
29 November 2022

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Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 8TH DECEMBER, 2022 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | To receive apologies for absence. | |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 3. | To confirm the Minutes of the meeting of the Committee held on 10 November 2022. | 3 - 8 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Items Recommended for Approval.

- | | | |
|----|---|----------------|
| 5. | DM/22/1448 - Goldregen, Vicarage Road, Crawley Down, West Sussex, RH10 4JJ. | 9 - 38 |
| 6. | DM/22/2732 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, West Sussex, RH10 4LJ. | 39 - 74 |

Items Recommended for Refusal.

None.

Other Matters.

None.

7. 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

**Minutes of a meeting of Planning Committee
held on Thursday, 10th November, 2022
from 4.00 - 6.15 pm**

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

P Brown	B Forbes	M Pulfer
R Cartwright	T Hussain	D Sweatman
J Dabell	C Phillips	

Absent: Councillors R Eggleston and R Webb

Also Present: Councillors R Clarke

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Eggleston and Webb.

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

In relation to Item 5. DM/22/1371 – Land Parcel North of 99 Franklands Village, Haywards Heath, West Sussex, RH16 3UZ, Councillor Pulfer declared that he was pre-determined as he had raised objections to the application, and he would therefore speak as a Ward Member for Haywards Heath – Franklands and would not take part in the debate or vote on the application.

In relation to Item 5. DM/22/1371 – Land Parcel North of 99 Franklands Village, Haywards Heath, West Sussex, RH16 3UZ the Chairman, Vice Chairman and Councillor Sweatman all declared a non-predetermined interest as they sat on the Planning Committee which approved a similar scheme on the same site in December 2018. The Councillors confirmed they did not have a prejudicial interest and would be looking at the application afresh.

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

The minutes of the meeting of the Planning Committee held on the 13 October 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/22/1371 - LAND PARCEL NORTH OF 99 FRANKLANDS VILLAGE, HAYWARDS HEATH, WEST SUSSEX, RH16 3UZ.

Steve King, Planning Team Leader, introduced the application which sought planning permission for a residential development of 24 x 2 bed flats on land to the north of 99 Franklands Village, Haywards Heath. Together with 24 car parking spaces, cycle and refuse stores separate to the block at the front of the building. The Planning Team Leader confirmed Members had received the Agenda Update Sheet and drew Members attention to the relevant updates in the report. He reminded Members there was extensive planning history on the site and surrounding land which was relevant to this current application as the previous application had been approved. He highlighted that there was not a great deal of difference between the previous application and the current one. He noted that a payment of £47,769 would be made for the provision of affordable housing on a separate site as it was not deemed to be viable to provide 30% affordable accommodation on the site.

Stefano Hawkins, local resident, spoke against the application.

Alex Beck, local resident, spoke against the application.

Daniel Frisby, Planning Consultant, spoke in support of the application.

Councillor Clarke, Ward Member for Franklands, spoke in support of refusing the application. He expressed concerns regarding the increase in light pollution, inadequate provision for local wildlife, access to the site and lack of provision of parking. He considered the sum of £47,769 in lieu of the provision of onsite affordable housing to be low.

Councillor Pulfer, Ward Member for Franklands, spoke against the application.

Councillor Pulfer removed himself from the meeting at 4.51pm.

In response to Councillor Clarkes concerns the Chairman asked the Planning Team Leader to respond. The Planning Team Leader confirmed there was a planning condition in place for the light pollution, clarifying this was for external not internal lighting. He confirmed that the Councils Ecological Consultant had reviewed the application and was content. He advised that the Ecological Consultant had recommended planning conditions to mitigate against any ecological concerns. Regarding access during the construction phase, the Planning Team Leader noted it would require careful planning requiring further details to be submitted to discharge the planning condition related to the Construction Management Plan. This would need to be submitted by the applicant and be approved by the Local Planning Authority prior to the commencement of the development. Regarding the provision of car parking, he advised that where there are schemes proposing lower levels of car parking provision this does not automatically deem the development unacceptable. He advised that where car parking is below the Councils standards, an assessment has to be made as to whether that results in any planning harm. In this case the Highway Authority did not object to the application and did not therefore consider that there was a highway safety issue arising from the level of car parking that was proposed.

The Chairman noted Cllr Clarkes concerns regarding the construction management phase and current access to the site which is via a one way system. The Planning Team Leader advised the developer would be aware of the issues regarding accessing the site during the construction phase and would need to address this in

the Construction management Plan. The Planning Team Leader noted that the flats opposite the site had been constructed relatively recently and this was served by the same access road as this planning application. He advised that in his view the current access to the site was not a reason to refuse the application.

Members discussed in detail the current lack of parking and future lack of parking on proposed developments. One Member expressed concern that lack of parking would cause anti-social behaviour among residents. Another Member noted that developers need to take into consideration finding a solution for the increase in the number of cars in relation to the lack of parking when developing and designing future sites. A Member noted the Committee are duty bound to take into consideration the concerns of the residents regarding parking issues and that the Highways Authority need to be more involved.

In response to a Member asking for clarity regarding parking as a material consideration the Planning Team Leader confirmed it was. He confirmed that the proposed level of car parking, whether this was appropriate and how it was laid out and designed were all material planning considerations for the Committee to take into account. The Planning Team Leader also confirmed that the planning history of the site, including the fact that a very similar proposal on the same site was resolved to be approved by the Planning Committee in December 2018 was also a material planning consideration that the Planning Committee should take into account. The Chairman also confirmed that when the previous application on the same site was granted permission, the Committee were aware of the application on the adjacent site at Woodside, in response to a Member.

The Chairman advised that a Member had requested the S106 monies be invested in the surrounding county park. The Planning Team Leader confirmed the solicitor dealing with the application had been made aware of this and he had no issue with the local community infrastructure monies being allocated to this project.

Finally, a Member asked what the threshold was for providing social housing. The Chairman confirmed there is a review mechanism in place in the legal agreement for this development which would come into effect upon the sale or let of the 18th unit. This would ascertain whether there was any surplus generated that could go towards the provision of offsite affordable housing.

The Chairman noted that no further Members wished to speak and took Members to vote on the recommendations, proposed by the Vice Chairman, Councillor Coote and seconded by Councillor Sweatman, which were approved with 8 in favour and 1 against.

Councillor Pulfer returned to the meeting at 5.33pm.

RESOLVED

Recommendation A

It is recommended that planning permission is approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure and affordable housing contributions 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 3rd February 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

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.'

6 DM/22/2241 - 53 WASHINGTON ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 3HL.

Kathrine Williams, Planning Officer, introduced the report which sought planning permission for the erection of a suspended timber decking area along the rear elevation of the existing rear extension, with access by a new door and window unit, replacing the existing window unit and an increase in the front hardstanding to the front of the property. The Planning Officer confirmed that Committee Members had received the Agenda Update Sheet and noted the updates. She drew Members attention to pages 80 and 81 of the report which addressed the impact of the existing extension and additional decking on the neighbouring property at 55 Washington Road.

Nick Cooney, neighbour, spoke against the application.

The Chairman for the benefit of the Committee asked officers for clarity regarding Mr Cooney's reference to a judicial review should the application be approved which stated, 'I hope the Committee agrees that the current plan would cause me significant harm, as I'm confident a court would in a judicial review'. Steven King, Planning Team Leader confirmed any interested party could seek a judicial review of a planning decision made by the Council. He advised that an application for a judicial review had to be made within 6 weeks of the decision on the planning application. He advised that the Court would only consider the process and legality of how the decision had been made. For example, whether the correct procedural process had been followed in determining an application, or whether the correct policies had been addressed in the determination of the application. He advised that the Courts do not intervene on matters relating the planning merits of the decision unless a decision had been made that was so irrational that no rational person could have made it.

Regarding the summary for representation, the Chairman asked officers to clarify the outcome following the representation. The Planning officer confirmed that following the representation, the proposed decking was amended to include screening along the eastern side of the neighbour and the application was readvertised.

Members discussed the application in detail, in particular the visibility of the fence on the decking to the neighbouring property. Given the circumstances of the application Members had no issue with the application being approved. However, some Members sympathised with both parties concerned and asked whether there was scope to review the height of the fencing for both parties to reach a mutual decision. Members discussed the possibility of deferring the application in view of this. The Chairman advised that if planning permission was approved on the existing application, the applicant has permission to build up to the height presented in the report. The Planning Team Leader reminded the Committee they must only consider

the application in front of them and whether they wish to approve or refuse it. The Planning Team Leader made it clear that in relation to the impact of the proposal on neighbouring amenity, if Members thought the impact of the development on the amenities of the neighbour was acceptable then they should approve the application but if they felt that impact was unacceptable, then they should vote to refuse the application. He made it clear that if the Committee approved the application that was before them, the applicants would be entitled to construct the development as shown on the approved plans.

The Chairman advised he did not like to defer applications and the Committee had a duty to consider the application before them. However, he would be guided by the Members. He noted no further Members wished to speak and took Members to the recommendation, proposed by Councillor Sweatman and seconded by the Vice Chairman, Councillor Coote, which was approved with 7 in favour and 3 against.

RESOLVED

That planning permission be approved subject to the conditions outlined at Appendix A.

7 DM/22/1307 - LAND REAR OF 67 SUNTE AVENUE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 2AB.

Joseph Swift, Senior Planning Officer, started by reading out the Lindfield Parish Council's full comments as they had not been included within the report, he then introduced the report which sought planning permission for a proposed pair of 4 bed semi detached dwellings at the land rear of 67 Sunte Avenue, Lindfield, with parking to the front and a private garden at the rear. He highlighted the proposal would use the existing access between 65 and 67 Sunte Avenue and the site is a brownfield site within the built-up area boundary, currently used as a builders yard/storage area and due to the spacing surrounding the building and the relationship with neighbouring dwellings it would not be an overdevelopment of the site. He noted there had been a previous application for Chalet bungalows on the site which had been approved and is the same height as currently proposed.

Zak Moallim, Solicitor, read out a representation on behalf of Kitty Gilliver, a local resident who spoke in objection of the application.

The Chairman and Members discussed the application, emphasising it was a brownfield site and the height of the proposed properties would be consistent with the existing properties.

A Member asked if a response had been supplied to the Water and Access Managers comments regarding providing sufficient turning facilities for a fire appliance and whether refuse access had also been considered.

The Senior Planning Officer replied that fire appliance access would be the responsibility of Building Control. He confirmed that refuse access would be provided for at the front of the properties allowing for easy access for refuse collection.

The Chairman noted no further Members wished to speak and took Members to the recommendation, proposed by Councillor Sweatman and seconded by the Vice Chairman, Councillor Coote, which was approved unanimously with 10 in favour.

RESOLVED

That planning permission be approved subject to the conditions set out in Appendix A.

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

None.

The meeting finished at 6.15 pm

Chairman

Agenda Item 5

MID SUSSEX DISTRICT COUNCIL

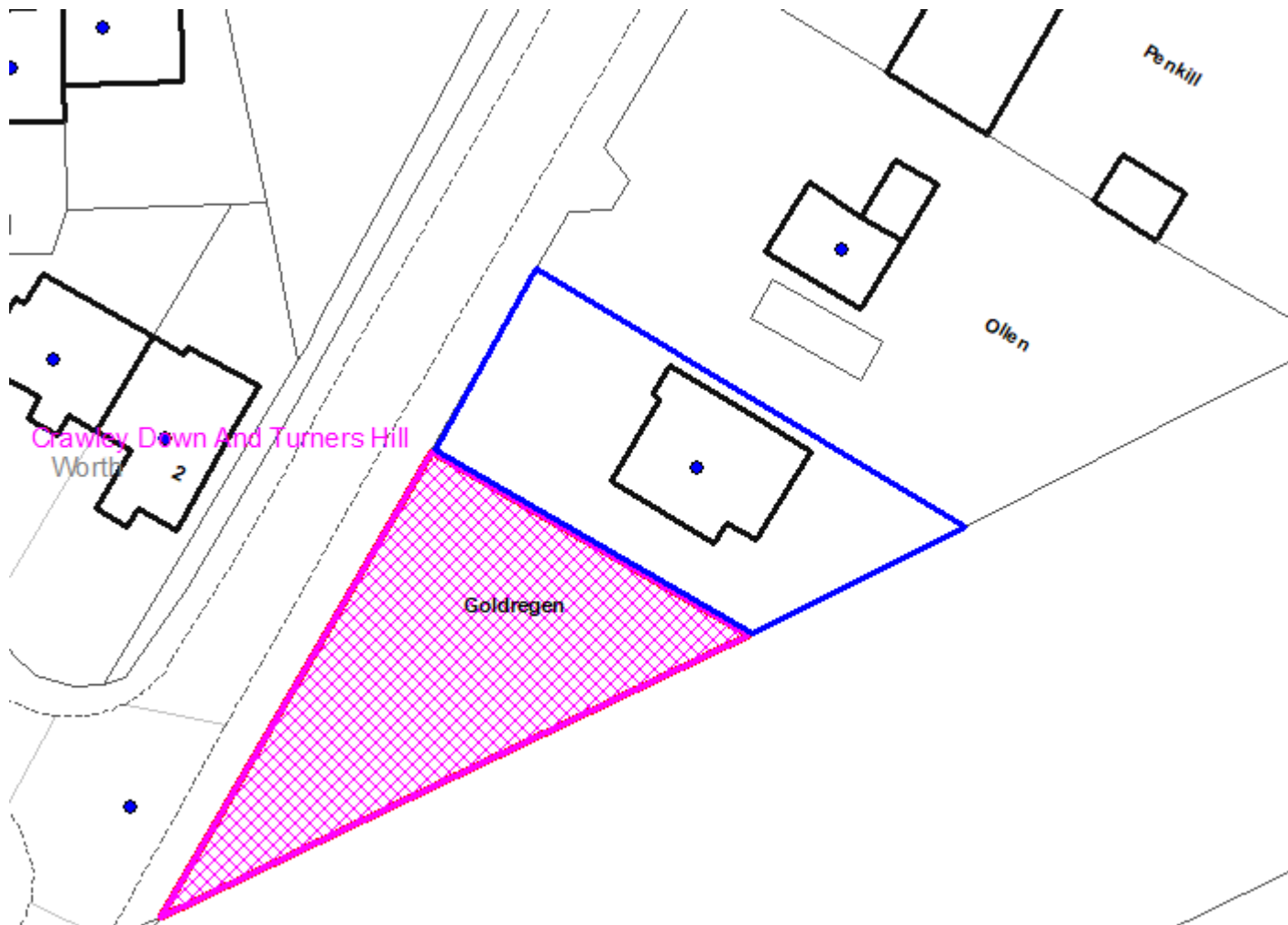
Planning Committee

8 DEC 2022

RECOMMENDED FOR PERMISSION

Worth

DM/22/1448



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GOLDREGEN VICARAGE ROAD CRAWLEY DOWN CRAWLEY WEST SUSSEX RH10 4JJ

THE ERECTION OF A TWO STOREY DWELLING WITH ASSOCIATED ACCESS, LANDSCAPING AND PARKING. AMENDED PLANS RECEIVED 18.10.2022 SHOWING REDUCED BUILDING FORM.

MR DAVID ALONSO C/O AMORA (VICARAGE ROAD) LTD

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA)

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th December 2022

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

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 the construction of a two storey dwelling with associated access, landscaping and parking in part of the garden at a property known as Goldregen, Vicarage Road in Crawley Down.

The proposed dwelling is of a contemporary design, with the building consisting of two blocks, which are off set, with a partly cantilevered ground to first floor form.

The submitted proposal also includes the formation of a new vehicular access into the site from Vicarage Road, the formation of a new frontage parking space with bin and cycle store provision for the new house, and new fencing and hedge planting on the south eastern boundary, where the site adjoins the adjacent allotment gardens.

The site is within a Category 2 Settlement which is a larger village acting as a Local Service Centre, providing key services in a rural area, with a good range of employment opportunities and access to public transport. The site is therefore considered to be a suitable and sustainable location for residential development.

The proposal would result in the erection of a 3 bed dwelling within the defined built-up area of the village. This would accord with Policy DP6 of the District Plan and CDNP04.2 of the Neighbourhood Plan which permits, in principle, development within the built-up areas of towns and villages.

It is considered that the proposed development also accords with the criteria of Policies CDNP04.2, CDNP05, CDNP10 and CDNP11. The contemporary design of the development is considered to be acceptable to the character and appearance of the area and accords with DP26 and Design Guide principles.

The proposal will provide minor but positive social and economic benefits through the delivery of 1 additional dwelling within the built-up area of Crawley Down in a sustainable location. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited. The Local Planning Authority would receive a New Homes Bonus for the new proposed residential unit.

The proposal is for a new dwelling sited within the 7km Zone of Influence of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). The applicants have agreed to complete a S106 Unilateral Undertaking for the appropriate financial contributions towards the SAMM Strategy and the SANG Strategy. With this mitigation in place, the proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC.

A careful assessment of the impact of the new house upon the neighbouring residential amenities has been made, and no significant adverse harm will result. In addition, there will be a neutral impact in respect of highway safety and parking provision, space standards and landscaping.

The application is therefore considered to comply with Policies DP6, DP17, DP21, DP26, DP27, DP37, DP39 and DP41 of the District Plan, Policies CDNP04.2, CDNP05, CDNP10 and CDNP11 of the Neighbourhood Plan, and the requirements of the NPPF.

RECOMMENDATION

It is recommended that permission be granted subject to the completion of the s106 agreement and the planning conditions listed at Appendix A.

Summary of Consultations

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

Worth Parish Council

Defer to officer, but ask that the positioning of the house on the plot is checked, to ensure no encroachment over the boundary of the fence, into the allotment site, which is Worth Parish Council land.

Further comments: Accept agent's assurances that there is no guttering, etc that will overhang our land. It still appears that the corner is immediately above the boundary line.

There is a window in the first floor which is only around 0.5 metres from the fence.

The entire section of hedging along this boundary was completely removed and is currently demarcated by heras fencing. Any replacement fencing should follow the existing hedge line.

West Sussex Highways

The LHA does not consider that there are no transport grounds to resist the proposal. Planning conditions and an informative are advised in regards of the access provision, visibility splays, car parking and cycle parking provision, Electric Vehicle charging spaces and an Informative regarding the vehicle crossover.

Further comments:

Visibility Splays have been demonstrated on the revised plans. The splays are wholly contained within land considered as highway. The applicant is advised that the hedge would need to be trimmed back and regularly maintained to allow splays to be maintained in perpetuity.

Tree Officer

No objections, but amenity space is limited which may place pressure on trees as well as encroachment. Please condition adherence with AIA.

Drainage

No objection subject to condition.

Natural England

To be reported.

Summary of Representations

No representations received.

RELEVANT PLANNING HISTORY

Planning reference: DM/22/0595. Removal of existing rear extensions and porch. Proposed 2 storey extension, rear infill extension, new front porch, new render and cladding to front elevation and remodelling of internal layout. Approved April 2022.

Planning reference: WP/080/84. First storey extension. Approved July 1984.

Planning reference: WP/022/77. Entrance porch, conservatory and garage. Approved April 1977.

SITE AND SURROUNDINGS

The site of this application is a triangular plot forming part of the garden area belonging to a property known as Goldregen, which is located on the eastern side of Vicarage Road and is sited adjacent to the allotments at the southern end of the road. The site is within the built up area of Crawley Down.

The site has been cleared of vegetation and the former hedgerow on the south eastern boundary with the adjacent allotments has been recently removed. The roadside boundary is marked by an evergreen boundary hedge, containing cherry laurel, laburnum and yew species, in which two trees are growing, a Yew and a Norway Spruce. These trees are shown to be retained on the site layout plan.

The existing house at Goldregen is undergoing recently approved extension and alteration works. This is accessed from an existing single access driveway off Vicarage Road.

The single and two storey residential dwellings located along Vicarage Road vary in character, type and size, although they are predominantly of a traditional design, with varying plot sizes. Opposite the site there is a cul-de-sac of smaller dwellings, many of which are terraced, known as Glebelands. Generally, the construction materials used on the houses in the road are of a brown tone, with some render, tile hanging and pebble dashed finishes.

APPLICATION DETAILS

In detail the application seeks planning permission for the construction of a new house on the site, served by a new vehicular access with on site parking space and new boundary fencing and landscaping.

The plot for the proposed dwelling consists of a triangular shaped area, having an area of some 0.044 hectares, truncating the original garden at Goldregen to provide that house with a reduced garden space with a separated access. Goldregen will be left with a 13.8m wide plot fronting onto Vicarage Road. The proposed house will be positioned to the rear of the triangular plot, which has a road frontage width of 37m (approx.). The main rear wall is sited 1.5m from the boundary with the allotments to the rear, with the angled first floor designed to extend up to this boundary at one corner. The garden area for the new dwelling is shown on the proposed site plan to measure 280 square metres, excluding the space taken by the house footprint and parking area.

The proposed house takes the form of two gabled blocks, set at an angle to each other with overhanging sections to the side and rear. The contemporary design includes the use of brick, and first floor tile hanging for the external walls, tiles for the roof areas and large glazed window panels. Natural timber doors are proposed, and the front door is sited to face towards the road and parking forecourt area.

Internally the front door opens into a large central hallway, off which access is provided to an irregular shaped playroom/office room, store, toilet and a living room from which access is provided by French doors to a terrace space. At the southern end of the new dwelling there is an open plan kitchen, dining and snug area with a separate utility room. Access is available from the dining space into the remainder of the garden area via a further set of French doors.

At first floor the three bedrooms are accessed off the stairway, one of which has an ensuite and dressing room. The other two bedrooms have dressing room/wardrobe space and access to a shared bathroom.

The scale and position of the proposed house has been amended during the course of determining the application. The width across the building frontage has been reduced from 17.6m to 15.7m (approx.). The position of the new dwelling to the northern site boundary with Goldregen has been increased from 1m to 2m, giving a separation distance from the two dwellings of approx. 5.5m, as shown on the amended plans.

The amended plans for the proposed house show the eaves at a height of 5.1m and the ridge height of 7.7m. This compares with the eaves height of 4.9m and the ridge height of 8m at the original house at Goldregen.

The applicant's supporting Statement submitted with the application explains the design in detail and concludes as follows:

'The principle of this development is considered to be acceptable. The development would provide a family sized dwelling on a site within the built up area. The development will meet the relevant policy for new development whilst also ensuring sustainable growth of the settlement to meet future housing need in an accessible location, whilst making efficient use of an urban plot.

The proposed design, layout and finish of the development will apply a contemporary solution to a triangular shaped plot. It is suggested that the appearance and size of the property would respect the character and appearance of the area, whilst conforming to the general pattern of development locally.

The proposed development would respect the amenities of existing and future occupiers. The internal layout and amenity space provision will ensure that a good standard of accommodation is provided throughout, offering good level of separation with neighbouring development.'

The Planning, Design and Access Statement and supporting 3D images submitted with the application are available to view on the planning application file.

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 Crawley Down 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:

- DP6 Settlement hierarchy
- DP17 Ashdown Forest Special Protection Area (SPA) & Special Area of Conservation (SAC)
- DP21 Transport
- DP26 Character and design
- DP27 Dwelling space standards
- DP37 Trees, Woodlands and Hedgerows

DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

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.

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Crawley Down Neighbourhood Plan - Made on 28th January 2016.

Relevant policies:

Policy CDNP04.2 Infill Housing

Policy CDNP05 Control of New Developments

Policy CDNP10 Promoting Sustainable Transport

Policy CDNP11 Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

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 Developments - September 2020

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.'*

Technical housing standards - Nationally described space standard - March 2015

ASSESSMENT

The main issues for consideration in determining the application are:

- Principle of residential development
- Design and impact on the character of the area
- Neighbouring amenity
- Highway access and parking
- Dwelling Space Standards
- Sustainability
- Habitats Regulations Assessment for Ashdown Forest
- Drainage
- Trees and landscaping
- Planning balance and Conclusion

Principle of residential development

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

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Crawley Down Neighbourhood Plan and the Site Allocation Development Plan Document (SA DPD).

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

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates Crawley Down as a Category 1 Settlement. It states:

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

Also relevant in the determination of this application are Neighbourhood Policies CDNP04.2 and CDNP05.

Policy CDNP04.2 refers to Infill Housing, and states:

'Infill housing will be permitted provided it is in accordance with the Neighbourhood Plan and meet the following criteria:

- a) The spacing between buildings reflects the character of the street scene.*
- b) The plot size is appropriate to the scale of the building.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained and materials are compatible with materials of existing/surrounding buildings*
- d) The traditional boundary treatment of an area is retained and where feasible reinforced.*
- e) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- f) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- g) The scale, height, and form of the development should be in character with the street scene. Where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.'*

Policy CDNP04.2 is thus a permissive policy for housing development provided it complies with the various listed criteria.

The principle of this proposed infill development within the built up area thus accords with the Development Plan.

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan relates to the character and design of new development 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.

Also relevant in the determination of this application is Neighbourhood Plan Policy CDNP05 which refers to Control of New Developments and states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale, height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.'*

In addition, paragraph 127 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.'*

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

Principle DG38 in the Design Guide is relevant in the determination of this application. This 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'.*

The MSDC Design Guide recognises this area of Mid Sussex as the High Weald Plateau, where the 'main settlements at Copthorne and Crawley Down have expanded through the C20th' and there are 'roads busy with ribbon development in places.'

The site represents an infill development within the built-up area and is located on a plot at the end of this established residential road. The location of the proposed dwelling and curtilage will reduce the garden area available to Goldregen, which currently occupies a spacious plot with a wide frontage and an open side garden. The area around the site in Vicarage Road is characterised by a variety of styles of dwellings including houses and bungalows on a busy route into the village centre. The site itself has a verdant frontage and the allotments at the rear. The residential area has boundaries marked by mature trees and hedgerows. The proposal includes a new vehicular access, which is to be formed through the frontage hedge, which will open up public views into the site.

In this respect it is considered that the revised spacing of the new house to the existing property at Goldregen is acceptable and will reflect the relationship of other house positions in the road.

The scale of the house has been reduced to ensure that there is a reasonable degree of private amenity space for the occupiers of the house. Associated car/cycle parking and an enclosure for bin storage is also provided. The private garden spaces are located to either side of the new house, within two triangular areas, and are considered acceptable.

It is considered that the proposed dwelling is of a contrasting, modern design which varies from the character and appearance of the immediate area. Policies in the District and

Neighbourhood Plans allow for new dwellings of a modern design. The amended plans have altered the dwelling size slightly, and marginally increased the gap between the existing house and the proposed new dwelling. The design has not altered and will stand out as a new and different to the surrounding dwelling designs.

The supporting street scene drawings illustrate how the new dwelling would relate in terms of scale and form to the existing house at Goldregen, which is in the process of modernisation and change as a result of the recently approved extension and recladding proposal, DM/22/0595 refers. The proposed house is of a contrasting form and set partly forward of the front line of Goldregen, with a different angled layout.

It is considered that the proposed facing materials are appropriate and, subject to control by condition, will give the new house a vernacular colour tone, to reflect the surrounding dwellings.

In respect of the boundary treatment on the allotment garden boundary the submitted plans show a timber panel fence with native hedging planted within the site. During the course of determining the application the applicant's agent has agreed that an alternative arrangement could be agreed. The applicant has no objection to a mixed species hedge on the boundary with a chain link fence instead. This will provide a more verdant boundary along the allotment boundary with the site and avoid a hard urban fenced boundary.

The overall layout of the parking provision is considered acceptable in respect of the neighbouring amenities, as parking movements on the site will be in part shielded from the remaining front garden at Goldregen by the intervening cycle/bin store.

The position of the proposed new dwelling would be set back 6.9m minimum/11.8m maximum from the Vicarage Road carriageway, with a parking area partly obscured by the retained front boundary hedge. The formation of the new vehicular access through this hedge and the trimming required to provide the required visibility splays will serve to open up the site to public views from Vicarage Road.

It is considered that the angled orientation and part single storey form of the proposed new dwelling would not negatively impinge upon public views from the street. The ridge height of the new house is not higher than that on the original house at Goldregen, and with the use of an appropriate external materials, i.e. brick walls and a plain tiled roof, it is considered that, on balance, the new dwelling will blend in with the overall colour palette of the immediate area. As such the new dwelling, although contemporary and different in building form to the nearby houses, would not adversely affect the character and appearance of the wider street scene.

It is considered that the proposal would comply with the aims of Policy DP26 of the District Plan and Neighbourhood Policy CDNP04.2, CDNP05 and the Design Guide principles.

Impact upon residential amenity

District Plan Policy DP26 requires 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.' Neighbourhood Plan Policy CDNP05 requires development to safeguard amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents. There is thus some conflict between these policy tests.

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.

In addition, Design Guide Principle DG45 refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The introduction of a new dwelling on this site will have some impact on the amenities of the occupiers of the adjacent properties, particularly upon the host dwelling at Goldregen itself and to the semi detached house at No 2 Glebelands, which is located on the opposite side of Vicarage Road, to the west of the site. As outlined above, the scale of the new dwelling has been reduced and the building moved in from the northern side boundary on the amended scheme.

The proposed house is located on part of the garden belonging to Goldregen. The house and garden land is currently in the ownership of the applicant. Permission recently granted under DM/22/0595 has allowed a rear 2 storey extension, new porch and other external changes to Goldregen, including the addition of a new pair of French doors at ground floor level in the side (south west facing) elevation of the house, which already includes a first floor bedroom window facing towards the site. The side elevation of the proposed house contains a glazed window and French doors at ground floor level, and no first floor windows facing in a north easterly direction towards the front part of the side elevation of Goldregen, which is sited some 5.5m approx. away.

The nearest other dwelling to the proposed house is No 2 Glebelands, which is located to the west of Vicarage Road, and sited some 21 m from the front face of the new dwelling. That property has two second floor windows in the side wall of the house facing in a south easterly direction towards the site of the proposed dwelling. These windows appear to serve the loft space of that dwelling. It is considered that the siting and layout of the proposed property would not negatively impact upon the residential amenities of the occupiers of No 2.

It is considered that the amended footprint of the proposed dwelling, and proposed building form and proposed fenestration positions will not significantly harm the neighbouring amenities of the occupiers of Goldregen or the occupiers of No 2 Glebelands.

The proposed garden spaces for the new dwelling are largely screened from public views from Vicarage Road by the existing front boundary hedge and this is to be retained along the site frontage, apart from at the new vehicular access point. The new access and vehicular turning space created to serve the new dwelling will partly open up the site to views from the neighbouring properties. However, it is not considered that the development of the proposed dwelling would have a long term impact upon or significantly harm the amenities of the residents of those properties.

Comments have been received from Worth Parish Council during the course of determining the application. As the landowner responsible for the adjacent allotments they were concerned that since the removal of the boundary hedgerow by the applicants the new dwelling and any guttering, replacement fencing, etc should be contained within the site. The proximity of a first floor bedroom window is also raised as a concern, see their comments in full at Appendix B.

As a result of these comments the applicant's agent has confirmed, with a revised Site plan, that the new house is contained within the site boundary and will include an integral gutter system to avoid any eaves or gutters overhanging the boundary. The first floor building block

will have a cantilevered section projecting at first floor level right up to a point on this boundary, but that is not considered contentious given that the adjacent land is in allotment use currently. The position of the bedroom window relative to this boundary line is also considered acceptable.

The proposed works will not significantly harm the neighbouring amenities in terms of the factors identified in District Plan Policy DP26. The proposed works also satisfies Neighbourhood Policy CDNP05 in this regard.

Consequently, the proposal is considered to accord with Policy DP26 of the District Plan, Policy CDNP05 of the Crawley Down Neighbourhood Plan and the principles of the Design Guide.

Highway Access and Parking

Policy DP21 of the Mid Sussex District Plan refers to Transport and 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);*
- *o 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.'

Also relevant in the consideration of this application is Policy CDNP10 of the Crawley Down Neighbourhood Plan, which states:

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

- a) Providing safely located vehicular and pedestrian access with adequate visibility.*
- b) Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, Health Centre and recreation open space already exist or will be provided.*
- c) Identifying and undertaking appropriate measures, such as highway improvements, to address any transport infrastructure inadequacies.*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes.*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate.*
- f) Development proposals would maintain or enhance the existing public footpaths, rights of way, bridle paths and twittens.*
- g) A full transport assessment is provided using current data and identified issues addressed developments of more than 50 houses.'*

The extended property at Goldregen will accommodate four bedrooms. West Sussex County Council Guidance on Parking at New Developments - September 2020 requires a 4 bed house in Crawley Down to have provision for 2.7 off road parking spaces. Whilst that property will lose one existing space as a result of the garage conversion which has been approved under DM/22/0595 the remaining front drive area could still accommodate off road space for at least 3 cars to park for the existing house.

The proposed new house will not benefit from any garage space but the site plan illustrates that two to three cars could be accommodated on the parking forecourt area at the front of the house and a cycle store to provide two cycle racks, within the site. West Sussex County Council Guidance on Parking at New Developments - September 2020 requires a 3 bed house in Crawley Down to have provision for 2.1 off road car parking spaces. The proposed provision will accord with the requirements of the WSCC standards and District Plan Policy DP21 and Neighbourhood Plan Policy CDNP10.

In addition, it is considered that the siting of the new house within the built-up area of Crawley Down is a sustainable development. The proposal therefore accords with Policy DP21 of the District Plan, Neighbourhood Plan Policy CDNP10 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 paragraph to address the requirements of DP39. It states:

'Policy DP39 of the District Plan requires that all new development proposals to encourage the use of renewable energy to meet a figure of at least 10% of the total energy consumption of a property. This can be provided in the form of air source heat pumps, photovoltaics or solar thermal panels to the roof and can be applied through the imposition of a condition.'

As this is a new build development the proposal would be expected to meet modern building regulation standards and include a series of energy efficiency and sustainability measures including: appropriate insulation, natural lighting and ventilation, and possibly the use of solar panels for electricity, heating via an air source heat pump, etc. to ensure an energy efficient building. Details submitted with the application are, however, limited and further information has been requested. An update will be provided at the committee meeting.

In terms of the location, the site is in an established residential road 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 will 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 has been undertaken for the proposed development.

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of one dwelling, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

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

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

The Planning Obligation securing the SAMM and SANG contributions is being prepared so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan and Policy CDNP11.

Natural England has been consulted on the appropriate assessment of this proposed development and their comments are awaited for inclusion into the HRA assessment. It is not expected that an objection will be raised as this is now an agreed standard approach to mitigation of the impacts of development.

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

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

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

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and subject to the comments of Natural England and the completion of the S106 Legal Agreement, Mid Sussex District Council as the competent authority may now determine the proposed development.

Drainage

The drainage details for the proposed new dwelling have been considered by the MSDC Drainage department and their comments are reported above.

It is considered appropriate that a planning condition is imposed to require details of the proposed surface water drainage and means of disposal to be submitted before development commences to ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan.

Trees and landscaping

Policy DP37 of the District Plan seeks to support the protection and enhancement of trees, woodland and hedgerows. It 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.

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

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

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

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- prevents damage to root systems and takes account of expected future growth; and

- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
 - has appropriate protection measures throughout the development process; and
 - takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
 - does not sever ecological corridors created by these assets.
- Proposals for works to trees will be considered taking into account:
 - the condition and health of the trees; and
 - the contribution of the trees to the character and visual amenity of the local area; and
 - the amenity and nature conservation value of the trees; and
 - the extent and impact of the works; and
 - any replanting proposals.

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

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

An Arboricultural Impact Assessment has been submitted in support of the proposal, and this has been reviewed by the Council's Tree Officer. This identifies that two trees on the site (a Yew and Norway Spruce) may be affected by the development, together with the mixed frontage hedgerow, and highlights appropriate protection measures for these whilst the development occurs. A new native hedgerow has been agreed to be planted on the allotment boundary to the rear of the new dwelling.

It is considered that the proposed landscaping and retained front boundary hedge and trees will serve to enhance the setting of the new dwelling and ensure that it respects the character of the area. Subject to planning conditions requiring new landscaping details to be provided and for the construction works to be carried out in accordance with the submitted Arboricultural Impact Assessment the application would accord with District Plan Policy DP37.

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.

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 site lies within the built up area of Crawley Down, as defined by the District Plan. The proposal would result in a new 3 bed dwelling within the built up area of the village. This

would accord with the aims of Policy DP6 of the District Plan. It is considered that the proposed development also accords with the criteria of Crawley Down Neighbourhood Plan Policies. The design of the development is considered to be appropriate to the character of the area and thus accords with DP26, Neighbourhood Plan Policies CDNP04.2 and CDNP05 and the MSDC Design Guide principles.

The site is within a Category 2 Settlement which is a larger village acting as a Local Service Centre, providing key services in a rural area, with a good range of employment opportunities and access to public transport. The site is therefore considered to be a suitable and sustainable location for residential development.

The proposal will provide minor but positive social and economic benefits through the delivery of 1 additional dwelling within the built-up area of Crawley Down in a sustainable location. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited. The Local Planning Authority would receive a New Homes Bonus for the new proposed residential unit.

The proposal is for a new dwelling sited within the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). The applicants have agreed to complete a s106 Unilateral Undertaking for the appropriate financial contributions towards the SAMM Strategy and the SANG Strategy. The proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC.

A careful assessment of the impact of the infill development upon the neighbouring residential amenities has been made, and no adverse harm will result. In addition, there will be a neutral impact in respect of highway safety and parking provision, space standards and landscaping.

The application is therefore considered to comply with Policies DP6, DP17, DP21, DP26, DP27, DP37, DP39 and DP41 of the District Plan, Policies CDNP04.2, CDNP05, CDNP10 and CDNP11 of the Neighbourhood Plan, and the requirements of the NPPF.

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 above ground floor slab level shall be commenced unless and until samples of materials and finishes to be used for external walls / roofs / external surfaces and new external doors and fenestration of the proposed development 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 CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

4. No development above ground floor slab level shall be commenced unless and until details of any solar voltaic panels which may be added to the proposed dwelling, have been submitted to and approved in writing by the Local Planning Authority. The solar panels shall thereafter be installed 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 CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

5. No part of the development shall be first occupied until the product, positioning and noise emission details of any Mechanical Ventilation with Heat Recovery System (MVHR) and Air source products for the proposed property have been submitted to and approved by the Local Planning Authority, and thereafter this system shall be provided in accordance with the approved plans and details.

Reason: In the interests of residential amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

7. 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 Visibility Proposed plan.

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

8. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Site Plan Proposed Drawing No 101 Revision d. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the District Plan.

9. No part of the development shall be first occupied until the bin store and cycle parking enclosure to provide covered and secure cycle parking spaces have been provided as shown on the approved Site Plan Proposed Drawing No 101 Revision d in accordance with plans and details to be first submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

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

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

11. Notwithstanding the boundary treatment details shown on Site Plan Proposed Drawing No 101 Revision d for the allotment boundary, no development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include the provision of a 2m high chain link fence with mixed native species hedging along the allotment boundary and shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

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

12. Hard and soft landscape works shall be carried out in accordance with the details in the submitted Arboricultural Impact Assessment by Arboricultural Solutions LLP, dated April 2022, unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the retention of trees and vegetation important to the visual amenity of the area and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, nor shall any building or enclosure, swimming or other pool be

provided within the curtilage of the dwelling house without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies CDNP 04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

14. 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 09:00-13:00 Hours
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.

15. 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 and 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.

3. **Vegetation Within Visibility Splay**
The Local Highways Authority notes that there is currently vegetation overgrowing into the extent of the public highway which obstructed visibility. The applicant should be aware that they will need to cut back this vegetation in order to achieve suitable visibility. Once cut back the applicant would be advised to maintain / cut back any vegetation which is overgrown into the visibility splay.

4. **Vehicle Crossover - Minor Highway Works**
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>
Online applications can be made at the link below, alternatively please call 01243 642105.
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

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
Street Scene	ALO-0210/711	REV C	18.10.2022
Proposed Block Plan	ALO-0210/101	REV D	18.10.2022
Proposed Floor and Elevations Plan	ALO-0210/710	REV C	18.10.2022
Location and Block Plan	ALO-0210/100	-	09.05.2022
Visibility Plans	ALO-210/103		25.07.2022

APPENDIX B – CONSULTATIONS

Worth Parish Council

Defer to officer, but ask that the positioning of the house on the plot is checked, as from the block plan it appears that the first floor encroaches over the boundary of the fence, into the allotment site, which is Worth Parish Council land.

Further comments: We will have to take the agent's assurances that there is no guttering etc that will overhang our land. With this proposal's unique design, it is perhaps difficult to envisage with there being no ground floor to the building at this point, but it still appears from the revised plans that the corner is immediately above the boundary line. There is a window

in the first floor which is only around 0.5 metres from the fence. It will not be possible to shield this window with any planting, due to it being so close to the fence line. If our allotment site was occupied by a residential property, we would be considering overlooking and amenity issues.

The entire section of hedging along this boundary was completely removed with prior notification to ourselves as adjacent landowner – the site is currently demarcated by heras fencing. I hope that when you are able to visit the site, you will be able to ensure that any replacement fencing follows the existing hedge line and its positioning is not adjusted to allow for the whole of the proposed dwelling to be within the development site.

Further comments: Defer to officer and ask that the officer checks the sighting of the building within the plot boundary.

West Sussex Highways

This proposal is for construction of single 3 bedroom dwelling with associated access and parking. The site is located on Vicarage Road which is a C-classified road subject to 30mph speed limit.

The applicant has not demonstrated visibility splays at the proposed access. Vicarage Road is a 30mph speed road, therefore splays of 2.4x 43m in each direction would be considered sufficient and in line with Manual for Streets (MfS) guidance. Local mapping indicates that these splays can be achieved in each direction, however I note that splays southwest of the access are obstructed by overgrown vegetation.

I would be minded to advise that visibility splay condition is included, to ensure maximum achievable visibility is provided at the site access point.

The access is approximately 2.8m wide. The construction of the access will require dropped crossing which must be implemented under licence to a specification obtained from WSCC Highways.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the proposal would exacerbate an existing safety concern.

Given the small scale nature of the proposal, it is not anticipated that the addition of one dwelling would result in material intensification of use onto Vicarage Road or the wider road network.

The proposed driveway demonstrates 2 parking spaces for the proposed dwelling. The applicant has used the WSCC Parking standard which require 2.1 spaces to be provided for dwelling of this size and location. The proposed spaces accord with the minimum requirements of 2.4 x 4.8m per single bay as outlined in MfS guidance.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging

points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below. The proposed plan demonstrates space for 2 bicycles and these details are acceptable.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve this application, the following conditions and informative are advised.

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 site plan.

Reason: In the interests of road safety.

Visibility (details required)

No part of the development shall be first occupied until maximum visibility splays shall be provided at the site access onto ... in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of 0.6 metre above the adjoining road level.

Reason: In the interests of road safety.

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Electric Vehicle Charging Spaces

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

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

Informatives

Vehicle Crossover – Minor Highway Works

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

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

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

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

Further comments:

The LHA has been re-consulted on this proposal following submission of revised plans demonstrating visibility splays at the proposed access. This response should be read in conjunction with response provided on 30 May 2022 (above).

Visibility Splays

Splays of 43m in each direction at 2.4m setback distance have been demonstrated on the revised plans. The splays are wholly contained within land considered as highway. I note that the splays envelope includes part of the existing hedging which will cause an obstruction. The applicant is advised that the hedge would need to be trimmed back and regularly maintained to allow splays to be maintained in perpetuity. A suitably worded informative is included below.

Rev B site plan drawings demonstrate the vehicle access, car parking and cycle parking as per drawings within Site Plan Rev A, therefore please refer to comments provided on 30/05/22 when deciding this application.

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 Visibility Proposed plan.

Reason: In the interests of road safety.

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Electric Vehicle Charging Spaces

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

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

Informative

Vegetation Within Visibility Splay

The Local Highways Authority notes that there is currently vegetation overgrowing into the extent of the public highway which obstructed visibility. The applicant should be aware that they will need to cut back this vegetation in order to achieve suitable visibility. Once cut back the applicant would be advised to maintain / cut back any vegetation which is overgrown into the visibility splay.

Vehicle Crossover – Minor Highway Works

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

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Tree Officer

No objections, however, appears that amenity space is limited which may place pressure on trees as well as encroachment. Please condition adherence with AIA.

Drainage

Flood risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk

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

Sewers on site

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

The public sewer map does not show a public foul sewer located immediately adjacent the development site on Vicarage Road. However, a public sewer is shown to be located adjacent Welney, Vicarage Road approximately 70m north-east of the site.

The public sewer map does show a public surface water sewer located south-west of the site close to Glebelands.

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 predominately low infiltration potential, however areas of high infiltration potential surround the site. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site subject to infiltration rates. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site at the location of any proposed infiltration drainage as part of detailed drainage design.

It is proposed that the development will utilise a soakaway, located in the south-west corner of the site to manage surface water. The use of a soakaway is considered acceptable in principle.

We would advise the applicant that surface water drainage will need to be designed to cater for the 1 in 100-year, plus climate change, storm event. The surface water drainage system should also manage surface water from all impermeable surfaces on site and not just roofs.

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 into the public foul sewer. This approach is considered acceptable in principle. However, we would advise the applicant to investigate the location of the foul water sewer prior to undertaking detailed drainage design to ensure an appropriate connection point forms part of the design.

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

CONDITION recommendation

C18D - Single Dwelling/unit

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

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

MID SUSSEX DISTRICT COUNCIL

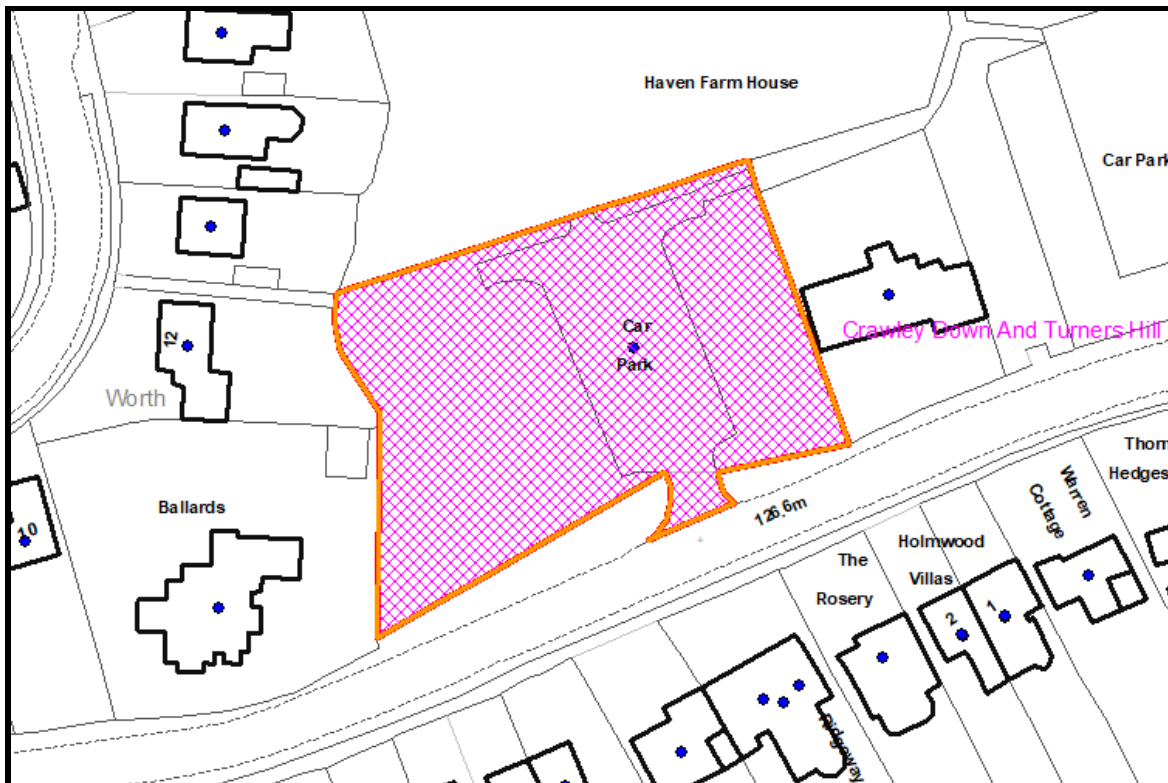
Planning Committee

8 DEC 2022

RECOMMENDED FOR PERMISSION

Worth

DM/22/2732



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**THE HAVENS SPORTSFIELD CAR PARK THE HAVEN CENTRE
HOPHURST LANE CRAWLEY DOWN WEST SUSSEX
NEW/REPLACEMENT VILLAGE HALL (RESUBMISSION OF PREVIOUSLY
APPROVED DM/19/2671)
THE TRUSTEES**

POLICY: Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA / Trees subject to a planning condition

ODPM CODE: Minor Other

8 WEEK DATE: 9th December 2022

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

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a new village hall within the western part of the Haven Sportsfield Car Park. This application is before committee as the application site is located on land owned by Mid Sussex District Council. It follows the grant of a planning permission for similar development on the site in 2019 which has now lapsed (DM/19/2671).

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the District Plan. It is considered that the proposal is necessary to provide a new and improved facility for the village and therefore this is a significant benefit which accords with policy DP25 of the District Plan. It is of an appropriate design and scale and is sustainably located.

There are no highway safety concerns from the Highways Authority, and drainage and sustainability matters can be handled by condition. Impact on neighbouring residents in terms of noise and disturbance during construction and once the use comes into being can also be controlled using conditions.

The loss of trees on this site is regrettable but replacement planting can be carried out on site to mitigate this impact.

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

For the above reasons, the proposal is deemed to comply with Policies DP6, DP13, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies CDNP06, CDNP08 and CDNP10 of the Crawley Down Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATIONS

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

SUMMARY OF REPRESENTATIONS

Seven letters of representation have been received which raised the following concerns:

- Negative impact on village
- Loss of mature trees
- Loss of parking, unsafe to park on the road
- Unnecessary development
- Highway survey required
- Future pressure on remaining trees, a new tree survey is required
- 80 car movements per day at existing village hall
- Tree survey is out of date
- Would impact on tree within garden of Ballards, building should be moved away
- Loss of open space
- Not a central location within the village
- Existing conveyance on the land restricting its use
- Better use of money

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL OBSERVATIONS

Defer to the opinion of the officer

Tree Officer

Objection

Drainage Engineer

No objection, recommend condition

Environmental Health

No objection, recommend conditions

WSCC Highways Authority

No objection, recommend conditions

Gatwick Safeguarding Officer

No objection, informative suggested

OFFICER REPORT

Introduction

The application seeks permission for the erection of a new Village Hall at The Havens Sportsfield Car Park. The application has been referred to Committee because the land is owned by the District Council.

Relevant Planning History

DM/19/2671 - Village Hall with associated parking. Granted

DM/20/3296 - Variation to condition 2 relating to planning application DM/19/2671 to substitute amended drawings for those on approved scheme, in order to reduce the scale of the building with minor adjustments to certain window/doors and an enhancement to the front entrance design. Granted

DM/21/1769 - Variation to condition 2 relating to planning application DM/20/3296 to substitute amended drawings for those on original and subsequent approved schemes for economical and construction detail requirements. Granted

DM/22/0220 - Variation of condition 2 relating to Planning Application DM/20/3296 - to substitute drawings for those on the original approved scheme, in order to reduce the scale of the building with adjustments to external materials, design of roof and reduced car parking between rows. (Amended description 25.03.2022). Granted

Site and Surroundings

The application site consists of a public car park to the northern side of Hophurst Lane, within the built up area of Crawley Down.

The southern side of the highway consists of two storey detached dwellings of varying designs and forms. The dwellings are set back evenly from the highway with front boundary hedging which gives a distinctive character to this side of the highway. The northern side includes residential properties, however, these are more sporadically positioned with differing relationships with the highway. The areas

between the properties consists of the Haven Centre and the car park to the Haven Centre Sportsfield with Crawley Down Football Club beyond to the north. These areas border the highway with mature trees and hedging which contribute to the character of the area.

The application site consists of a car park with a wide verge western side with access to the north to the open space. Planning permission was previously granted for a community building on the land, however this permission has subsequently lapsed.

Application Details

The proposal seeks planning permission for the erection of a new village hall community building to replace the existing village hall which is located elsewhere in the village. A proposed village hall was previously granted under application DM/19/2671 and lapsed on 30th September 2022. Subsequent variation of condition applications was granted including DM/22/0220, which was of the same design as the current application.

The proposed building would be located on the western side of the site, and partly over the existing parking area and grassed area.

The building would have an overall width and depth of some 24.1 metres and 15.3 metres and would include a large hall (court), small hall, committee room, W.C., kitchen, storerooms and plant room. The building would have a double height and two storey appearance over the large hall with a crown roof with an overall height and eaves height of some 7.5 metres and 4.6 metres. The single storey elements would also have a crown roof and a pitched roof form over the proposed entrance doors with an overall height and eaves height of some 4.3 metres and 3 metres.

The proposed building would be constructed in multi-stock brickwork on the ground floor with cedar weatherboarding above, plain roof tiles and white upvc windows and aluminium doors.

There are currently 14 car parking spaces on this site, the proposal will result in 17 spaces being provided (including 1 disability space) and 5 cycle parking spaces.

The proposal will result in the loss of 5 trees from the site (2 x Hornbeams, 2 x Beech and 1 x Oak).

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, Crawley Down 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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP6- Settlement hierarchy

DP13 - Preventing Coalescence

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

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP37 - Trees, Woodland and Hedgerows

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Crawley Down Neighbourhood Plan (made January 2016)

Relevant policies:

CDNP06 - Sustainable Drainage Systems
CDNP08 - Prevention of Coalescence
CDNP10 - Promoting Sustainable Transport

Site Allocations DPD (June 2022)

No relevant policies.

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)

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.'

National Planning Policy Guidance

Ministerial Statement and Design Guide

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

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

ASSESSMENT

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
- Coalescence
- The Design and Character
- The impact on neighbouring amenity
- Highways matters
- Drainage
- Sustainability
- The impact on trees
- Accessibility
- Other matters, and
- Planning Balance and Conclusion

Assessment

Principle of Development

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Crawley Down Neighbourhood Plan and Site Allocations DPD.

When the previous application was considered (DM/19/2671) the site lay outside the built up area boundary of Crawley Down where the principle of development had to be established. However, the built up area boundary of Crawley Down was amended as part of the Site Allocation DPD review of the built up area boundaries which was adopted on 29th June 2022. The boundary now extends to the north of the

application property and also includes the adjacent residential property, Haven Farm House, the Haven Centre and The Beckers.

Policy DP6 of the District Plan states in part:

Development will be permitted within towns and villages with defined built-up area boundaries.

Policy DP25 of the Mid Sussex District Plan 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.'

The proposal would provide a community facility within the built up area of Crawley Down and would contribute towards a sustainable community. The building would provide up to date facilities which cannot be provided by other existing community buildings within the village, such as The Haven Centre and the existing village hall on Turners Hill Road. Due to this, and that the site is now within the built up area boundary of Crawley Down, it is considered that the proposal accords with policy DP6 and DP25 of the Mid Sussex District Plan, and acceptable in principle.

Coalescence

Policy DP13 of the District Plan and Policy CDNP08 of the Neighbourhood Plan seek to prevent coalescence between settlements.

Policy DP13 states:

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one

before arriving at the next.

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements. Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection'

Policy CDNP08 states:

'Development outside the village boundary will only be permitted if it can be demonstrated that:

- a. It does not detract significantly from the openness and character of the landscape.*
- b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Cophorne, Felbridge, Turners Hill and Crawley.*
- c. It does not significantly reduce the gaps between the village and neighbouring settlements of Cophorne, Felbridge, Turners Hill and Crawley.'*

As stated above, the site is now located within the built-up area boundary of Crawley Down, following the changes made as part of the adopted Site Allocation DPD. The proposed building would be located between a residential housing estate to the west, ribbon development of housing to the south, an existing dwelling and a community hall and car parking area to the east, and a formal sports pitch to the north-east. In this context, the green space between Haven Gardens to the west and The Beckers to the east (currently occupied by the football club pitch, skatepark, The Haven Centre, car park and Haven Farm House) would not be compromised by the infilling of the void space to the site. It is considered that the building will be viewed in context with the built development in the area and would therefore not impact on the gap between Crawley Down and East Grinstead/Felbridge. Accordingly, the application would comply with the above policies.

When considering the previously permitted scheme (DM/19/2671) no conflict was found with these policies.

Character and 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 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.'*

Principle DG38 of Mid Sussex Design Guide 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.'*

The proposed building would be of a size and scale which would be in proportion and appropriate to the size of the site. The building would be located to the western side of the site and the existing vehicular entrance onto Hophurst Lane and car park, which would allow views from the streetscene towards the sports field and therefore maintaining the verdant character it contributes to the streetscene. The proposal would also maintain the hedging and boundaries separating the site from the residential properties to the east and west along with the existing boundary hedging onto the highway.

The current proposal would be similar in form and scale to the building approved under DM/19/2671, however the proposal now has a crown roof for which has reduced the overall height and mass of the building, which is the same as previously approved under a variation of condition application (DM/22/0220). This roof form would be similar in appearance to the shallow pitched roof of The Haven Centre, which can be seen within the context of the application site. Given the design and form of the proposal, along with the previous approvals on the site, it is considered that the proposal would be in keeping with the character of the area and would meet the requirements of DP26 and the Mid Sussex Design Guide.

Impact on the amenities of neighbouring properties

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 (see Policy DP29),'

Policy DP29 of the Mid Sussex District Plan states in part:

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

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area,*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures,*
- *Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

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

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

The 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.'

The Council's Environmental Health Officer has been consulted on the application and has re-iterated the comments made which state:

'This application seeks to provide a new village hall adjacent to a main road in Crawley Down in a residential area close to an existing community facility used by a local football club which operates a bar, a café and which offers rooms for hire allowing various uses including exercise classes and functions such as weddings and other celebrations. Although the village hall will be introducing a new noise source into this area, given the proposed location alongside an existing community facility, Environmental Protection is of the opinion that provided the following recommend conditions are applied to any planning permission granted, the amenity of local residents will not be significantly affected during the construction or operation of this premises.

Activities such as exercise classes to music or functions at the new hall could potentially generate noise however, Environmental Protection has received confirmation from the applicant that suitable air conditioning will be provided to the halls and entrance lobby which should ensure that these areas can be used without the need to have windows and doors open to assist ventilation. Environmental Protection would recommend that a Noise Management Plan be provided outlining measures to mitigate disturbance to local residents. Possible measures could include requiring use of air conditioning during exercise classes and functions involving music rather than opening doors and windows, limiting the volume of music played on site and the provision of signage requesting that guests be considerate to neighbours when using the car park or leaving the site.

The Officer also recommended a number of conditions to mitigate the impact on neighbouring residential properties during the construction of the proposal and during the operation of the building.

To the western side of the site are Ballards and No. 12 Haven Gardens. The proposed building would be at least 20 metres from these neighbouring dwellinghouses with mature hedging and planting in between. Due to this it is considered that the proposal would not cause significant harm to the amenities of neighbouring properties.

On the southern side are the properties which face onto Hophurst Lane, particularly Jamaica, The Glen, Twin Firs and Ridgeway House. The proposed building would be visible from these neighbouring properties, however due to the position of the

building on the opposite side of the road and its two storey form, it is considered that it would not cause harm to the amenities of these neighbouring properties.

To the east of the site is Haven Farm House, the proposed building would be some 30 metres from this neighbouring property with existing boundary hedging. This neighbouring dwelling does not include any side windows facing onto the application. Given the distance between the proposed building and this neighbour it is considered that the proposal would not cause significantly harm to the amenities of this neighbouring property although it would be visible.

Accordingly, it is considered that the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

The same conclusions were reached in considering the previous application permitted in 2019 and there are not considered to be any reasons why a different decision should be taken now (DM/19/2671).

Highways matters

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

'Decisions on development proposals will take account of whether:

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

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

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

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

Policy CDNP10 of the Neighbourhood Plan states:

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

- a) Providing safely located vehicular and pedestrian access with adequate visibility.*
- b) Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, Health Centre and recreation open space already exist or will be provided.*
- c) Identifying and undertaking appropriate measures, such as highway improvements, to address any transport infrastructure inadequacies.*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes.*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate.*
- f) Development proposals would maintain or enhance the existing public footpaths, rights of way, bridle paths and twittens.*
- g) A full transport assessment is provided using current data and identified issues addressed developments of more than 50 houses.'*

The site will utilise the existing access from Hophurst Lane, which currently serves an informal car parking area. It is proposed that a minibus service is to be used for a number of activities and that it is anticipated that many visits would be local residents who may walk or cycle to the site. The applicant has also stated that there is no anticipation of the site being used for large groups of people that would result in overspill parking and the minibus service will operate in the event that there is a large group event. It is also not anticipated that the use of the village hall will not significantly clash with the use of the site at weekends for parking for the playing field.

The proposal would include 17 parking spaces and provision for 5 cycle storage space with a minibus service. The site is connected to the surrounding area by street lit footways opposite, which enable pedestrians to access the site from the village. There are also a number of bus stops within walking distance of the site, providing access to further afield.

West Sussex County Council Highways Authority have been consulted on the application and raise no objection to the proposal. The application site is located on Hophurst Lane, a C-classified road subject to a speed restriction of 30mph. The current application is a re-submission of application DM/19/2671, in which no highways objection was raised, and the Highways Authority refer to their previous comments which are still considered valid.

The WSCC Highways Authority therefore considers that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is no contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

The proposals are thus considered to accord with policies DP21 and CDNP10.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

Policy CDNP06 of the Neighbourhood Plan states:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1) infiltration measures*
- 2) attenuation and discharge to watercourses*
- 3) discharge to surface water only sewers.*

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The site is also at a very low surface water flood risk. There are not any historic records of flooding occurring on this site and in this area. The Council's Drainage Engineer has been consulted on the scheme, and following the submission of additional information, they raise no objection to the proposal subject to a condition.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible*
- Use renewable sources of energy*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation*

- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

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 157 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 applicant has provided a Sustainability Statement that sets out the following measures which will be incorporated into the development:

- High efficiency insulation
- Energy efficient light bulbs fitted throughout
- Rainwater harvesting to be employed to mitigate water waste
- Locality sourced materials
- Heating provided air source heat pump

The site is located within the built-up area of Crawley Down in walking and cycle distance from residential properties within the village, as well as bus routes. These measures are considered acceptable and can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 152 and 157 of the NPPF.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

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

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or

character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

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

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

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme, and*
- *prevents damage to root systems and takes account of expected future growth, and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management, and*
- *has appropriate protection measures throughout the development process, and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change, and*
- *does not sever ecological corridors created by these assets.*

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

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

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

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

The proposal would result in the loss of 5 trees from the site (2 x Hornbeams, 2 x Beech and 1 x Oak).

The Council's Tree Officer has objected to the proposal, although none of the trees are subject to Preservation Orders and could be removed at time. The loss of the trees was also a consideration during the previous approval however, it was not considered that the loss of the trees would outweigh the benefits of the scheme as a whole. It is considered that given the previous approval on the site and that the direct impacts are mitigated as far as possible, along with a condition to provide replacement trees on site, the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in 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.

Accessibility

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

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

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

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

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers and will be required to meet current building regulation standards.

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 site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the District Plan. It is considered that the proposal is necessary to provide a new and improved facility for the village and therefore this is a significant benefit which accords with policy DP25 of the

District Plan. It is of an appropriate design and scale and in a sustainably located. There are no highway safety concerns from the Highways Authority, and drainage and sustainability matters can be handled by condition. Impact on neighbouring residents in terms of noise and disturbance during construction and once the use comes into being can also be controlled using conditions.

The loss of trees on this site is regrettable but replacement planting can be carried out on site to mitigate this impact.

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

For the above reasons, the proposal is deemed to comply with Policies DP6, DP13, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies CDNP06, CDNP08 and CDNP10 of the Crawley Down Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, plus details of replacement tree planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the

programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan.

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

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

7. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking),
- dust management plan.
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

8. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

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

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

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

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

10. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. The submitted odour control scheme shall be in accordance with best practice, and shall include a risk assessment for odour, as well as maintenance and monitoring schedules for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

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

11. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

12. The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to ventilate the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the operation of the development and shall thereafter be retained as such.

Reason: to protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

13. No operational use of any plant and machinery shall commence until measures have been implemented in accordance with a scheme first submitted to, and approved in writing by, the Local Planning Authority, to prevent air-borne noise from the operational activities of the plant and machinery from adversely affecting neighbouring residents. The applicant shall submit evidence, in writing, agreed by the Local Planning Authority before operational use commences, that the plant and machinery will obtain a sound level of 5 dB below the existing background sound level (LA90) during the operation of the plant and machinery, as measured one metre from the boundary of any nearby residential dwellings. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: to protect the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

14. Prior to the development hereby permitted being occupied and used, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall then be implemented as approved.

Reason: to safeguard the amenity of neighbouring residents and to comply with Policy DP26 of the Mid Sussex District Plan.

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

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan and CDNP10 of the Crawley Down Neighbourhood Plan.

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

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

17. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. These facilities shall thereafter be retained for their designated use.

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

18. Use of the commercial unit shall be limited to the following times:

Monday to Sunday 8.30hrs to 22:30hrs

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

19. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of:

Monday to Friday 08:00 - 18:00 Hours
Saturdays 09:00 - 13:00 Hours
Sundays and Bank holidays, none permitted.

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
 2. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
 3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - No burning of materials shall take place on site at any time.
- If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

APPENDIX B – CONSULTATIONS

Parish Consultation

Defer to the opinion of the officer.

Flood Risk And Drainage Team

Environmental Protection

Environmental Protection comments sent to Planning Officer 09/09/22.

Trees And Landscape

WSCC Highways

Gatwick Airport Safeguarding

Tree Officer

I have previously commented on this development under application DM/19/2671. I note the tree reports submitted with the original application appear to be the same as those submitted with the current application.

My comments remain unchanged as follows:

- The development would result in the loss of one category A hornbeam (T2) and five category B trees comprising of one ash (T4) two beech (T7, T8), one English oak (T9), and one other hornbeam (T10). Removal of moderate/ high quality native trees (category B or above) is a significant loss and not recommended. If permission is granted I would request replacement native trees should be planted on a minimum one for one basis.
- The area as a 'whole' is of high amenity value, being visible from the street and surrounding recreation areas, and clearly is of great value as wildlife habitat.
- It appears inevitable that there will be future pressure on the retained trees. There needs to be allowance and space for future growth and maintenance, alongside consideration to shading, direct damage and seasonal nuisance from the trees, although the AMS has given some consideration to this point particularly with reference to leaves and gutters.

As a result I continue to object to the development based purely on arboricultural grounds, however I understand there needs to be a balance between the impact of the loss of the trees with the benefits to the community. Should permission be granted I would ask that my request for replacement trees is conditioned and that the AMS is strictly adhered to throughout the development.

MSDC Drainage Engineer
(27/09/2022)

I've reviewed the information submitted and can find no information other than the Application Form regarding drainage.

Due to the proposed site layout, potential constraints on drainage design and the new climate change guidance we will require the applicant to provide a drainage strategy for the development which shows, in principle, drainage can be provided for the development. This should include a drainage strategy plan, showing all site constraints (such as root protection zones). The latest climate change guidance can be found online at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Following receipt of the above information the flood risk and drainage team will be in a position to review the application fully.

(30/09/2022)
**FLOOD RISK
INFORMATION**

The Planning Practice Guidance for Flood Risk and Coastal Change requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the National Planning Policy Framework. This means that surface water flood risk extents should be considered equivalent to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

Annual exceedance	Flood Zone	Surface Water Flood Risk
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

APPLICATION SPECIFIC COMMENT

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (the equivalent of flood zone 1).

Mid Sussex District Council's records show the site has not experienced flooding in the past. Our records also show the area immediately surrounding the site has not experienced flooding in the past.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

SEWERS ON SITE

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

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

SURFACE WATER DRAINAGE

INFORMATION

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the latest climate change guidance from the Environment Agency.

APPLICATION SPECIFIC COMMENT

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be 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 utilise soakaways, located beneath the carpark and soft landscaping areas of the proposed development. This approach is considered acceptable in principle.

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 main foul sewer. 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.

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 areas of the development shall be brought into use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

GENERAL DRAINAGE REQUIREMENT GUIDANCE

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.

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, this includes areas of increased surface water flood risk.

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.

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	Information	Location of information / drawing number
<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 30 with climate change and 1 in 100 with climate change storm events		
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 6-hour, 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		

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 as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ³)		
<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 ⁴		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁵)		

³ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

⁴ Formal approval via S106 etc is not required.

⁵ If system does not attenuate up to the 1 in 100 year with climate change event, then evidence that the system shall not increase flood risk on or off site

Table 2: Detailed drainage design requirements – foul water

Requirement	Summary	Location of information / drawing number
<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 ⁶		
<i>For non-mains system with drainage field</i>		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
<i>For non-mains system with discharge to open water</i>		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
Outfall location and construction details		

¹ Formal approval via S106 etc is not require

Contaminated Land Office

Works with asbestos are dealt with under the Control of Asbestos Regulations 2012 and are enforced by the Health and Safety Executive.

As there is already law that deals with works with asbestos we would not normally attach conditions, but would remind that applicant that failure to remove asbestos safely, and in compliance with the asbestos regulations, could lead to localised land contamination.

The only time we would attach conditions in relation to asbestos is where a commercial business was being converted to residential, in that we will require all asbestos to be removed. While asbestos can be managed in a commercial property under the Control of

Asbestos Regulations 2012, this is not always appropriate for residential, as occupiers can't be expected to keep track of asbestos locations or integrity.

Worth Parish Council

Defer to the opinion of the officer

WSCC Highways Authority

This proposal is for the erection of a replacement Village Hall. The site is located on Hophurst Lane, a C-classified road subject to a speed restriction of 30 mph.

This application is a resubmission of application DM/19/2671, of which WSCC in its role as Local Highway Authority (LHA) provided consultation advice for, raising no highway safety concerns. A site visit was also undertaken by the LHA at the time for application DM/19/2671. The Local Planning Authority (LPA) permitted the application.

For the current application, from inspection of the submitted application documents, the proposals appear identical to what was permitted under application DM/19/2671. As mentioned above, the LHA raised no highway safety concerns for this application. Therefore, the LPA are advised to refer to the LHAs consultation response for application DM/19/2671, dated 28/08/2019, for relevant highway specific comments - as these comments are still valid and can be applied to the current application.

In conclusion, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

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

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.

Cycle parking

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

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

Gatwick Aerodrome Safeguarding Officer

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

We would, however, make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please visit Crane Permits (gatwickairport.com) or email cranes@gatwickairport.com

Environmental Health Officer

Comments sent regarding DM/19/2671 still stand.

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