chichester. Policy DP33 indicates likewise so the principle of the scheme is unacceptable.

- The site is a Priority Habitat and adjacent to a Site of Nature Conservation Importance. The scheme therefore conflicts with policies DP12, DP16 and DP38.
- The site has previously been considered as part of the preparation of the site Allocations document (SHEELA ID 871) when it was considered that the site was not compliant with the District Plan Strategy and therefore not progressed.
- The site was further considered by the planning consultants during the preparation of the Neighbourhood Plan: reference SL15. It was concluded that the relatively isolated nature of the site and distance to local services and facilities it was not considered suitable for development.

INTRODUCTION

This application seeks permission for a change of use of this former nursery site to use for a Transit Site for Gypsy/Traveller's comprising the formation of six Touring Caravan Pitches for nomadic use only, and the erection of six utility buildings, as well as the formation of a children's play area.

This application is referred to the Committee as a result of the extent of public interest.

RELEVANT PLANNING HISTORY

DM/19/4269 - Existing Lawful Development Certificate sought for use of a Barn as a Dwellinghouse. Refused and Appeal Dismissed; The Inspector concluded that it was less than probable that the use of the barn as a dwelling had been sustained for the required period and not established prior to a fire at the site in 2019.

DM/17/4326- Proposed 3 No. four bedroom dwellings on land at Slaugham Garden. Refused and Appeal Dismissed. Refused for the following reason:

'Due to the location of the site within the countryside area of development restraint and the High Weald Area of Outstanding Natural Beauty, the proposal to form 3no. dwellings on this site will be an unsustainable form of development that harms the character and appearance of the surrounding rural area and would not conserve or enhance the natural beauty of the AONB. Such a proposal would be out of keeping with the character of the area where existing development is located close to the village centre of a linear nature close to the highway compared to this rearward backland development. In addition, the proposal is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. The development conflicts with policies C1, C4, H2, H11 and T4 of the Mid Sussex Local Plan; policies DP10, DP12, DP14, DP19 and DP24 of the District Plan, policies 1 and 4 of the Neighbourhood Plan and paragraphs 7, 14, 17, 49, 55, 56 and 115 of the NPPF.'

The Planning Inspector concluded that:

- The site is not previously developed land, previously having been in use for horticultural/agricultural use
- The cluster of three dwellings would be at odds with the prevailing linear pattern of development within this part of the AONB
- The fact that the site is screened on some sides does not mean that development would not result in harm to the character or appearance of the area
- The change from one form of development to another does not in itself lead to conserving or enhancing the scenic beauty of the AONB
- The scheme would fail to conserve and enhance landscape and scenic beauty and be contrary to Policies DP6, DP12, DP15 and DP26 of the MSDP.
- It would be contrary to policies 1 and 2 of the emerging Neighbourhood Plan which seek to protect the AONB and open countryside
- Contrary to the Framework including para 172 where great weight should be given to conserving and enhancing landscape and scenic beauty in AONB and para 127 where developments should be sympathetic to local character, and establish or maintain a strong sense of place.
- The proposal would result in an over reliance on private motor vehicle use and thus represent an unsustainable form of development with regard to local services and thus contrary to Policy DP21 of the MSDP and para 8 of the Framework which include the social objective of sustainable development to foster a well designed built environment with accessible services and thus minimising waste and pollution and moving to a low carbon economy.

DM/16/4406- Outline Planning Application for 9 Residential Units at the former site of Slaugham Garden Nursery. Refused.

12/02876/LDC - The use of land for the storage of plant equipment and materials by a ground work contractor. 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. Refused.

08/03044/COU - Change of use of building to commercial uses falling within Use Classes B1 and B8. Refused.

03/02354/COU - Personal temporary planning permission for Woods and Baines Construction Ltd for change of use from agricultural to class B1 use (business use), with ancillary storage, for a period of two years. Withdrawn.

02/02623/COU - Change of use to mixed use for landscaping, agricultural and construction works, contractors using the premises. Withdrawn.

01/01947/COU - Change of use from horticultural to mixed use horticultural and office use in association with applicant's business. Withdrawn.

01/01934/FUL - New security fencing to front of site. Withdrawn.

SITE AND SURROUNDINGS

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years. The site is located to the west of the historic village of Slaugham and to the north of the adjacent Staplefield Road.

To the west of the access into the site, is an area of land that formed the nursery area. There were previously some poly tunnels on this part of the site, but they had gone by 2018 - no longer being evident on the aerial photographs of the site. This area is bounded on its northern extent by a line of tall conifers. To the north of the conifer screen lies an open field with two steel storage containers and fencing stored but little else. Part of this field lies within the red line, i.e application site, whilst part lies outside, but within the same ownership.

To the east of the access road is a prefabricated industrial building with, currently, two caravans stored in front of the building. The surrounding area is littered with small scale detritus.

The site rises gently uphill from the highway. It is well screened on the northern and eastern boundaries by existing trees and with some cover along the easternmost part of the site frontage. Trees which were previously along the frontage to the west of the access road appear to have been removed earlier this year. Consequently the front part of the site is open to view from Staplefield Road.

The site entrance lies approximately 260m's west of St Mary's Church. The streetscene within, and nearby to, Slaugham is characterised by a generally linear form. As one leaves the centre of the settlement development becomes more sporadic, but continues its linear form comprising mainly individual dwellings close to the highway such as along Staplefield Road.

The site is situated within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty. To the east of the blue line lies an Ancient Woodland (Homestead Wood), but this lies some 60m's from the application site as identified by the red line. Homestead Wood and Orange Gill are identified as a Local Wildlife Site.

Staplefield Road is identified as an historic routeway linking to the local area..

The nearest settlement with an identified settlement boundary is Handcross to the north east.

The nearest boundary of the Slaugham Conservation Area lies some 62m's to the east of the site along the south of Staplefield Road. With the main part of the Conservation Area formed around the settlement stretching down to include St Marys Church and the few houses adjacent to the west.

The application site is located in Flood Zone 1.

APPLICATION DETAILS

The application seeks to provide a six pitch transit site for Gypsies and Travellers that meet the definition within Planning Policy for Travellers Sites (PPTS)

The six pitches would be accessed by the existing access, with one pitch backing onto the Staplefield Road to the west of the access road, three more sited opposite to the north and the remaining two pitches sited to the north east across the line of the existing access road. Alongside these two pitches would lie a third plot comprising overflow parking for three caravans, six parking spaces and a private amenity area.

Each of the six pitches would have a small single storey amenity block providing a shower, toilet and hand basin and which will house electric, water, and gas utilities. These would be 2m x 3m in size with a mono pitch asphalt roof, timber clad elevations and a single UPVC window. They would be located at the front of the pitch with two parking spaces to one side and the touring caravan shown as being positioned to the rear of the amenity blocks. At the rear of each pitch would be a small private amenity space.

A larger area of shared amenity space is shown in the field to the rear of the conifer screen on the eastern side of the site.

The application form identifies the creation of a childrens play area, but apart from the shared amenity space no information has been shown of this use.

Drainage will be by cesspit but no details have been provided.

The applicant advises that the operation of the transit site is proposed to allow short stays of a maximum of 28 days, with a "no-return" period of at least 3 months.

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, Site Allocations Development Plan Document (SADPD) and the Slaugham Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy

DP10 Strategic allocation to the east of Pease Pottage

DP12: Protection and enhancement of the countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP21: Transport

DP26: Character and Design

DP33: Gypsies, Travellers and Travelling Showpeople

DP34 Listed buildings and other heritage assets

DP35: Conservation areas

DP37: Trees, woodland and hedgerows

DP38: Biodiversity

DP39 Sustainable design and construction

DP41: Flood risk and drainage

Site Allocations DPD

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

Neighbourhood Plan

Slaugham Neighbourhood Plan, made September 2019

Relevant policies:

Policy 1: Protecting the Area of Outstanding Natural Beauty

Policy 2: Sustainable Development Measures

Policy 3: Green infrastructure

Policy 4: Conservation Areas

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.

It provides no specific guidance on Gypsy and Traveller sites, concentrating on permanent homes and development although the general principles of design, such as reflecting existing character, including landscape character remain applicable.

Mid Sussex Gypsy and Traveller Accommodation Assessment 2022

High Weald AONB Management Plan

National Planning Policy Framework (NPPF) (2022)

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.

The National Planning Policy Framework (NPPF) is a material consideration and Sections 2,4,8,9,12,14,15 and 16 are considered to be relevant to this application.

Planning Policy for Traveller sites 2015

National Planning Policy Guidance

National Design Guide

ASSESSMENT

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

- Principle of and Need for the Development
- Character and Appearance/Impact upon the High Weald AONB
- Highways
- Neighbour Amenities
- Drainage
- Ecology
- Conservation Area
- Impact upon nearby woodland.

Principle of and Need for the Development

Policy DP6 advises that development will be permitted within towns and villages with defined built up area boundaries. Outside settlement boundaries development will be supported where it is specifically allocated, where it is for fewer than 10 dwellings and is contiguous with the settlement boundary, and is demonstrated to be sustainable including by reference to the settlement hierarchy.

Slaugham is a Category 4 Settlement identified as a small village with limited services often only serving the settlement itself.

Policy DP12 advises that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the district and is necessary for agriculture or is supported by a specific policy elsewhere within the plan.

Policy DP33 deals with Gypsies, Travellers and Travelling Showpeople and where it refers to the provision of new sites, it states that they will be permitted where:

- *'The site satisfies a clearly defined need as identified by the GTAA*
- *The site is reasonably accessible to schools, shops, health and other local services and community facilities*
- *The scheme is appropriately located and designed to ensure good quality living accommodation with a satisfactory local environment*
- *The site is compatible with neighbouring land uses and minimise impact upon adjacent uses and built form and landscape character*
- *It should not dominate the nearest settled community*
- *In the case of proposals within the High Weald AONB policy DP16 will apply.'*

In this instance the site lies within the countryside area of development restraint and would not comply with either policy DP6 or DP12, insofar as it would not be within a settlement boundary or for the purposes of agriculture.

The applicant suggests that the site comprises previously developed land, but it is noted that the Inspector considered this matter as part of the 2019 appeal and concluded that since the previous use had been for horticulture/agriculture that it did not constitute previously developed land. Officers are not aware of any circumstances that would change this conclusion.

Notwithstanding the above, policy DP33 represents a specific policy reference which could allow proposals to be supported within the context of DP12. As set out above, policy DP33 requires a site to *'satisfy a clearly defined need as identified within the GTTA'* and this will be assessed in the following section.

Need for the development

Policy DP33 of the District Plan identifies that the Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time, due to an operational public transit site in Chichester. It

advises that levels of unauthorised encampments in Mid Sussex will be monitored over the plan period to identify any additional requirements for such provision.

The Council reviewed the Gypsy and Traveller Accommodation Assessment (GTAA) in April of this year. As part of its ongoing monitoring, the report recommends that the Council should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area.

The GTAA recommends that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a West Sussex-wide basis. This review will establish whether there is a need for investment in any further transit provision or emergency stopping places, or whether a managed approach is preferable. The GTAA identifies historic low numbers of short term unauthorised encampments and the County Council confirm that 28 have been recorded in the last year.

To address unauthorised encampments the GTAA recommended that in the short term the Council should continue its current approach, such as negotiated stopping. This describes a process where a short term agreement allows caravans to be sited on specific suitable pieces of ground for an agreed and limited time with the provision of limited services such as water, waste disposal and toilets. It also advises that temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations. These places would include provision of basic facilities such as cold water, portaloos, sewage and refuse disposal points.

The applicant draws attention to the wider West Sussex region having a large unmet need and continued unauthorised encampments but offers no independent evidence to support this statement. They further draw attention to the Planning Policy for Traveller sites (PPTS) document in such decisions. The overarching aim of that documents is to *"ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."* It is clear however that whilst it recommends the promotion of more private traveller site provision, that local planning authorities should make their own assessment of the need for the purposes of planning.

The Mid Sussex GTAA concludes at paragraph 1.23 onwards that *"due to historic low numbers of short -term unauthorised encampments and the existing public transit site in Chichester that it is not recommended that there is a need for a formal public transit site in Mid Sussex at this time."*

It is noted that the West Sussex Gypsy and Traveller Team support additional capacity to support gypsies and Travellers moving through the county, having appropriate stopping places and that the comments of the Friends, Families and Travellers organisation is that throughout the country there are insufficient transit places available. However, the results of the District Council updated GTAA are so recent and the conclusions very clear that there is no evidence of a current need within this district.

In the absence of evidence from the applicant to contradict the conclusions of the GTAA it is concluded that there is no need for a transit site and that this scheme would be contrary to the updated GTAA and Policy DP33 of the District Plan.

In light of the above, it is considered that the principle of, and the need for, the development has not been established and as such the application is contrary to policies DP6, DP12 and DP33 of the Mid Sussex District Plan.

Character and Appearance/Impact upon the High Weald AONB

As stated above, Policy DP12 seeks to protect the intrinsic beauty of the countryside and requires development to maintain, or where possible enhances the quality of the rural and landscape character of the District.

Policy DP16 advises that development in the High Weald AONB will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald Management Plan.

In terms of the impacts upon the AONB, the applicant advises that:

- *"Spatially, the harm of the proposal would mostly stem from the hardstanding, much of which is in existence already, and the utility buildings, which are modest in scale.*
- *The nature of touring caravans is that they are temporary, and are not uncommon sights within the countryside.*
- *Making use of landscaping, and existing screening of the site to ensure that the impact of the proposal is relatively minimal.*
- *In contrast to a permanent Traveller site, used as a settled base, the application site is not designed to accommodate a residential use constantly throughout the year. As such, the amenity buildings proposed are small in scale and reflect the temporary nature of any occupation of the site.*
- *Much of the existing hardstanding on site would be reused, with an area to be removed entirely to promote a communal play space within the site itself."*

Policy DP26 requires all development to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. It must, amongst others, address the character and scale of surrounding buildings and landscape, protect open spaces trees and gardens that contribute to the character of the area, create a pedestrian friendly layout that is safe, well connected and legible and accessible and incorporate well integrated parking.

The AONB Management Plan sets out long term objectives for conserving this nationally important landscape. It references the NPPF which applies a presumption in favour of sustainable development recognising that strategic policies should objectively assessed needs for housing and other uses . Planning applications should be assessed against an up-to-date Development Plan.

It is clear that many forms of development exist within the AONB landscape, including Gypsy and Traveller sites, and are considered to be acceptable in the context of the AONB. This scheme would not harm any geological feature of the

surrounding landscape, nor other features that the Management Plan uses to define 'natural beauty', such as settlements, routeways, woodland, water systems or fields and heaths that are currently used for grazing livestock or which form distinctive lowland heaths or river valleys.

In assessing the scheme's impact upon the area it is assessed in terms of the scale and form of the layout and buildings/structures and its compatibility with the character of the surrounding area.

The description above identifies a linear form of development with a cluster of dwellings in the centre of Slaugham leading to a more dispersed linear form at the edge of the settlement and sporadic linear form beyond that. This scheme provides a wholly different form of development with a cluster of caravans sited in two groups which extend some distance back into the site, rather than being sited at the front of the site and addressing the adjacent highway as is more normal for the character of this nearby area.

It is clear that the scheme would be significantly different in character to its surroundings and would not fit sympathetically with its surroundings, either in terms of the type of homes provided on it nor their scale and layout. It is suggested that because the caravans are transient in nature and not expected to be on site all year that this would reduce the level of harm and compensate for such harm as is caused. It is not possible to say for how much of the year the site would be occupied, and the applicant has not suggested a permission for only a few months per year, so it must be assessed against an assumed year round occupation. The fact that the caravans would only be on site for 4 weeks at a time does not minimise their impacts if they are immediately replaced with other caravans.

It is further suggested that due to existing tree cover around the site and with further landscaping, to be secured by condition, that the visual impacts of the scheme could be mitigated. Further landscaping along the site frontage and along the western boundary could undoubtedly add further screening to the site. However a scheme that would otherwise be unacceptable and out of character with the character of its surroundings should not be considered acceptable because it can be 'hidden' by additional planting. The scheme should be designed in a manner that is compatible with its surrounding landscape.

Guidance is provided on the layout of sites in a document entitled 'Places we're proud of' issued by the National Policy Advisory Panel on Gypsy and Traveller housing (January 2021). This document considers the success of some existing sites and notes that a scheme in Cornwall has many elements of best practice in design including '*being based on the recommended circular design*'. It needs to be considered that this is not permanent housing and there should perhaps not be an expectation that it has to mirror the scale, layout, design etc of permanent housing around it.

Since it is considered that a significantly different form of accommodation on site would harm the AONB character, then the harm identified would need to be weighed against the identified need, and the AONB Management Plan references that part of

the NPPF which refers to the need to plan at a strategic level for housing need and other uses.

As identified above the Council does not consider that there is an identified need and on that basis this is a development for which there is no need. The scheme would have an adverse impact on the character and appearance of the area and would fail to conserve and enhance landscape and scenic beauty in the High Weald AONB. It would be contrary to Policies DP6, DP12, DP15 and DP26 of the District Plan and would conflict with Policy 1 of the Slaugham Neighbourhood Plan, which seeks to protect the AONB and open countryside

Highways

Policy DP21 seeks to ensure that new development is sustainably located, with appropriate opportunities to facilitate and promote the use of alternative means of transport to the private car, provides adequate on site parking, avoids any additional traffic congestion and promotes highways safety.

Policy DP33 requires, amongst other things, that new Gypsy, Traveller and travelling Showpeople sites are *'reasonably accessible to schools, shops, heath and other local services and community services'*.

The County Highways Authority has considered the scheme and raises no objections, considering that the access is safe and sufficient parking would be provided on site. They refer to a bus service which would provide access to the wider area, but local residents advise that these are voluntary services, and which do not provide a daily service.

The Inspector when considering the appeal determined in 2019 for three houses, concluded that as a result of unlit narrow country roads without footpaths that future residents would be reliant upon private motor vehicles of taxi's - indeed noting an over reliance on private motor vehicles in order to access day to day services such as schools, doctors and grocery shops. Even taking account of the scale of three units it was concluded that residents of the site would be heavily reliant upon the private motor vehicle. Whilst it was recognised that levels of motor usage are typically higher in rural areas (owing to the relative costs of providing and running public transport services and the geographical distance to services involved), the Inspector concluded that this does necessarily justify the creation of more new homes in what are potentially unsustainable locations which would further compound such issues. It was concluded that this represented an unsustainable development with regard to access to local services. It was concluded that the proposal would therefore be contrary to Policy DP21, which amongst other aims *'seeks a resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time'*, and Paragraph 8 of the NPPF.

The applicant draws attention to the fact that *"the scheme will enable temporary access to education, and health facilities for short periods of time and that it is not considered necessary for the site to be located suitably as a settled base, as the occupants will be reliant on private vehicles regardless. Its location a short distance from the centre of Slaugham, and the public transport links, is however a benefit of*

the proposal, and I do not consider there to be any conflict with this policy."

Furthermore, the applicant concludes that *"a more restrictive consideration could be considered if a permanent site were proposed, but in light of the short stays, and the roadside nature of the families who would be occupying the site for short periods, I consider the sustainability benefits of reducing unauthorised encampments outweighs any harm which may result from poor accessibility"*.

The transient nature of the site's provision and lifestyle of those using the site is recognised, but it is still Council policy that accommodation for Gypsies and Travellers should be located in sustainable locations. Policy DP33 advises that any new sites or extensions to existing sites should be *"reasonably accessible to schools, shops, health and other local services and community facilities"*.

This may only be a temporary stopping place, but given the locational approach to development within the District Plan and the NPPF it is not considered appropriate to ignore the issue of sustainable access to facilities and services.

Accordingly it is considered that day to day use of the site by residents to access services and facilities would be reliant upon the private motor vehicle and therefore it would be contrary to the approach of the District Plan and National guidance, being contrary to policies DP21 and DP33 of the Mid Sussex District Plan.

Neighbour Amenity

Policy DP26 in part seeks to ensure 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 site lies outside the settlement of Slaugham and some 120m's at the nearest point to the nearest dwelling on the opposite side of Staplefield Road, on the edge of Slaugham. Given the intervening screening effect of trees and woodland on and adjacent to the site, it is not considered that the scheme would be visually intrusive to any residents from their properties. At that distance there is no reason to anticipate that such noise and disturbance would be created by six families as to cause a noise nuisance to surrounding residents.

There may be some minor inconvenience on the highway when the caravans move to and from the site, but it is not anticipated that this would be of such magnitude as to constitute a significant adverse impact upon any local residents. Concerns have been raised regarding potential for more rural crime, but there is no evidence to suggest that the use of the site in this way would generate additional concerns.

Overall it is not considered that the scheme would create significant adverse impacts upon the amenities of local residents. It is considered that the application complies with policy DP26 of the District Plan in respect of this issue.

Drainage

Policy DP41 seeks to ensure that new is safe across its lifetime and does not increase risks of flooding elsewhere whilst protecting surface and ground water quality.

The application advises that it will use cesspit drainage but has provided no details of this or of surface water drainage. The Councils Drainage Engineer has asked for evidence to demonstrate that drainage can, in principle be provided, rather than dealing with this by condition.

The applicant has offered to provide this information and there is no reason to anticipate that it could not be provided. It could be dealt with by means of pre-commencement to ensure that the scheme is not occupied until drainage is agreed and in place. On this basis no objections are raised..

Ecology

Policy DP38 requires biodiversity to be protected and enhanced taking opportunities to improve, enhance manage and restore bio diversity where possible as well as avoiding damage to and protecting and enhancing the special characteristics of a range of sites including AONBs, Ancient Woodland, and locally designated Sites of Nature Conservation Interest.

The site itself lies within the High Weald AONB and lies in close proximity to Holmstead Wood (to the east), which is ancient woodland, and therefore a heritage asset for the purposes of the NPPF. This is also a Priority Habitat and designated Local wildlife Site.

The submitted Preliminary Ecology Appraisal is the same document as that submitted for a 2017 application for three houses and the red line application site does not match that of the current application: the current site being larger than that previously considered for three detached houses. It is now also considered out of date.

At that time it identified a number of structures on the site which are no longer present. It identified the site to have moderate ecological value comprising locally common habitats which have the potential to support a number of protected species. It identified two Sites of Nature Conservation Interest within 0.5km of the site, two trees with bat roost suitability, the presence of a waterbody with average suitability to support Great Crested Newts, potential suitability to support reptiles, the presence of common habitats suitable for protected species and the presence of locally common habitats and plants including ornamental plants.

The habitats on site were identified suitable to support foraging and roosting bats, badgers, breeding birds, greater crested newts, dormice and reptiles with the then

works having potential to impact breeding birds, dormice, great crested newts and reptiles.

The following were recommended:

- A survey to identify badger presence if 12 months have elapsed since April 2017
- Bat surveys undertaken in 2017 indicated moderate levels of bat activity within the area of grassland to the north of the site, along the northern boundary hedgerow and within the woodland to the south of the site. The then development was considered to have potential to impact all habitat types on site and foraging and commuting bats through the expected increase in recreational use, noise and light pollution with a negative effect on the local bat populations.
- Vegetation clearance undertaken during October - February since the broadleaved woodland, hedgerows and scrub all have the potential to support breeding birds
- No records of dormice were recorded on site but there was considered a likely impact upon the local dormouse population due to the removal of habitats that provide opportunities for foraging and nesting hazel dormice.
- Potential impacts upon a low population of grass snakes within the local area and habitat was proposed for removal which would support reptiles on the site.
- No evidence of Great Crested Newts was found in the nearby pond although individual losses may occur in the absence of mitigation measures. Potential impacts upon Great Crested Newts if they are found to be present: their potential presence should be identified within the pond to the south west of the site. A minimum of 7 refugia checks needed to be carried out to ascertain presence/suspected absence and approximate population size. No survey results for this have been made available

A Technical note dated August 2022 recommends updated survey information in respect of Great Crested Newts, Reptiles, Invertebrates and hazel dormice.

The Council's ecologist concludes that further information is required prior to reaching a decision in order that the Council can establish the extent to which protected species may be affected, and in order to ensure compliance with its statutory duties, including its biodiversity duty under S40 NERC Act 2006.

They are not satisfied that there is sufficient ecological information available for determination of this application.

On this basis, insufficient information has been provided to allow the Council to be clear that the scheme would not cause harm to existing biodiversity and would therefore not accord with Policy DP38 of the District Plan.

Conservation Area

Policy DP35 requires new development to protect the setting of conservation areas and particularly views into and out of these areas.

The entrance to the site lies just over 100m's from the nearest part of the Slaugham Conservation Area. The site itself is largely shielded from the east in the direction of the Conservation Area by existing woodland and planting. The Conservation Area would lie out of sight of the scheme being proposed, and no views would be available from the Conservation Area into the site. It is considered that the entrance into the site and the part of the site where development would be visible from Staplefield Road would lie far enough from the nearest part of the conservation Area to ensure that it would not adversely affect the setting of the conservation Area.

It is concluded that the scheme would not adversely affect the Conservation Area nor the setting of the Conservation Area and would therefore comply with Policy DP35.

Impact upon Trees and Woodland

Policy DP38 encourages the protection and enhancement of trees, woodland and hedgerows and encouragement of new planting.

The submitted Arboricultural; Impact Assessment is dated 2018 and relates to the previously submitted application with a different development boundary than now proposed. It appears that a number of Category C trees have been removed and that the few Category B trees identified would not be harmed by the proposed scheme.

An Arboricultural Impact Assessment and Method Statement dated August 2022 has been submitted in support of the application. The submitted layout plan indicates existing trees as indicative only, but the accompanying AIA identifies 6 category U and C trees to be removed from across the site. Any trees of Category B are around the edges of the site and unlikely to be affected by the scheme. This is not considered to be significantly harmful to the character of the trees on site nor the general character of the area.

The site has been previously assessed for possible TPO designation, following the removal of some frontage trees, but such a designation was not considered appropriate.

A screen of tall conifers that lie to the rear of three of the pitches and are identified as Category B2 trees, appears to encroach quite significantly into the amenity space proposed for each of these three units, giving a somewhat cramped appearance to the pitch layout. The conifers are notable simply as a result of their size and span across the western part of the site. Whilst they would undoubtedly encroach into the amenity area of three of the pitches, there is a shared amenity area proposed immediately to the north of the conifers so the overall impact upon residents of these three pitches may be relatively inconsequential. However, in your officers view the layout of the site could be improved by moving the three pitches further from such a tall screen of trees and potentially removing pressure for their removal in due course.

The red line site is not immediately adjacent to the nearby Homestead Wood, being ancient woodland and a Local Wildlife Site. It is also a Priority Habit. However

concern has been expressed by residents that bringing residents to live on the wider site nearby and within the same ownership may open up access to the Wood by residents which could adversely affect the quality of the woodland and its range of biodiversity.

Had this application been found to be acceptable it is anticipated that fencing could be provided to segregate the transit site from the nearby ancient woodland, which may have been able to protect it from intrusion and damage. It is not considered that concerns about unauthorised access to the woodland should be reflected in a reason for refusal.

Overall whilst the layout could be improved, in officers view in relation to the proximity to existing trees, the scheme is not anticipated to have adverse impacts upon the existing woodland such as to harm the character of the area and additional planting could be secured by condition if the overall scheme were considered acceptable.

CONCLUSION

The scheme proposes the use of a former horticultural nursery lying in a countryside area of development restraint and the High Weald AONB for use as a private Gypsy and Traveller transit site with 6 pitches and an additional pitch containing space for three overflow touring caravans and 6 parking spaces. Each pitch would provide space for one caravan, two parking spaces, a modest amenity area and a small amenity block providing a shower room and electricity, water and waste disposal facilities.

The site lies outside the nearest settlement of Slaugham and in view of the lack of facilities and services within reasonable walking distance, added to the narrow roads, lack of pavements and lighting and it is considered that residents would be wholly reliant upon the private motor vehicle for their transport around the area, during their stay. Whilst their way of life is already wholly reliant upon the private motor vehicle the Councils approach to new Gypsy and Traveller sites it is that they should be sustainably located and if that could be achieved there is no reason that public transport could not be used to access the facilities that the residents wish to use. Such an approach would accord with the general spatial development approach of both national and local policies.

The Council has recently reviewed its Gypsy and Traveller Accommodation Assessment and concluded that there is no identified need for a transit site within the district: there being record low number of unauthorised encampments and a transit site in Chichester already. Others disagree and both the County Council and the Friends, Families and Travellers Organisation have contacted the Council to welcome such provision - advising that nationally there is a general shortage of transit sites. However the Council is not required to make up for shortfalls in other districts or counties. No evidence has been submitted by the applicant to demonstrate that the current method for dealing with Gypsies and Travellers in transit together with the existing transit site in the county is inappropriate.

The design and character of the scheme would not be sympathetic to the general surrounding character of this part of the High Weald AONB and would be unacceptable harming the natural beauty of the surrounding AONB contrary to policies DP6, DP12, DP16 and DP26 of the District Plan and Policy 1 of the Slaugham Neighbourhood Plan, which seeks to protect the AONB and open countryside.

Insufficient evidence has been provided regarding potential impacts upon bio diversity and ecology within the site and would be contrary to Policy DP38 of the District Plan and Policy 3 of the Slaugham Neighbourhood Plan.

It is considered that the scheme would not have unacceptable impacts upon the adjacent highway network, Slaugham Conservation Area nor residents amenities.

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 Burgess Hill Neighbourhood Plan.

In light of the above it is considered that the proposal fails to comply with policies DP6, DP12, DP16, DP21, DP26, DP33 and DP38 of the Mid Sussex District Plan and policies 1 and 3 of the Slaugham Neighbourhood Plan and should be refused.

APPENDIX A – REASONS FOR REFUSAL

1. A need for the Transit site has not been demonstrated and the scheme would therefore be contrary to the provisions of Policy DP33 of the Mid Sussex District Plan 2014-2031 and the Mid Sussex Gypsy and Traveller Accommodation Assessment April 2022 and the provisions of the National Planning Policy Framework.
2. As a result of the location of the site within a Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty, the proposal to create a Transit site would result in an unsustainable form of development that would harm the character and appearance of the surrounding rural area and would not conserve or enhance the natural beauty of the AONB. Such a proposal would be out of keeping with the character of the area where existing development is located close to the village centre and demonstrates a linear form close to the highway compared to this cluster of pitches with associated caravans, cars and utility buildings which do not address the highway.

In addition, the proposal is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. The development conflicts with policies DP6, DP12, DP16, and DP26 of the District Plan, policy 1 of the Slaugham Neighbourhood Plan and the provision of the National Planning Policy Framework.

3. Insufficient evidence has been provided to demonstrate that the scheme would not adversely impact upon the bio diversity of this site contrary to the provision of Policy DP38 of the Mid Sussex District Plan, Policy 3 of the Slaugham Neighbourhood Plan and the provisions of the National Planning Policy Framework

INFORMATIVES

1. 1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide preapplication advice and advise on the best course of action in respect of any future application for a revised development.

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	J004190-DD-01		27.06.2022
Existing Site Plan	J004190-DD-02		27.06.2022
Proposed Site Plan	J004190-DD-03		27.06.2022
Proposed Floor and Elevations Plan	J004190-DD-04	Utility	27.06.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

- SPC OBJECT

The Parish Council would like to refer to the following planning policies within the Mid Sussex District Plan.

The key policy in the determination of this application is DP33: Gypsies, Travellers and Travelling Showpeople, including Evidence Base: Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment.

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031.

With respect to provision in Slaugham, the Parish Council wish to draw attention to Paragraph 3, bullet point 2 which confirms, MSDC will make provision for:

' the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and

made operational within an appropriate timescale (Policy DP10: Strategic Allocation to the east of Pease Pottage refers);

Attention is also drawn to Paragraph 5, of Policy 33 which states:

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester.

In light of the above policy requirements, it is considered the principle of development is not acceptable.

Furthermore, given the Parish's contribution towards the provision of permanent pitches and plots at Pease Pottage, it is considered the Parish have adequately contributed towards provision in the district and no further provision should be permitted in the parish.

The site is designated as priority habitat. In addition, the site is adjacent to a special area of conservation and registered as a SNCI - Site of Nature Conservation Importance SINC's (or Wildlife Sites) are sites of substantive nature conservation value. Their designation is a non-statutory one but they are vital for enabling the planning system to recognise, protect and enhance special sites. The SNCI area is adjacent to amenity area parking proposed.

In light of these environmental designations and given the site lies within the High Weald AONB the Parish Council also consider the proposed development conflicts with
DP12: Protection and Enhancement of Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP38: Biodiversity

As Officers will be aware, the application site has previously been assessed by MSDC as part of the preparation of the Site Allocations Development Plan Document (SHELAA ID: 871). This assessment concluded the site was not compliant with the District Plan strategy and was not proposed for development

<https://www.midsussex.gov.uk/media/4746/site-selection-paper-1.pdf>

The site was also independently assessed by Parish Council planning Consultants during the preparation of the Slaugham Neighbourhood Plan.

The Slaugham Parish Housing Land Availability Assessment (PHLAA) assessed the application site under reference SL15: Land at Slaugham Garden Nursery, Slaugham.

A summary of the suitability of the site, is set out below for ease:

'The site is currently a vacant nursery within the High Weald AONB. Part of the site is designated as Priority Habitat and Ancient and Semi Natural Woodland. The site is bordered by trees and hedgerows and is relatively visually contained. To the south is Staplefield Road, which affords access and limited views of the site. The site is in a generally rural tranquil location. Given the relatively isolated nature of the site and distance to local services and facilities, it is not considered suitable for Development'

For the above reasons, the Parish Council wish to object to the principle of the proposed development at Slaugham Nursery (DM/22/2015)

- SPC OBJECT - Confirmed in the minutes of the meeting held 1st September 2022 issued to the LPA planning team.

WSSC Highways:

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application with regards to any highway safety or capacity concerns.

Background and Site Context

The application site is located to the north of Staplefield Road, within approx. 300 metres west of Slaugham village. The site forms part of former Slaugham Garden Nursery which is now being vacant for many years. The development proposals are for the provision of transitory accommodation for gypsies and travellers. The proposal will accommodate 6 nos. touring caravan pitches for nomadic use only and the erection of 6 nos. utility buildings, as well as the formation of a children's play area. The site has been previously subject to a few applications albeit for residential (C3) or B1 / B8 uses etc. which differs significantly from the current proposal.

Access and Visibility

The site is accessed from Staplefield Road which is a classified 'C' road, subject to national speed limit. No change is proposed to the existing access arrangements. The gate at the site entrance is set back from the access road which will avoid the vehicles queuing up on the highway while trying to access the site.

WSSC maps have been checked for visibility splays at the site entrance and considered adequate for the posted speed limit. An inspection of data supplied to WSSC by Sussex Police over a period of last five years reveals that there has been no incident reported near to the site access. This indicates the site access has been operating in a safe manner in its current form.

Parking Arrangements

The former uses of the site had the provision of 4 nos. car parking spaces. The development proposes to provide a total of 12 nos. car parking spaces (2 each) and 6 nos. spaces for the touring caravans (1 each). Also, provision is made for 6 nos. car parking spaces and 3 nos. spaces for touring caravans for overspill parking. In accordance with WSSC Parking Guidance, the site is located within Zone 1 which allocates 1.7 for 2-bed dwellings and 2.2 for a 3-bed dwellings. When these standards are applied to the development, it equates to a maximum of 3 parking spaces each which the development proposes to provide.

The LHA advises provision of safe and secure cycle storage facility to encourage sustainable travel.

Trip Generation and Highway Impact

The site is an established access with the previous use as a Garden Nursery. The use of site as a touring caravan is not expected to generate regular vehicular trips during the AM and PM peak hours. Therefore, the LHA consider the trips generated with the movement of 6

nos. touring caravans is not expected to cause a detrimental impact on the operation of the local highway network.

Sustainable Transport Accessibility

The site is located in a rural setting with no provision of footways. The nearest bus stops to the site are located within 300 metres to the east, within Slaugham village. These bus stops facilitate connection onto wider transport network. Provision of cycle parking is encouraged to promote sustainable travel. Although most of the trips undertaken by the residents are car dependent, there are opportunities for sustainable travel.

Conclusion

In conclusion, the Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

CONDITIONS

Vehicle Parking

No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

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

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

WSCC Flood Risk

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

Due to the scale of this application and the low surface water flood risk of the site, we have no comments to submit for this application. Please consult the District Drainage Engineer.

WSCC Gypsy and Traveller Team

WSCC would support additional capacity to support gypsies and Travellers moving through the county having appropriate stopping places.

WSSC currently manage a 9 pitch transit site outside Chichester allowing unauthorised encampments on public land to be directed by Sussex Police to the transit site.

Unless the applicant proposes to become a Registered Social Landlord those accessing the proposed site would be voluntary and is it my understanding that the Sussex Police would not have the authority to direct unauthorised encampments to the site.

OFFICER NOTE: The Friends, Families and Travellers Organisation advises that the Police can direct them to the transit site but access to the site remains at the discretion of the owner of the site.

The WSSC Transit site has good access to local amenities which appears might propose a challenge with the location of the new site.

Confirmation is given of the numbers on waiting lists and the unauthorised encampments during the past 12 months as referred to by the Friends, Families and Travellers Organisation.

MSDC Drainage

The flood risk and drainage team have started reviewing the information submitted as part of this application. We note there is no information regarding foul or surface water drainage provided. The applicant has also failed to answer the question "How will surface water be disposed of?" on the application form.

As we have no indication that surface water drainage has been considered by the applicant we'll require further information to be provided before we can fully review the application. We acknowledge that the applicant wishes to address drainage via a condition. However, at this stage of planning we do need to understand that drainage can, in principle be provided. Please could the applicant provide the following outline information:

1. Proposed method of managing surface water drainage, which will be required for all impermeable surfacing on site.

MSDC Planning Policy

The Mid Sussex District Plan 2014-2031 was adopted in March 2018 and the Site Allocations DPD adopted in June 2022. The Slaugham Neighbourhood Plan was 'made' September 2019.

The following District Plan policies are considered key in the consideration of the above p Policy DP6: Settlement Hierarchy supports the growth of settlements where it meets local housing, employment and community needs.

Principle of development in this location

Policy DP12: Protection and Enhancement of Countryside seeks to protect the countryside for its intrinsic character and beauty. Development outside the built-up area boundaries will only be supported if certain criteria are met. The application site is outside the built-up area boundary.

Policy DP33: Gypsies, Travellers and Travelling Showpeople identifies the local need for permanent pitches and sets out criteria for the provision of new sites, as well as extensions to existing sites. National Planning Policy for Traveller Sites (PPTS) (2015) and Policy DP33

recognise that Traveller sites can be located in rural and semi-rural locations; however, they should not dominate the nearest settled community. The nearest settlement to the application site is Slaugham, a category 4 settlement (small village).

Gypsy and Traveller Accommodation Need and Provision

Policy DP33 sets out the need for Gypsies, Travellers and Travelling Showpeople accommodation based on the 2016 Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA). The GTAA has recently been updated to support the preparation of the District Plan Review. It is considered to be the best available evidence of need.

The 2022 GTAA identifies a need for four net permanent pitches for Gypsies and Travellers who still travel and 12 net permanent pitches for Gypsies and Travellers who no longer travel, for the period 2021 to 2038.

The GTAA also assessed the need for transit accommodation, concluding that there is no need within Mid Sussex district. This conclusion is based on the historic low numbers of short-term unauthorised encampments in the district and the presence of an existing transit site within West Sussex at Chichester which often has capacity. This is based on average weekly occupancy data provided by West Sussex County Council, who manage the site. Consequently, there is no immediate need for another transit site.

It is not considered that the application proposal satisfies a "clearly identified need" required by Policy DP33.

High Weald AONB

The site is within the High Weald Area of Outstanding Natural Beauty (AONB) and therefore protected by the Countryside and Rights of Way Act 2000 for its outstanding natural beauty. District Plan Policy DP16 is relevant.

The High Weald AONB Management Plan 2019-2024 is the strategy for looking after the High Weald AONB in order to achieve the statutory purpose of conserving and enhancing the High Weald AONB. It is a material planning consideration. The Management Plan can be used to guide environmental land management and assess the impact of development or other changes on the High Weald AONB. The High Weald Statement of Significance sets out what comprises the natural beauty of the High Weald.

The NPPF (paragraph 176) states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." and that "Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.". The decision maker must therefore be satisfied that the development is not "major development", as expressed by footnote 60 of the NPPF, and complies with the statutory purposes and the High Weald Management Plan.

Slaugham Neighbourhood Plan ('made' September 2019)

Policy 1: Protecting the Area of Outstanding Natural Beauty of the Slaugham Neighbourhood Plan is considered relevant to the application proposal. Policy 1 seeks to protect the High

Weald AONB through only supporting development proposals that conserve or enhance the natural beauty and has regard to the High Weald AONB Management Plan.

MSDC Ecology

We have reviewed the Site Walkover Technical Note (ACD Environmental, August 2022) and the Preliminary Ecology Appraisal (Arbeco Ltd., June 2017) supplied by the applicant, relating to the likely impacts of development on protected & Priority species, particularly bats, Great Crested Newt and reptiles, and Priority habitats, with identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as we note that the Site Walkover Technical Note (ACD Environmental, August 2022) recommends further surveys for Great Crested Newt, reptiles and invertebrates.

Therefore, we recommend a suitability qualified ecologist should submit an updated report or an addendum following a site visit with any further mitigation measures or results of surveys which are required.

This is required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

In addition, the Site Walkover Technical Note (ACD Environmental, August 2022) recommends that, if proposals change, further surveys may be needed for bats and Hazel Dormouse (both European Protected Species) and Badger. We recommend that confirmation of final proposals for the site is provided to ensure there is no impact on protected species.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

MSDC Environmental Protection

The development is in a rural location and does not raise any particular concerns for the Environmental Protection team. A condition to control construction noise is recommended:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase 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 accord with MSDC Policy DP29: Noise, Air and Light Pollution

MSDC Environmental Health (Contamination)

Our records indicate that the site was historically a nursery, and that a pit to the north of the site was infilled with unknown material in circa 1957. The use and storage of pesticides and fertilisers associated with the historical nursery may have led to localised contamination. Additionally, some materials such as scrap metals, ash and Asbestos were regarded as inert historically, and were sometimes used as infill. The made ground could therefore potentially contain contaminants. Given the potential risks outlined above and the sensitive use of proposed application (residential with a children's play area), conditions should be attached requiring investigation to take place and for remediation to take place if required. The recommended condition is phased, and can be approved in its entirety, if phases a or b find the risk to be so low as to not warrant any further investigation.

Recommendation: Approve with conditions

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified
 - ' all previous uses
 - ' potential contaminants associated with those uses
 - ' a conceptual model of the site indicating sources, pathways, and receptors
 - ' potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

I noted that there were six 200L oil drums on site in varying states of repair, dotted around the central area of the site. All bar one of these tanks were on soft landscaping and none were bunded. Two were missing their caps and appeared to be filled with water. Its not clear at this stage if they were at some point full of oil which has been gradually pushed out by rain, or if they were originally empty and left at site. The foliage around them seemed in good health, and there was no olfactory or visual evidence of oil.

I also noted two large patches where it was evident fires had taken place on the north section of the site.

These findings do not change my original recommendations, but if the site was to be developed, I would expect the originally requested contaminated land investigation to also look at these potential sources of contamination on site.

MID SUSSEX DISTRICT COUNCIL

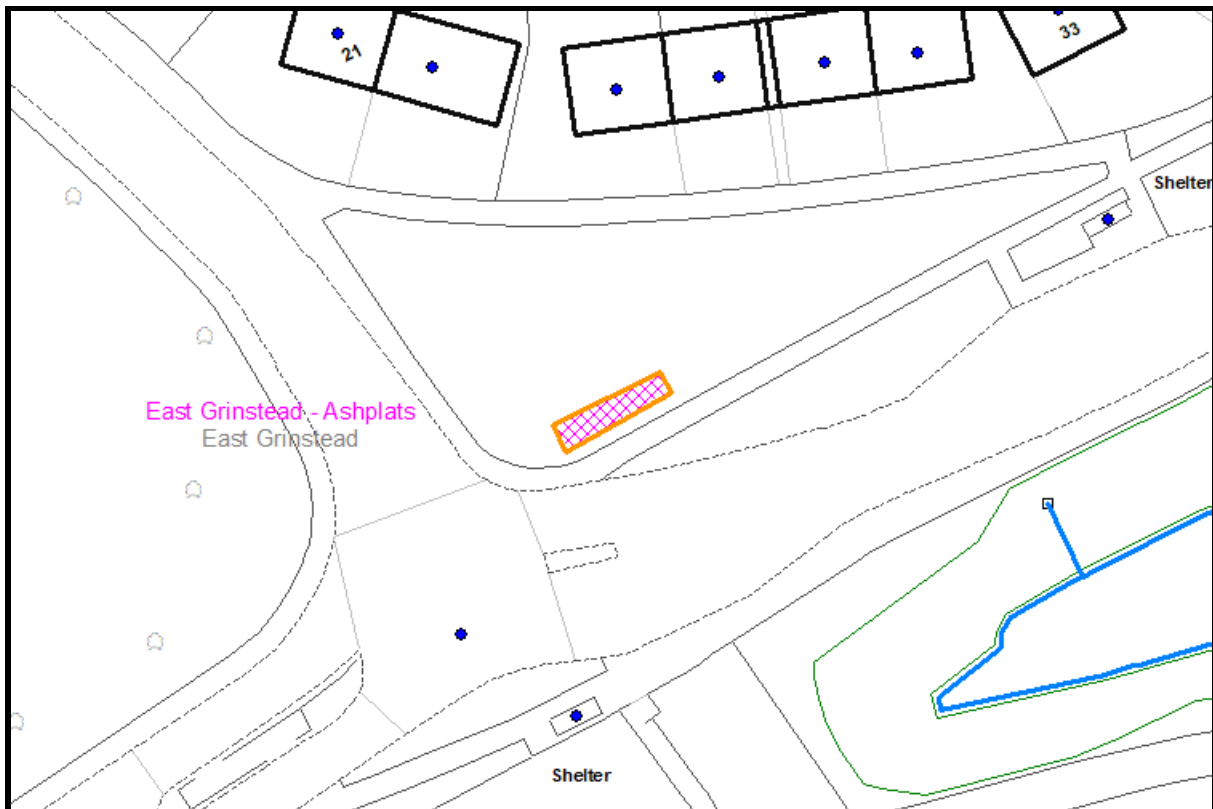
Planning Committee

13 OCT 2022

RECOMMENDED FOR REFUSAL

East Grinstead

DM/22/2034



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LAND SOUTH OF 25 AND 27 HOLTYE ROAD EAST GRINSTEAD WEST SUSSEX

PROPOSED 5G TELECOMS INSTALLATION: H3G STREET POLE AND ADDITIONAL EQUIPMENT CABINETS. AMENDED PLANS RECEIVED 03.08.2022 WHICH SHOW THE POLE HEIGHT REDUCED FROM 18M TO 15M.

GALLIVAN

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Priot Not. Telecommunications

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application to determine if prior approval is required for a new 5G telecoms installation comprising of a 15m high (as amended) H3G street pole and additional equipment cabinets as detailed above.

EXECUTIVE SUMMARY

This is an application to determine if prior approval is required for a new 5G telecoms installation comprising of a 15m high (as amended) H3G street pole and additional equipment cabinets sited on land south of 25 and 27 Holtye Road and adjacent to the mini roundabout at the junction of Holtye Road and Blackwell Farm Road in East Grinstead. It is not an application for planning permission.

The application is made under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code.

Planning legislation holds that the determination of planning applications shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this is not a planning application, the development plan and national policy guidance are relevant to the determination of this application.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the East Grinstead Neighbourhood Plan and the Site Allocations Development Plan Document.

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

The site of the proposal is a triangular piece of land forming a grassed verge on the north side of the mini roundabout junction of Holtye Road and Blackwell Farm Road in East Grinstead. The application is being reported to committee as MSDC is the landowner.

Policy DP23 in the District Plan is supportive of telecommunications development. The NPPF is also strongly supportive of telecommunications development. The proposal will enhance telecommunications infrastructure in the area and these points

weigh in favour of the application.

The application is accompanied by a certificate that confirms the proposal would conform to ICNIRP guidelines for emissions. The NPPF states that LPAs should not set health safeguards different from the International Commission guidelines for public exposure. The NPPF is national guidance on the operation of the planning system and is therefore a material planning consideration to which significant weight should be attached. In light of this it is not considered that it would be sustainable to resist the application based on matters relating to health concerns.

The site is located within the built up area of East Grinstead and is proposed to be sited on a busy road junction where there is already a degree of street furniture including 10m high street lighting columns and other telecoms cabinets and inspection chambers. The site represents a grassed verge which has amenity value in the street scene for road users and for the residents of the immediate bungalows on Holtye Road that face towards the land.

It is considered that the proposal will be clearly visible at this busy road junction and within the immediate locality where it would appear as an alien and obtrusive feature having an adverse impact on the character and appearance of the area and harm the visual amenity of the neighbouring residents. The proposal is therefore contrary to the aims of Policy DP26 of the District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

Whilst the proposal would improve telecommunications infrastructure, the benefits of this do not outweigh the conflicts with the policy aims of the development plan. There are no other material planning considerations that would justify a decision other than in accordance with the development plan.

RECOMMENDATION

It is recommended that the application be refused for the reason set out at Appendix A.

SUMMARY OF REPRESENTATIONS

15 representations received, which contain the following objections/comments:

- siting is next to residential properties, and a nearby primary school and a local nursery
- health and safety concerns for humans and animals
- unsightly addition
- unnecessary where broadband is provided for internet access
- siting is on a small open green space
- there are other more suitable sites, ideally on a brownfield
- dominant in views from front rooms and gardens of the adjacent bungalows
- siting is next to a bus stop, creating traffic and sight line issues
- there is a large water pipe/main sited on this land

- potential highway hazard

Amended plans. 8 representations received, which contain the following objections/comments:

- Changing the mast height by making it 3 metres shorter does not change original objections.
- It will still be an eyesore, only a little bit shorter.
- Concern that cabinets will create a noise and be an ugly addition to the green.
- Could cause an accident, or make it worse.
- health and safety concerns.
- safety hazard for pedestrians and road users.
- better located in a commercial area.

SUMMARY OF CONSULTEES

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

TOWN/PARISH COUNCIL OBSERVATIONS

Recommend Refusal.

The 5G pole and additional equipment cabinets does not meet DP23 standards. The location and appearance of the proposed apparatus and associated structures does not seek to minimise impact on the visual amenity, character or the appearance of the surrounding area. New telecommunication equipment should be sensitively designed and sited to avoid damage to the local landscape character.

It does not meet DP29. Noise pollution from the equipment cabinets associated with the pole will negatively impact the quality of people's lives in the area. The size and design of the pole and equipment cabinets, and proximity to a primary school, will have a negative impact on the quality of life for the community, the neighbouring properties, the surrounding area and the green space it is proposed to be sited on. The committee recommend a better, less obtrusive location be found for the pole.

Amended scheme- the size is reduced but still believe this is simply the wrong place. There must be better sites for this, rather than an entry point to the town. Note that the land is owned by Mid Sussex DC and would advise that it is not in the public interest to lease this plot against so much public opinion.

MSDC Estates

We would ask that, if successful, the applicant contacts the Estates Department at Mid Sussex District Council as land owners to discuss the necessary consents required to install the mast on the land. Any consents are subject to contract and approvals.

WSSC Highways

Request for additional information to demonstrate that the apparatus would not conflict within the splay at the mini roundabout.

Further response: The submitted visibility splays drawing demonstrates visibility splays of 70m to the west. The proposed equipment would not obstruct visibility in this location and would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and therefore is not contrary to the National Planning Policy Framework (paragraph 111). There are no transport grounds to resist the proposal.

INTRODUCTION

This is an application to determine if prior approval is required for a new 5G telecoms installation comprising of a 15m high (as amended) H3G street pole and additional equipment cabinets sited on land south of 25 and 27 Holtye Road and adjacent to the mini roundabout at the junction of Holtye Road and Blackwell Farm Road in East Grinstead.

The application is made under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code.

RELEVANT PLANNING HISTORY

Planning reference: GR/263/99. One internally illuminated double panel advertisement forming part of bus shelter. Approved December 1999.

SITE AND SURROUNDINGS

The site of the proposal is a triangular piece of land forming a grassed verge on the north side of the mini roundabout junction of Holtye Road and Blackwell Farm Road in East Grinstead.

A number of bungalows (odd Nos 21-31 Holtye Road) are located on raised land to the north of the site, and face onto it, with access via a pedestrian path bordering the land. The adjacent roads are street lit and subject to a 30mph speed limit.

The site is located within the built up area of East Grinstead.

APPLICATION DETAILS

This application is submitted on behalf of H3G (Three). The application seeks prior approval for the installation of a 15m high telecommunications street pole with a mounted GPS module and associated equipment cabinets, all finished in RAL colour 7035, a light grey. The pole and cabinets are shown to be located 2.75m min from the adjacent pedestrian pathway and 4.8m from the edge of the highway. Each of the cabinets measures a maximum of 1.75m high.

This is not an application for planning permission. The development is permitted subject to the developer first seeking a determination as to whether the prior approval of the Local Planning Authority will be required as to the siting and appearance of the development (Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

The application is accompanied by a supporting statement. It states in part:

'CK Hutchison Networks (UK) are in the process of supporting the UK Government's Digital connectivity objective and providing a critical role in building the UK's fastest mobile network to provide improved coverage and capacity, most notably in relation to 5G services.'

The technical details of this proposal are illustrated within application design drawings as attached.

The very nature of installing new 5G mast infrastructure within such an urban setting requires a highly considered balance between the need to extend practical coverage reach with that of increasing risk of visual amenity intrusion. In this location, existing mast sites are not capable of supporting additional equipment compliment to extend coverage reach across the target area and prospective 'in-fill' mast sites are extremely limited.

There is an acute need for a new base station to provide effective service coverage and in this case, the height of the proposed street pole is the minimum required to bring the benefits of 5G to this area.'

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of planning applications 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, the East Grinstead Neighbourhood Plan and the Site Allocations Development Plan Document.

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.

Whilst this is not a planning application, the development plan and national policy guidance are relevant to the determination of this application.

Mid Sussex District Plan

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

The following policies are considered relevant when considering this application:

DP21 Transport
DP23 Communications Infrastructure
DP26 Character and design

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

East Grinstead Neighbourhood Plan

Policy EG3 Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

National Planning Policy Framework (NPPF) (July 2021)

ASSESSMENT

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

- Impact on telecommunications infrastructure
- The impact of the proposal on the character and appearance of the area
- The impact on highway safety arising from the proposal
- Health concerns

Impact on telecommunications infrastructure

Policy DP23 of the District Plan states:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.

The expansion of the electronic communication network to the towns and rural areas of the District will be supported.

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- *The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- *New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- *Preference will be for use to be made of existing sites rather than the provision of new sites.*

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

The proposed pole and cabinets represent a new installation for H3G (Three). The application has been supported with information which explains the choice of this site, and explains that in choosing this site a sequential approach has been undertaken to include possible mast and site sharing, using existing structures and ground based installations. The application confirms:

'Typical to most 5G cell site deployment within the urban environment, this is an extremely constrained cell search area. It is recognised that the very nature of installing new 5G mast infrastructure within a dense urban setting requires a well-considered balance between the need to extend practical coverage with that of increasing risk of visual intrusion. A street pole with associated cabinets is deemed to be the only and most appropriate solution available.'

The applicants have listed alternative discounted sites which include Elizabeth Crescent, Greenstede Avenue, Badgers Way, and Crawford Way. There are no reasons for the Local Planning Authority to doubt the reasons given for why these alternative sites have not been progressed.

There will be economic and social benefits from the telecommunications network that the proposed pole is designed to support. The NPPF provides strong policy support for these benefits as does Policy DP23 in the District Plan. The Government is committed to and supportive of 5G telecommunications and telecommunications infrastructure.

As such, the benefits from the telecommunications infrastructure proposed in this application carry significant positive weight in the planning balance.

The impact of the proposal on the character and appearance of the area

Policy DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should*
- *normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *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.'*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

As outlined above Policy DP23 is relevant which states in part:

'The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;'

There are two sets of existing telecommunications equipment cabinets with associated inspection chambers sited within the existing grassed verge. The existing cabinets are shown on the submitted plans and are coloured dark green and light grey. The proposed 15m pole and associated cabinets would be sited closer to the corner of the roadway verge between these existing cabinets.

The proposed telecoms pole would be 5m taller than the nearby lighting columns, which are shown on the submitted plans as being some 10m in height. The existing lighting columns have a slender form and are also a light grey in colour. The width of the proposed monopole and added bulk of the proposed equipment at the top of the column would draw the eye to the structure. It varies visually from the standard street furniture on this road junction. It is considered that the 15m height of the proposed pole would exceed the height of the trees growing along the southern side of Holtye Road and in the vicinity of the road junction.

Whilst the height of the pole has been reduced by 3m during the course of determining the application it is considered that the proposed 15m height pole and associated development would be a highly visible and alien structure in the locality and would have a significantly harmful impact on the character and appearance of the area to the detriment of the visual amenity of the locality and neighbouring residents.

It is considered that the proposal would fail to accord with Policy DP23, DP26 and Policy EG3 of the East Grinstead Neighbourhood Plan and with the relevant Design Guide principles.

Health Concerns

A significant number of representations have been received raising health concerns as a reason to object to the original and amended pole proposal. Concerns raised include the point that 5G is a new technology and it has not been proven that it is a safe technology. There is a concern that the regulatory framework is inadequate. Reference has been made to the potential for the installation to affect human health, neighbouring residents and local children and animals.

The Governments guide to 5G technology explains the system of public health protection as follows:

'In the UK, Public Health England (PHE)¹ takes the lead on public health matters associated with electromagnetic fields, or radio waves, and has a statutory duty to provide advice to the UK Government on any health effects that may be caused by exposure to electromagnetic fields, including radio wave emissions.

PHE endorses the international guidelines for limiting exposure to radio waves, published by the International Commission for Non-Ionising Radiation Protection (ICNIRP). These guidelines cover many uses of radio frequencies, including Wi-Fi, Bluetooth and mobile technologies. The guidelines were updated in March 2020 and take full account of 5G operating at higher frequencies.'

In relation to 5G, PHE have said that *'the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health'*.

Mobile companies are also required to ensure that their signals do not exceed the limits set out in the ICNIRP guidelines for the protection of the general public.

It goes on to explain who is responsible for public safety relating to 5G as follows:

'Planning law and policy requires that planning applications for electronic communications development should be accompanied by a statement or declaration that certifies that when operational, equipment will be compliant with the ICNIRP guidelines for limiting exposure to electromagnetic fields.'

Public Health England (PHE) takes the lead on public health matters associated with electromagnetic fields, or radio waves, and has a statutory duty to provide advice to Government on any health effects that may be caused by exposure to electromagnetic field emissions.

Ofcom is responsible for managing use of the radio spectrum in the UK. Ofcom regularly carries out radio frequency electromagnetic field (EMF) measurements near mobile phone base stations to test whether EMF levels are within ICNIRP guidelines.'

The application is accompanied by a declaration that the proposal will meet the emissions guidelines of the ICNIRP. The clear guidance in the NPPF and other Government publications is that if an application is accompanied by an ICNIRP certificate stating that the proposal will comply with the relevant emissions guidelines, then there should be no reason to refuse an application on health grounds.

Given the very clear Government advice given to Local Planning Authorities on health matters relating to telecommunications development, it is not considered that there are sustainable grounds to resist this application on the health concerns raised by residents.

Highway Safety

Policy DP21 in the DP relates to Transport. In part it states *'decisions on development proposals will take account of whether: The scheme protects the safety of road users and pedestrians.'*

The pole is sited 4.8m from the edge of the carriageway. The Highway Authority has considered the effect of the development on visibility at the junction of Holtye Road and Blackwell Farm Road.

The comments of the Highway Authority are set out in full in Appendix B of this report. The Highway Authority are satisfied that it has been demonstrated that the erection of this equipment will not obstruct the visibility splay.

As such it is considered that the proposal accords Policy DP21 of the District Plan.

CONCLUSION

This is not an application for planning permission. The development is permitted subject to the developer first seeking a determination as to whether the prior approval of the Local Planning Authority will be required as to the siting and appearance of the development (Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015). Prior approval is required.

Whilst this is not a planning application, the development plan and national policy guidance are relevant to the determination of this application.

Policy DP23 in the District Plan is generally supportive of telecommunications development subject to caveats. The NPPF is also supportive of telecommunications development. The proposal will enhance telecommunications infrastructure in the area and all of these points weigh in favour of the application.

The application is accompanied by a certificate that confirms the proposal would conform to ICNIRP guidelines for emissions. The NPPF states that Local Planning Authorities should not set health safeguards different from the International Commission guidelines for public exposure. The NPPF is national guidance on the operation of the planning system and is therefore a material planning consideration to which significant weight should be attached. In light of this it is not considered that it would be sustainable to resist the application based on matters relating to health concerns.

The site is located within the built up area of East Grinstead and is proposed to be sited on a busy road junction where there is already a degree of street furniture including 10m high street lighting columns and other telecoms cabinets and inspection chambers. The site represents a grassed verge which has amenity value in the street scene for road users and for the residents of the immediate bungalows on Holtze Road that face towards the land.

It is considered that the proposal will be clearly visible at this busy road junction and within the immediate locality to the detriment of the amenity of the amenities of the neighbouring residents and that there would be a significant adverse impact on the character and appearance of the area. The proposal is therefore contrary to the aims of Policy DP23, DP26 of the District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

Whilst the proposal would improve telecommunications infrastructure, it is not considered that the benefits outweigh the conflicts with the development plan identified above. There are no other material planning considerations that would justify a decision other than in accordance with the development plan. Prior approval for the siting and appearance of the development is required but is refused.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed development would be a highly visible and alien structure from the adjacent road junction and would have a significantly harmful impact on the character and appearance of the area to the detriment of the visual amenity of the locality and neighbouring residents. The proposal therefore conflicts with Policy DP23, DP26 of the District Plan and Policy EG3 of the East Grinstead Neighbourhood Plan.

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	MSX21386_MSX135_85971_RH1 069_GA_REV_B	B	03.08.2022
Proposed Site Plan	MSX21386_MSX_135_85971_RH 1069_GA_REV_B	B	03.08.2022
Proposed Elevations	MSX21386_MSX135_85971_RH1 069_GA_REV_B	B	03.08.2022

APPENDIX B – CONSULTATIONS

WSCC Highways

This proposal is for installation of 5G telecoms: H3G street pole and additional equipment cabinets. The site is located on the corner plot between Blackwell Farm Road (unclassified road) and Holtye Road (A-class road) both subject to 30mph speed limit.

The proposed pole and cabinets will be situated within grassed verge within close proximity of the mini roundabout. It is unclear if the proposed equipment will intersect with visibility splays, therefore the applicant is requested to demonstrate that the apparatus would not conflict within the splay at the mini roundabout as defined in CD 116 section 5. Request for additional information to re-consult.

Further comments

The LHA has been re-consulted on this proposal following submission of visibility splays drawing.

The plan submitted demonstrates visibility splays drawn 2.4m back from the give way line on Blackwell Farm Road. Although the plan is not scaled 1:250 as annotated, splays of 70m to the west have been demonstrated.

Visibility splays at mini roundabouts is assessed based on CD16 Section 5 guidance, therefore the splays have been drawn incorrectly. The correct splays should demonstrate 9m setback distance (F-distance) from the give way line on Holtye Road (westbound) and drawn

50m into Blackwell Farm Road to ensure that the proposed apparatus would not interfere with the visibility splay envelope.

Based on the plan provided, including the proposed apparatus features, I was able to draw the required splay and conclude that the proposed equipment would not obstruct visibility in this location.

Corporate Estates (Property)

We have been alerted to the planning application DM/22/2034 for the above address. We would ask that, if successful, the applicant contacts the Estates Department at Mid Sussex District Council as land owners to discuss the necessary consents required to install the mast on the land. Any consents are subject to contract and approvals.

Parish Consultation

22/08/2022 - Recommend Refusal: committee referred back to the comments of 11th July 2022.

(The committee of 11th July noted that the 5G pole and additional equipment cabinets does not meet DP23 standards - the location and appearance of the proposed apparatus and associated structures does not seek to minimise impact on the visual amenity, character or appearance of the surrounding area. New telecommunication equipment should not influence sensitive areas and should be sensitively designed and sited to avoid damage to the local landscape character. It does not meet DP29 as the noise pollution from the equipment cabinets associated with the pole will negatively impact the quality of people's lives in the area. They will not be protected from unacceptable levels of noise. The size and design of the pole and equipment cabinets, plus its proximity to a primary school, will have a negative impact on the quality of life for the community, the neighbouring properties, the surrounding area and the green space it is proposed to be sited on. The committee recommend a better, less obtrusive location be found for the pole.)

Committee of 22nd August recognised that the size is reduced but still believe this is simply the wrong place. There must be better sites for this rather than an entry point to the town. Committee also note that the land is owned by Mid Sussex DC and would advise that it is not in the public interest to lease this plot against so much public opinion.

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MID SUSSEX DISTRICT COUNCIL

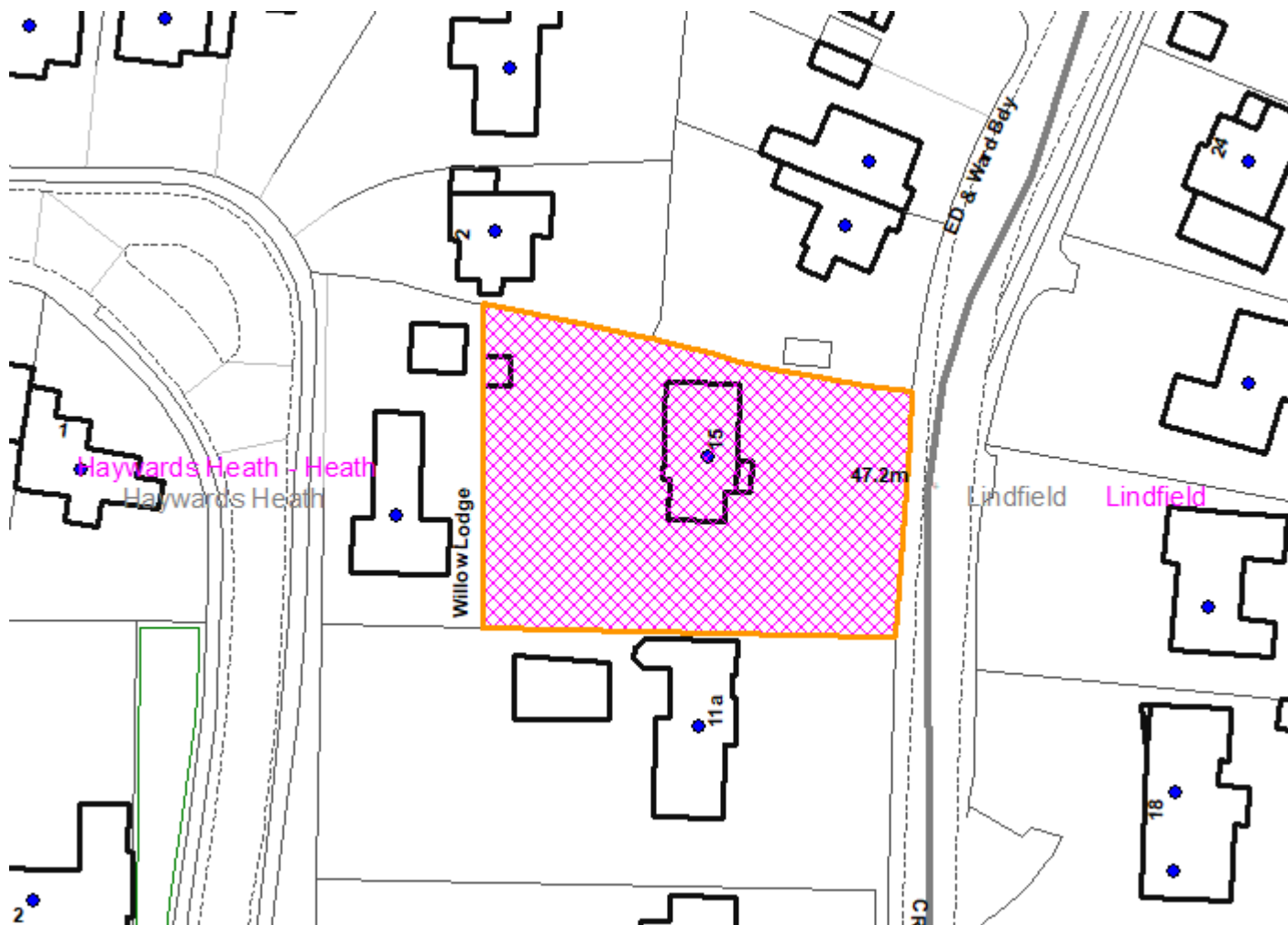
Planning Committee

13 OCT 2022

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/22/2162



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**15 PORTSMOUTH LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX
RH16 1SE
PROPOSED NEW GARAGE.
MR R LEWRY**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSCC) /

ODPM CODE: Householder

8 WEEK DATE: 17th October 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Caroline Grist

Purpose of Report

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

Executive Summary

This application seeks planning permission for detached garage at 15 Portsmouth Lane, Lindfield.

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 National Planning Policy Framework.

It is considered that the proposed garage, by virtue of its siting to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, which is an Area of Townscape Character, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous and prominent feature that would be significantly harmful to the streetscene.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, principle DG49 of the Design Guide Supplementary Planning Document as well as the broader requirements of the NPPF.

Planning permission should therefore be refused.

Recommendation

It is recommended that permission is refused for the reason outlined at Appendix A.

Summary of Representations

Two representations have been received in support of this application. It is further noted, by one neighbour, that it seems a reasonable addition to the property.

Supporting information has also been submitted by the applicant during the course of the application. In summary these documents are:

- Examples of approved double garages to the front of properties within Mid Sussex,
- An illustration, and
- A supporting statement.

Town Council Observations

No objection. The Town Council notes the plethora of similar applications for front garages which were previously approved.

Introduction

This application seeks planning permission for a new garage at 15 Portsmouth Lane, Lindfield, Haywards Heath.

Planning History

00/00593/FUL - Two storey side extension and single storey rear extension. Permission.

DM/20/3758 - Erection of detached double garage building with office within roof space. (Amended Plans 26.02.2021). Permission.

DM/22/0850 - Proposed 2 storey side extension, single storey rear extension. New gables over existing dormers and new porch canopy. Refused. Split decision at appeal.

DM/22/2160 - Proposed two storey side extension, single storey rear extension. New roof over existing dormers and new porch canopy. Pending Consideration.

Site and Surroundings

15 Portsmouth Lane is an east facing, detached dwelling. It is constructed of red brick, with sections of hanging tile, a plain tile roof and upvc windows. The dwelling is characterised by a flat roof canopy over the entrance and two flat roof dormer windows

to the front. It has been previously extended through a two storey side extension to the north, with a front facing dormer window, and a single storey rear extension.

The site is located within the built up area of Haywards Heath. Neighbouring dwellings are situated to the north, south and west, whilst the highway is to the east. An area of hardstanding is to the front of the property and the dwelling also benefits from garden space to the side and rear. The application property is situated on higher land than the highway and there is an incline from north to south along Portsmouth Lane.

Application Details

Planning permission is sought for a detached, double garage to the front of the dwelling. It is to be 6.0 metres deep and wide. A pitched roof design is proposed that would measure approximately 2.5 metres to the eaves and 4.7 metres to the ridge.

The garage is to be finished in materials to match the host dwelling.

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 Mid Sussex District Plan, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

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

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy E10 - Areas of Townscape Character

Policy H9 - Building Extensions

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

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.

National Planning Policy Framework

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 that is well designed, beautiful and safe, 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.

Paragraph 134 of the NPPF states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

National Planning Policy Guidance

Ministerial Statement and National 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;

- Design and impact on the character of the surrounding area,
- Impact on neighbouring properties, and
- Planning balance and conclusions.

Design and impact on the character of the surrounding area

Policy DP26 of the Mid Sussex District Plan relates to 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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development'.*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Policy E10 of the Haywards Heath Neighbourhood Plan is also considered to be relevant to the assessment of this application:

'Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question'.

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.

Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

- *Designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and*
- *Designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing*

materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.

Both approaches can create successful, well designed extensions that can be mutually beneficial to both the house and the wider area.

All extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity)'.

This submission follows application DM/22/0850, which was refused by the Local Planning Authority. Following the submission of an appeal, a split decision was issued by the Planning Inspectorate. The appeal was dismissed for a two storey side extension, new gables over existing dormers and new porch canopy. The appeal was allowed for a single storey rear extension, subject to conditions. Key issues for the dismissed works were design and the impact on the existing building.

As identified by the Inspector, this section of Portsmouth Lane is characterised by detached, two storey family houses that are set back from the street and are within large, mature, landscaped plots. Many dwellings are, as a minimum, partially screened from public vantage points by mature boundary planting and trees.

The Inspector goes on to state:

'The dwellings are individually designed and include a variety of roof forms and design features. Amongst other things this includes gable and catslide roof, crown roofs and two storey front projections. Front and rear building lines vary and many of the dwellings have front and/or rear projections. These features, together with the abundance of soft planting and sloping ground levels, contributes to the informal and verdant character and appearance of the locality'.

The application property is also situated on an elevated position, set back from the street and screened from the front and side by mature shrubs, trees and a bank. It is also noted by the Inspector that No. 15 has an uncluttered and balanced appearance, with strong horizontal lines.

Under the previously refused scheme, the proposed side extension included a front projection that contained a garage. It is no longer proposed to incorporate the garage into the side extension, rather create a detached garage building to the front of the property. Planning permission was granted under reference number DM/20/3758 for a detached garage in 2021, but this was located to the side of the dwelling. The current application, which proposes a garage to the front of the dwelling, is therefore materially different to this previously approved scheme.

Whilst no objection is raised with regards to the design of garage in itself, there is concern that it would appear uncomfortably close to the extension considered under DM/22/2160. It is acknowledged, however, that the side extension may not be constructed, so limited weight can be afforded to this issue.

Unlike the previous applications on this site, it is considered that this proposal would be harmful to the character of the surrounding area. As set out above, dwellings along Portsmouth Lane are set back from the highway and front boundaries comprise mature boundary planting and trees. Overall there is a verdant character and appearance to the locality. Some of these features form part of the identified characteristics of Areas of Townscape Character, which are established in policy E10 of the Haywards Heath Neighbourhood Plan, of which Portsmouth Lane is included.

The supporting text within the Neighbourhood Plan, associated with policy E10, states:

'In particular, proposals should:

- *retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- *retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- *avoid the demolition of existing buildings which contribute to the character and appearance of the area'.*

In terms of garages within neighbouring properties, these are situated to the side of the houses. None are placed wholly forward of the building line, providing open spaces within the street. It is acknowledged that there is an unusual relationship with 17 Portsmouth Lane, to the north of the site, where it appears that their garage is situated in a forward position. This garage is, however, a single storey building that falls in line with No. 17 and is set back from the highway. It is therefore not considered to be contrary to the character of the area or form a direct comparison with the proposed development.

Given the pattern of development within this Area of Townscape Character, which has been identified above, it is considered that the proposed development would be contrary to this, enclosing an open area to the front of the property, which would appear incongruous in this setting. The proposal would also present a blank elevation to the street and, as this section of land is at a higher level than the public highway, this would create a prominent and jarring feature that would appear dominant within the streetscene.

It is acknowledged that there is planting to the front of the property that screens it from Portsmouth Lane. Whilst it is considered that the proposal would be unlikely to affect the hedging, and a condition could be included to protect the trees during building works, this boundary cannot be retained in perpetuity. It is also considered that the screening it provides would likely be seasonal and not provide full cover year round. Furthermore, this matter was considered by the Inspector, as part of the recent appeal, who stated:

'It is acknowledged that the side extension and front additions would be largely screened from the street scene. However, this does not mitigate the harm that would be caused to the character and appearance of the host dwelling and the associated conflict with the above policies and guidance objectives'.

In line with the Inspector's report, it is therefore considered that the existing site screening would not mitigate the harm identified.

It is also acknowledged that the supporting information provided has identified previous permissions that have been granted for similar developments, within Mid Sussex and Lindfield. However, it is a requirement that each planning application must be assessed on its own merits against relevant policies. It is considered that the character of an area is very site specific and limited to the direct vicinity of the site. The above assessment has been made taking into account the character of this section of Portsmouth Lane and the impact of the proposed development upon it. The proposal does not form a replacement building nor are there existing examples of this form of development within neighbouring properties. As such, the examples provided by the applicant are not considered to affect the assessment made above.

It is therefore concluded that the proposal garage would intrude into the open character that exists along Portsmouth Road, which forms part of an Area of Townscape Character. Furthermore the position and elevated location of the garage would create an incongruous, prominent and dominant feature that would be significantly harmful to the streetscene.

Impact on neighbouring amenities

In terms of the impact to neighbouring amenity the test, as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Policy DP26 of the Mid Sussex District Plan seeks to ensure that new development *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)'*.

The proposed development would be closest to 11A Portsmouth Lane. This neighbour is situated to the south of the application site and has its garage closest to the shared boundary. It is also on higher land than the application site and there is a mature planted boundary between the two properties. Given the scale and position of the proposed garage in relation to the neighbouring property, it is considered that there would not be a significant loss of light or outlook to No. 11A. No windows are proposed that would result in any direct overlooking and, given the domestic nature of the proposal, there would not be significant harm in terms of noise, air or light pollution.

Planning Balance and Conclusions

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.

Whilst it has been concluded that the proposed garage would not result in significant harm to the amenities of neighbouring properties, harm has been identified in design terms particularly in relation to the impact on the character of the area, which forms part of an Area of Townscape Character. The position of the garage, to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous, prominent and dominant feature that would be significantly harmful to the streetscene.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, principle DG49 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

It is therefore recommended that planning permission should be refused.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed garage, by virtue of its siting to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, which is an Area of Townscape Character, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous and prominent feature that would be significantly harmful to the streetscene. The proposal would therefore fail to comply with Policy DP26 of the Mid Sussex District Plan, Policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, Principle DG49 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-

application advice and advise on the best course of action in respect of any future application for a revised development.

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council has considered this application in conjunction with DM/22/2160 (Proposed 2 storey side extension, single storey rear extension. New roof over existing dormers and new porch canopy.) and SUPPORTS both of them. The proposal addresses some of the concerns raised by the refusal of DM/22/0850 and the modifications, particularly to the front elevation of the property to include three gable ends, give some asymmetrical balance in design terms and would effectively improve the street scene. Notwithstanding the pending appeal in respect of DM/22/0850, this latest proposal updates the existing poor design, removing the flat roof dormers which were unfortunately permitted by a previous application. The proposal largely rectifies this oversight, representing improved aesthetics which would benefit the street scene.

The Town Council notes the plethora of similar applications for front garages which were previously approved.

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MID SUSSEX DISTRICT COUNCIL

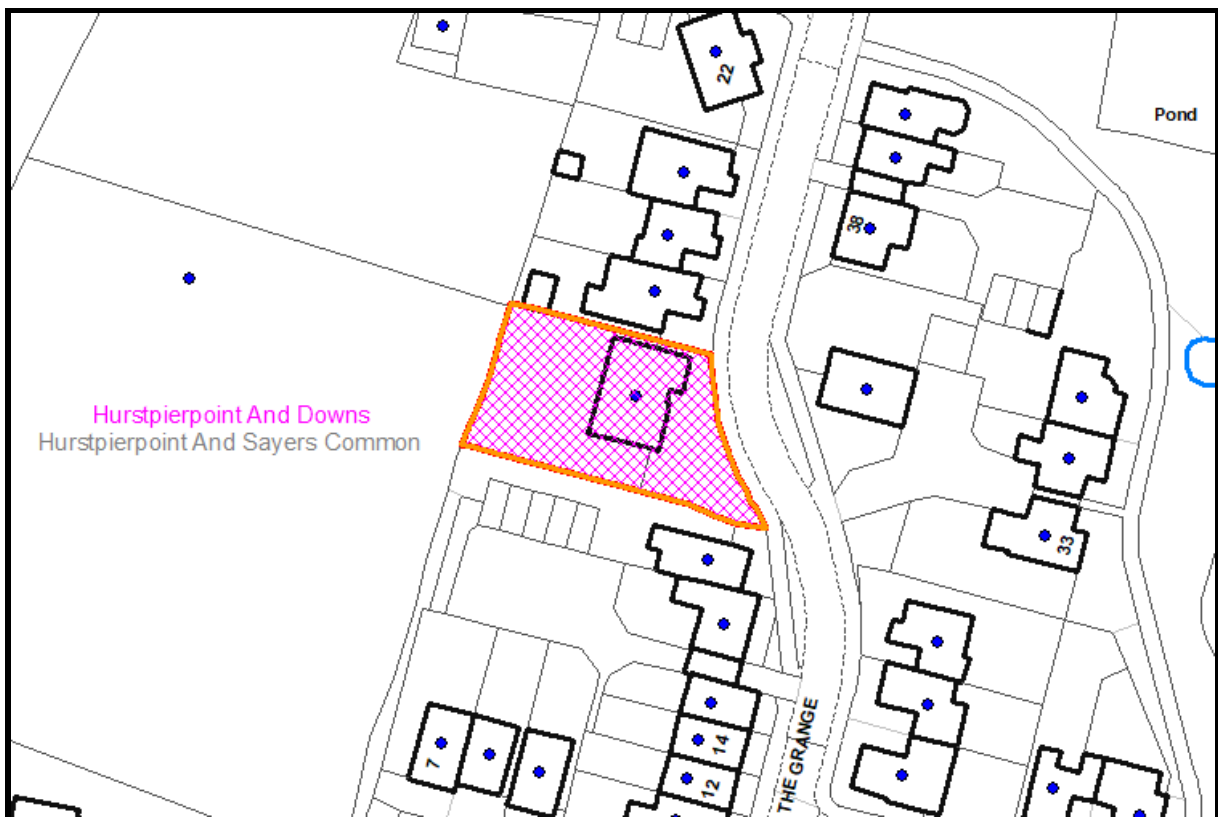
Planning Committee

13 OCT 2022

RECOMMENDED FOR REFUSAL

Hurstpierpoint And Sayers Common

DM/22/2336



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**18 THE GRANGE HURSTPIERPOINT HASSOCKS WEST SUSSEX BN6
9FD
RETROSPECTIVE LOFT CONVERSION WITH DORMER WINDOW AND
BALCONY.
MS YVONNE TYLER**

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / District Plan Policy / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Highways and Planning Agreement (WSSC) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Householder

8 WEEK DATE: 19th October 2022

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

CASE OFFICER: Andrew Clarke

Purpose of Report

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

Executive Summary

This application seeks planning permission for the retention of a rear dormer window. The development has already been completed and so the application is made under s.73a of the Town and Country Planning Act. The application has been referred to the planning committee by the ward members.

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 National Planning Policy Framework. That the application is for development which has already been carried is not a consideration in the determination of the application, similarly the personal circumstances of the applicant, whilst a material consideration, are not considered to outweigh the consideration of the application against the policies of the development plan.

The development is a large flat roof dormer window which features an enclosed balcony. The development requires planning permission by virtue of the presence of the balcony and that at the time of the construction in 2018, the property did not benefit from permitted development rights.

The dormer is of a scale and design not normally supported by the Council and is contrary to the contents of the adopted Mid Sussex Design Guide which supports high quality design and that states that dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. The window is not subordinate and occupies a majority of the roof slope so as to be considered of a poor design contrary to the aims of policy DP26 of the District Plan and the contents of the Mid Sussex Design Guide as well as the

broader requirements of the NPPF.

Planning permission should therefore be refused and members are requested to agree the issue of an Enforcement Notice for the unauthorised development.

Recommendation

It is recommended that permission be refused for the reason set in in Appendix A and that an Enforcement Notice be issued.

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

None received.

Introduction

This application seeks planning permission for the retention of a rear dormer window. The development took place in late 2018 and is complete so the application is made under s.73a of the Town and Country Planning Act 1990. The application has been referred to the planning committee by the ward members, with the agreement of the cabinet member.

Planning History

The planning history is relevant in understanding the merits and previous actions by the Council in addressing this matter.

The property formed part of the wider Grange development approved under reference HP/04/02331/FUL and which included the following restrictive condition:

22: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as amended in the future, no enlargement, improvement or other alteration of the dwellinghouse, whether or not consisting of an addition or alteration to its roof, 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 dwellinghouse) without the specific grant of planning permission by the Local Planning Authority.

All extensions and alterations to the property therefore required planning permission.

Planning permission was granted under reference DM/18/1404 for pitched dormers, rear-facing bi-folding doors, new rear window, and internal reconfiguration to the

property. It is not considered that this permission has been implemented and it has now lapsed.

In 2018 a single large flat roof dormer window was constructed without planning permission.

Application DM/19/1322 thereafter sought amendments to the dormer window, however, this application was refused on 30th May 2019 for the following reason:

'By virtue of the scale, design and appearance, the development is considered to cause harm to the character and appearance of the area and does not comply with policy DP26 of the District Plan, the contents of the Mid Sussex Dormer Window and Rooflight Design Guidance and the requirements of the NPPF.'

Subsequently planning permission was permitted under reference DM/19/3290 on 18th October 2019 for a revised development replacing the rear flat roof dormer with three pitched dormers and pitched element. This application included the following condition:

The development hereby permitted shall be completed within 12 months of the date of this permission.

Reason: The current dormer window development is unauthorised and is not acceptable and is contrary to policy DP26 of the District Plan.

The provisions of the Business and Planning Act 2020 extended this time period until 1st May 2021, however, the permission was not implemented and subsequently lapsed.

Application DM/21/1393 sought to renew permission DM/19/1322 with an identical scheme and was approved on 4th June 2021. No deadline for the implementation of the permission was given and it remains extant but has not been implemented.

Application DM/21/2246 was submitted as a s.73 application to seek the removal of the restrictive permitted development rights condition number 22 as imposed on permission HP/04/02331/FUL for the whole development. This was approved on 24th September 2021 with the condition no longer in effect from that date.

Application DM/21/3509 thereafter sought the issue of a certificate of lawfulness for the dormer window under s.191 of the Town and Country Planning Act. This was based on the development no longer needing planning permission by virtue of the restrictive permitted development rights condition no longer being in effect. This application was refused on 29th November 2021 as the condition was in effect at the time of the development being completed and that by virtue of the balcony the dormer could not have been considered permitted development and such the development is not lawful.

Site and Surroundings

The property is a large new-build detached dwellinghouse lying on a relatively new development on the western edge of Hurstpierpoint. The development has a defined character and benefits from a consistent and generally little altered design approach featuring high pitched roofs with small dormer windows in a Sussex vernacular style. Due to the previous absence of permitted development rights, the development retains this consistent design, character, and appearance.

The property itself lies on a flat plot with residential properties to each side and open informal space to the rear. A footpath open to the public leads from the development to Langton Lane to the west and there are therefore views of the property and the rear of the development from the public realm.

Application Details

The application seeks to regularise the development as has taken place and grant planning permission for the dormer window as constructed.

The development as constructed is a flat dormer window measuring 7.1m in width and 2.55m in height and which serves the master bedroom and includes a recessed balcony area with large bi-fold doors. The dormer is finished in grey cladding to match the appearance of the main roofslope.

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 Mid Sussex District Plan, the Site Allocations Development Plan Document 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:
DP26 - Character and Design

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan has been made with the following policy being relevant:

H5: development principle

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. Paragraphs 6.3.14, 6.3.15 and 6.3.16 relate to the design and siting of dormer windows.

National Planning Policy Framework

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 that is well designed, beautiful and safe, 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.

Paragraph 134 of the NPPF states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

Ministerial Statement and National 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;

- Design and impact on the character of the surrounding area,
- Impact on neighbouring properties, and
- Planning balance and conclusions.

Design and impact on the character of the surrounding area

Policy DP26 of the Mid Sussex District Plan relates to 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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy H5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan states:

House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004).'

In terms of the Mid Sussex Design Guide SPD, Principle DG38 establishes general principles for high quality design and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

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. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

Paragraph 6.3.6 in particular refers to dormer window design and state they:

'should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.'

Principle DG52 relates to loft conversions and roof extensions and states:

'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape.

The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not

normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline.

Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.

The development is of a large flat roof dormer which are generally not supported by the policies of the development plan and the design guidance which supports them. The dormer occupies a large proportion of the roof slope and is visible from wider views from the rear. Contrasted with the Sussex vernacular design of the overall development, which has largely been kept in its original form by virtue of having its permitted development rights removed, the development appears as an overly large modern addition to the property and is out of keeping with the wider character and appearance of the area.

The policies do not seek to prevent loft conversions or the insertion of dormer windows within roof slopes, and the Council has approved three applications for other forms of dormer windows to this property, however, these have not been implemented. The dormer window as it stands is therefore considered to be of a scale, appearance and design which is contrary to the policies of the development plan and is out of keeping with the original dwellinghouse and causes harm to the character and appearance of the surrounding area.

Impact on neighbouring amenities

Policy DP26 of the Mid Sussex District Plan seeks to ensure that new development

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27).'

In terms of the impact to neighbouring amenity the test, as set out under policy DP26 is of *'significant harm'* to amenity. The development contains a balcony serving the bedroom upon which it possible to stand and sit forward of the roof slope. To either side of the building are residential neighbours with open rear gardens. To the rear are open fields.

The balcony does allow fairly uninterrupted views into the rear gardens of neighbours and creates additional overlooking. It is noted, however, that a fair degree of overlooking to these gardens already existed by virtue both of the original design of the property with rear facing windows and, were they to be built, the previously approved planning permission, which whilst not containing a balcony, did include rear facing windows which allowed views to the rear and into the rear gardens of neighbouring properties.

That being the case, whilst there is an increase in overlooking from the balcony, it is not considered to be *'significant'* for the purposes of policy DP26 and as such is not considered to be contrary to the policies of the development plan on this ground.

Other matters

As noted from the extensive planning history this matter has been the subject of lengthy discussion by the applicant and the Council for a number of years. Both parties have sought to find resolutions to remedy the breach of planning control and the Council have granted planning permissions for alternative schemes which address the Officers concerns regarding the design of the dormer window. The applicant has stated that they have sought to implement these permissions, but have been unable to find a builder willing to do the work. The applicant also contends the dormer could be regarded as permitted development and that the work to remove or redesign the dormer would be unsustainable.

With respect to the potential 'fall-back' position related to permitted development (what could be built without requiring planning permission) the Council considered this matter under the CLUED application DM/21/3509 and considered that permitted development rights could not apply and the development was unauthorised. Whilst a new dormer could now potentially be built without requiring planning permission, it could not include the balcony which the dormer benefits from and at the time of construction the dormer would always have required planning permission, as the restrictive condition removing permitted development rights was still in effect. The fall-back position cannot therefore be attributed any weight in the determination of the application.

With respect to the sustainability of the development, the application must be judged solely on its planning merits against the policies of the development plan. The development will require raw materials for its construction and in respect of policy DP39 relating to sustainable construction, the development (and those which have also got planning permission) would be compliant with it. This alone would not be sufficient reason to permit a development which is otherwise not be in compliance with the policies of the development plan.

With respect to the circumstances around the development, whilst these are noted, personal circumstances and the availability of builders are matters which lie outside of the planning system and are rarely material considerations which can be attributed weight in the determination of the application. Much as the retrospective nature of the application cannot be taken into account in the determination of the application, nor can the circumstances by which the applicant found themselves in this position. There are no reasons which have been provided which would otherwise find the development so necessary so as to outweigh the policies of the development plan. There are therefore no other material considerations which would mean the policies of the development plan should not be applied in full.

As the development has already been carried out and is considered contrary to the policies of the development plan it would be considered expedient to proceed with formal enforcement action to remedy the breach of planning control. This would consist of the issue of a s.172 Enforcement Notice. The Notice would require the breach of planning control to cease either by requiring the implementation of the extant planning permission for an amended design, or else remove the dormer window in its entirety. The owner can choose which of these requirements to comply with. A period of 12 months would be given for the works to take place. Whilst such

Notices can be issued under powered delegated to officers, should members choose to refuse the current application, they are also requested to agree the issue of an Enforcement Notice based on the above requirements. Under the provisions of planning law, the development will become immune from enforcement action in late October 2022 and so any Enforcement Notice would be issued in conjunction with the determination of this application. The owner retains the ability to appeal the issue of an Enforcement Notice.

Planning Balance and Conclusions

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.

The development, by virtue of its scale, design and siting is considered contrary to the policies of the development plan and the guidance within the Mid Sussex Design Guide. The large flat roof dormer is out of keeping with the traditional design of the dwelling and the surrounding area and causes harm to the character and appearance of the area. The other material considerations are noted; however, these are not considered to attract any weight and the application must be considered solely on its planning merits and the policies of the development. Therefore, on these grounds it recommended that planning permission should be refused for the following reason:

APPENDIX A – Reasons for Refusal

1. By virtue of its scale, siting and design the dormer window is out of keeping with the original dwellinghouse and the causes harm to the character and appearance of the surrounding area contrary to policy DP26 of the Mid Sussex District Plan, policy H5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and the contents of the Mid Sussex Design Guide and the National Planning Policy Framework

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. You are advised that the development is unauthorised and therefore represents a breach of planning control where it would be considered expedient to proceed with formal enforcement action in the form of an Enforcement Notice. An Enforcement Notice is likely to be issued within 48 hours of this decision.

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			25.07.2022
Block Plan	03		24.08.2022
Existing and Proposed Elevations			25.07.2022
Existing Floor Plans			23.08.2022
Proposed Floor Plans			23.08.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

None received

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MID SUSSEX DISTRICT COUNCIL

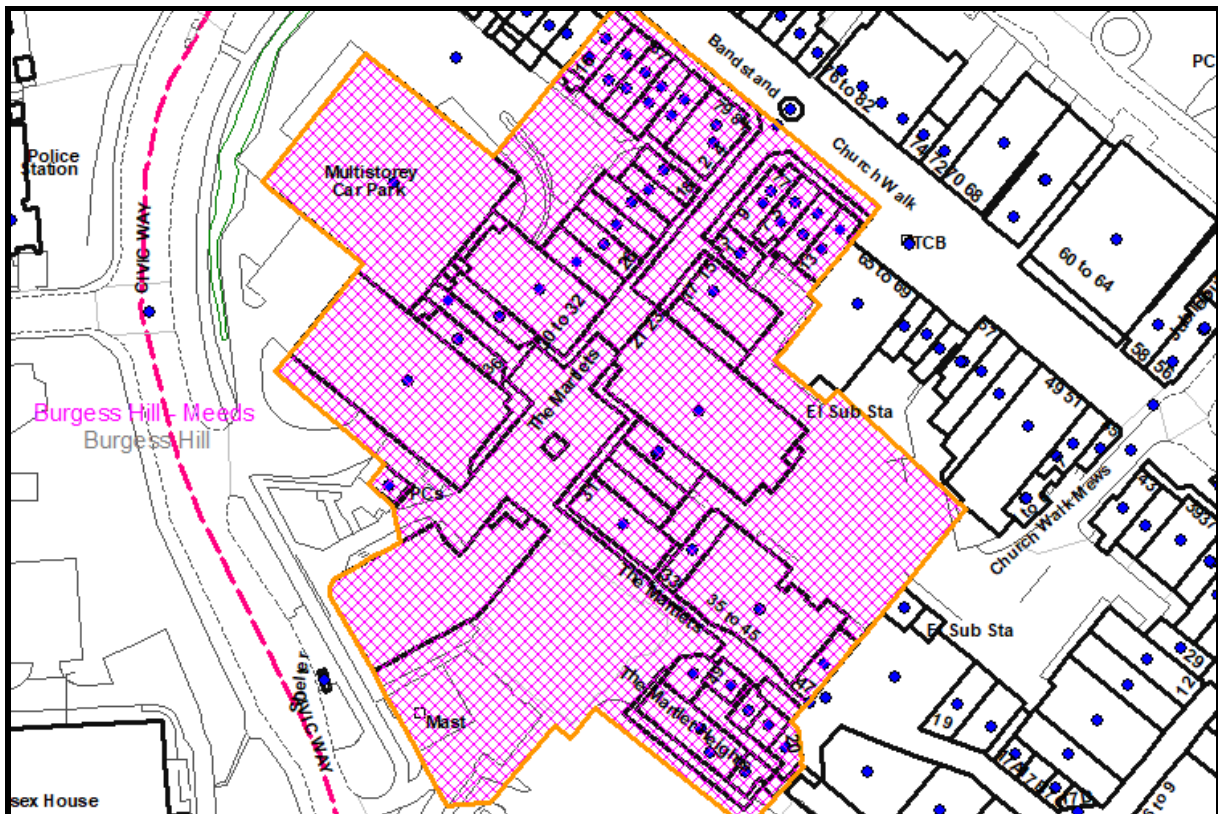
Planning Committee

13 OCT 2022

RECOMMENDED FOR PRIOR APPROVAL IS NOT REQUIRED

Burgess Hill

DM/22/2828



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**LIDL 38 THE MARTLETS BURGESS HILL WEST SUSSEX RH15 9NN
THE PROPOSED USE OF 2 FORMER SHOP UNITS TO BE USED FOR
FILMING AND SETS TO FORM PART OF AN ITV DRAMA SERIES. THE
USE OF FORMER LIDL AND HEIGHTS BUILDING FOR INTERNAL
FILMING. PRIOR TO DEMOLITION TEMP USE TO FILM WITHIN THESE
UNITS. TOTAL OF 25 DAYS USE. USE OF A DEMOLITION SITE OF
FORMER MARTLETS HALL SITE TO ALLOW FOR VEHICLE PARKING.
MS NADINE KING**

POLICY: /

ODPM CODE: Prior Not. Commercial Film Making

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for Prior Approval as detailed above.

EXECUTIVE SUMMARY

This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the use of the former Lidl building (unit 38) and Martlets Heights - (unit 49) in Burgess Hill town centre for commercial filming purposes.

Under the provisions of Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, Prior Notification of the temporary use of buildings or land for film making purposes must be submitted to the Local Planning Authority for consideration as to dates and timings of the filming, any transport/highway implications, any noise impacts, any light impacts and any flood risks on site to be used. The LPA must thereafter issue a decision as to the requirement for prior approval of the temporary use within 56 days of the receipt of the application.

Having regard to the relevant matters, officers are content that further information is not required and the impact of the proposal in relation to these issues is acceptable.

It is therefore considered that the proposal is permitted development under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

RECOMMENDATION

It is recommended that members agree that Prior Approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

SUMMARY OF CONSULTATIONS

MSDC Drainage

To be reported

MSDC Environmental Protection

No objection

WSCC Highways

To be reported

SUMMARY OF REPRESENTATIONS

To be reported

BURGESS HILL TOWN COUNCIL

To be reported

INTRODUCTION

This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the use of the former Lidl building (unit 38) and Martlets Heights - (unit 49) in Burgess Hill town centre for commercial filming purposes.

This application is before members as the Council (MSDC) is the freeholder of the town centre, but the Martlets Shopping Centre is subject to a lease to New River Retail. While the Council has no direct interest in the outcome of the application it was considered appropriate that the decision should be made by the committee.

It is important to note that the Council are required to determine applications of this nature within 56 days of receipt. If the Council do not issue a decision within this time period, the proposal can proceed. Given this context, this report has had to be prepared in advance of the expiry date given for comments to be received in respect of the proposal. Officers will provide an update to committee on any comments received in order to ensure that they are taken into account in the final determination of the application.

PLANNING HISTORY

The site forms part of the wider redevelopment scheme for the town centre, for which there are two planning permissions. While the 2016 permission has been implemented, and is extant, it is anticipated that the latter 2021 approved scheme is the one that will be delivered.

DM/19/3331 - Demolition of multi-storey car park, public library and offices. The conversion of existing buildings and erection of new buildings to provide, additional retail floor space (Classes A1 and A3), residential units (Class C3) with undercroft car parking, a multi-screen cinema (Class D2), bowling alley (Class D2), gymnasium (Class D2), a hotel (Class C1), the reconfiguration and expansion of existing public car park, amendments to the site access, public realm improvements including landscaping, and other associated works. Approved 2nd July 2021 (to be implemented)

DM/15/3858 - Demolition of multi-storey car park, public library, community building and offices. Provision of additional retail floor space (Class A1-A5), residential units (Class C3), a multi-screen cinema (Class D2), public library (Class D1), a hotel (Class C1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016 (extant)

SITE AND SURROUNDINGS

The site consists of the former Lidl's building (unit 38), which is located at the western end of the Martlets Shopping Centre, and Martlets Heights (unit 49), which is located at the eastern end of the Martlets Shopping Centre.

The sites are located in Burgess Hill town centre, as defined with the Mid Sussex District Plan.

APPLICATION DETAILS

This application involves the use of the locations identified for commercial filming purposes between the dates of the 20th October to 28th October 2022 and 24th November 2022 to 6th December 2022. Filming would take place between 09:00 and 18:00 on each of the days requested.

Parking of the vehicles associated with the filming production would be split across two locations, the first in the undercroft parking/service area below the Lidl building and the second in the service yard behind the Martlets Shopping Centre (accessed from Church Road).

It is indicated that no external noise would be generated by the filming and that lighting would be positioned on vacant roof tops (where necessary) and only used during filming. Filming would take place within the existing buildings.

LEGISLATION

Under the provisions of Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, Prior Notification of the temporary use of buildings or land for film making purposes must be submitted to the Local Planning Authority for consideration as to dates and timings of the filming, any transport/highway implications, any noise impacts, any light impacts and any flood risks on site to be used. The LPA must thereafter issue a decision as to the

requirement for prior approval of the temporary use within 56 days of the receipt of the application.

Part 4, Class E of the GDPO states;

'Permitted development

E. Development consisting of—

(a) the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and

(b) the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;

(b) the use of the land is for overnight accommodation;

(c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;

(d) the land or building is on article 2(3) land;

(e) the land or the site on which the building is located is or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(f) the land or building is, or contains, a scheduled monument; or

(g) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

E.2—(1) Class E development is permitted subject to the condition that—

(a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and

(b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) the schedule of dates which make up the filming period in question and the hours of operation,

(b) transport and highways impacts of the development,

(c) noise impacts of the development,

(d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and

(e) flooding risks on the site,

and the provisions of paragraph E.3 apply in relation to that application'.

ASSESSMENT

The application has been submitted by the management company responsible for the running of the Martlets Shopping Centre. The proposed temporary use of the buildings does not exceed 9 months, in accordance with Class E(a). The temporary use is considered to benefit from deemed consent under Class E of Part 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, but a condition of this deemed consent is the requirement to apply to the Local Planning Authority for a determination over whether prior approval will be required as to the details set out in E.2(2) a - e, set out above.

The proposed dates for filming cover a period totalling 21 days over October, November and December 2022, with working hours between 09:00 to 18:00 on each day. The work hours are similar to the general opening hours of businesses within the town centre. It is accepted that the filming will not generate any external noise, as this would have a detrimental impact on the ability to film. While some external lighting may be required, it is indicated that this is likely to be positioned on vacant roof tops and given any lighting will only be used when filming (i.e. within the stated working hours) it is not considered that it will interfere with neighbouring occupiers.

It is set out that parking for the filming periods will be provided within the existing service area under the former Lidl building, and the service area accessed from Church Road. The applicant has determined that these areas provide sufficient space to accommodate the various support vehicles and officers are content that this is the case. It is not considered that the filming will result in any detrimental transport and highway impacts. Furthermore, as filming will take place within, and around, existing buildings, the proposal will not have any flood risk implications.

In light of the above officers are content that further information on these matters is not required and the impact of the proposal on these issues is acceptable.

As such it is considered that prior approval is not required for this application and the proposal can proceed in accordance with the submitted details.

CONCLUSION

It is therefore considered that the proposal is permitted development under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

APPENDIX A – RECOMMENDED CONDITIONS

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			21.09.2022
Parking Layout			21.09.2022

APPENDIX B – CONSULTATIONS

MSDC Environmental Protection

Given the applicants propose filming inside buildings located in a town centre during normal working hours, I do not anticipate an issue with noise and therefore have no comment regarding the application.

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