
31 March 2023

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Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 13TH APRIL, 2023 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 consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

- | | | |
|----|--|------------------|
| 4. | DM/22/0239 - Land Off Maple Drive, Burgess Hill, West Sussex, RH15 8DJ. | 5 - 42 |
| 5. | DM/22/2880 - Land Rear of Central House, 25-27 Perrymount Road, Haywards Heath, West Sussex, RH16 3TP. | 43 - 108 |
| 6. | DM/23/0440 - Land Adjacent to The Royal Oak, Station Road, Crawley Down, Crawley, West Sussex, RH10 4HZ. | 109 - 120 |

- | | | |
|-----|--|------------------|
| 7. | DM/23/0441 - West Hoathly Parish Council Car Park, Finche Field Recreation Ground, Church Hill, West Hoathly, West Sussex, RH19 4PN. | 121 - 132 |
| 8. | DM/23/0442 - East Grinstead Railway Station, Railway Approach, East Grinstead, West Sussex, RH19 1EB. | 133 - 144 |
| 9. | DM/23/0443 - Land at Worth Way, Crawley Down, West Sussex, RH10 4LZ. | 145 - 156 |
| 10. | DM/23/0606 - Land at Borers Arms Road, Copthorne, West Sussex, RH10 3ZQ. | 157 - 168 |

Items Recommended for Refusal.

None.

Other Matters.

None.

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

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, P Brown,
R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer,
D Sweatman and R Webb

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MID SUSSEX DISTRICT COUNCIL

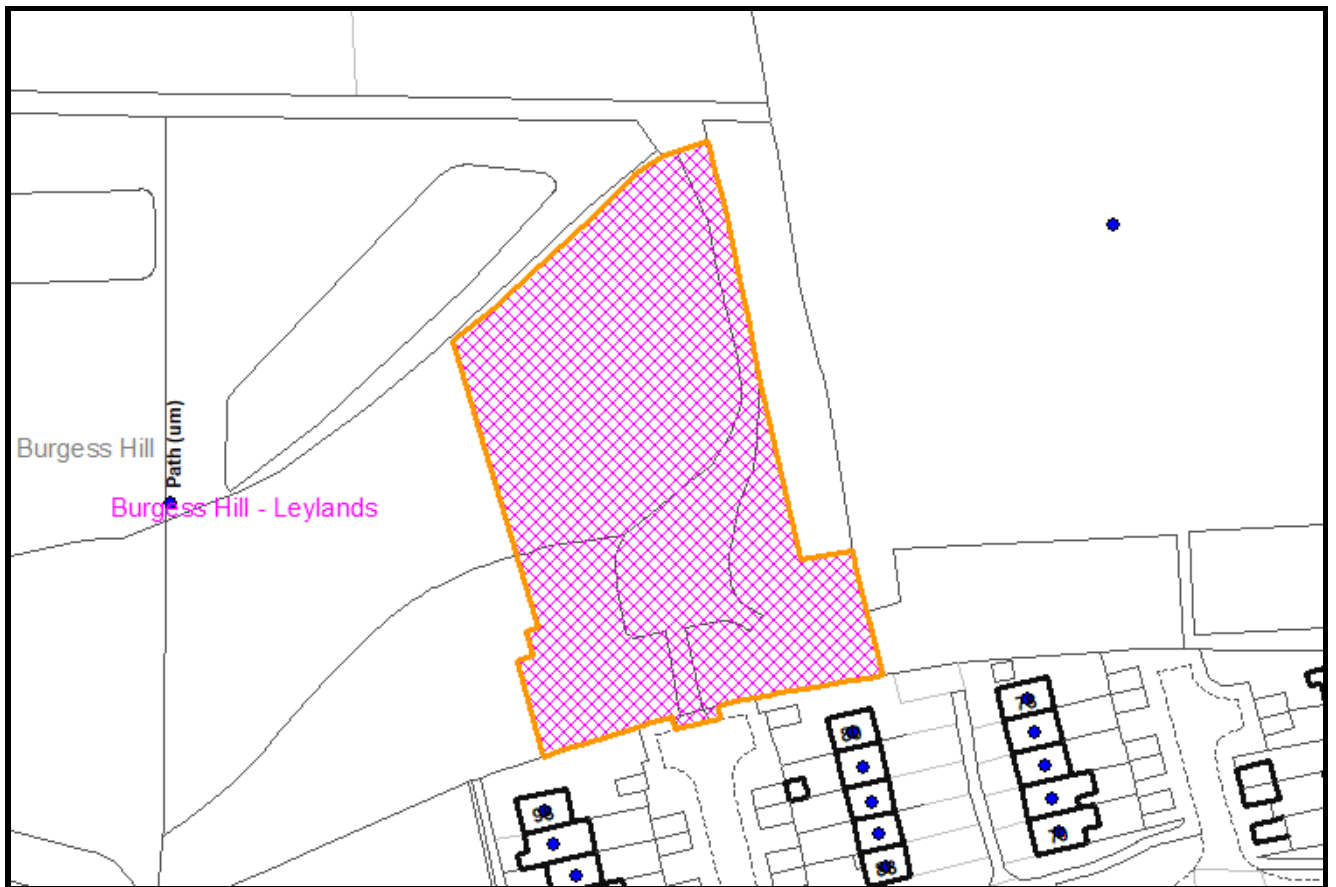
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/0239



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**LAND OFF MAPLE DRIVE BURGESS HILL WEST SUSSEX
THE ERECTION OF A NEW CHURCH AND COMMUNITY FACILITY
INCLUDING ALL ASSOCIATED EXTERNAL WORKS FORMING CAR,
MOTOR CYCLE AND CYCLE PARKING AND ASSOCIATED HARD AND
SOFT LANDSCAPING. (AMENDED PLANS RECEIVED 28.02.2023)
MR MIKE SOUTHCOMBE**

POLICY: Area of Special Control of Adverts / Built Up Areas / Informal Open Space / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 14th April 2023

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Joseph Swift

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

Planning permission is sought for the erection of a new church and community facility including all associated external works forming car, motorcycle and cycle parking and associated hard and soft landscaping at land north of Maple Drive, Burgess Hill.

Permission was previously granted for the erection of a new Church and Community Facility including all associated external works forming car, motorcycle and cycle parking and associated hard and soft landscaping under application DM/18/3627. This permission was not implemented and has lapsed. The current proposal is for a revised design, which is considered to be of an appropriate design, size and scale that is in-keeping with the character of the locality, accords with the Design Guide principles and preserves the character of the wider locality.

The application is being reported to planning committee as the development is on MSDC owned land.

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 principle of a new church and community facility is considered acceptable within this location, being within the built up area boundaries of Burgess Hill a category 1

settlement and supported by DP25. The design of the proposed building will not have any undue impact on the surrounding character and appearance of the area. The proposal would also result in construction jobs over the life of the build.

The application sites lies within the strategic allocation to the north of Burgess Hill, as set out in the District Plan, DP9. However, the site does not lie within the approved Northern Arc Masterplan (2018) nor within the areas that are subject to the current planning application which will deliver the Northern Arc (Brookleigh) allocation. Therefore this application will not impact upon the delivery of the strategic allocation.

The Church is currently hiring Sheddingdean Community Centre, as such the proposal would provide the Church with its own designated space, while also providing additional community facilities.

In addition the scheme has been designed in such a way as to prevent any significant harm being caused to the amenity of the surrounding dwellings.

There will be a neutral impact in respect of highways and parking provision, impact on neighbouring amenities, trees, drainage, sustainable construction, contamination and the impact on the Ashdown Forest.

Weighing against the scheme is the loss of open space, however, this was previously supported through the previous permission for a church on this site and it is considered that the additional community facility for the local community weighs significantly in favour of approving the application and outweighs the negative policy aspects of the proposal.

It is considered that the proposal complies with policies DP6, DP9, DP24, DP25, DP26, DP27 and DP41 of the Mid Sussex District Plan, policy LR1 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide, Site Allocation DPD and the aims and objectives of the National Planning Policy Framework.

RECOMMENDATIONS

Recommendation A

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

SUMMARY OF REPRESENTATIONS

4 letters of representation has been received raising the following concerns:

- Use of cul -de- sac as access/Highway safety/access
- Overspill for BHTFC/Clash
- Contaminated land

- Noise and disturbance
- Only cater for a small section of the community
- Impact on amenity of residents on Maple Drive
- Used by dog walkers
- Loss of Trees
- Looks attractive but concerns how the white render will age
- Impact on wildlife/protected species
- Loss of outlook
- Significant overbearing impact
- Air Quality
- Design

SUMMARY OF CONSULATATIONS

WSCC Highways

No objection

MSDC Contaminated Land Officer

Approve with conditions

MSDC Drainage Officer

No objection subject to conditions

MSDC Environmental Protection Officer

No objection subject to conditions

MSDC Community Leisure Officer

This development is supported in principle

MSDC Street naming and Numbering

Informative 29 - address allocation.

Tree Officer

Requested conditions

Corporate Estates

No comments

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council: Committee noted concern

MSDC Urban Designer

Support this planning application.

Introduction

This application seeks full planning permission for the erection of a new Church and Community Facility including all associated external works forming car, motor cycle and cycle parking and associated hard and soft landscaping at land off Maple Drive, Burgess Hill.

Relevant Planning History

14/03505/FUL: Erection of a new Church and Community Facility including all associated external works forming car, motor cycle and cycle parking and associated hard and soft landscaping. WITHDRAWN

DM/18/3627: The erection of a new Church and Community Facility including all associated external works forming car, motor cycle and cycle parking and associated hard and soft landscaping. PERMISSION

Site and Surroundings

The application site is set to the northern side of Maple Drive, with access gained through the existing cul -de -sac, which contains a number of detached garages and parking for the dwellings to the south. The application site is designated as being within the built up area boundaries of Burgess Hill within the Mid Sussex District Plan and designated as an Informal Open Space within the Burgess Hill Neighbourhood Plan.

The site is of a considerable size, with part of the site being used as an overflow car park associated with the Burgess Hill Town Football Club which is located to the north east of the application site. In addition, part of the application site is used as a kick-about area and the wider area is part of the Bedelands Nature Reserve which covers 80 acres, with a BMX track further to the north of the site.

The application site is within the built up area boundaries of Burgess Hill and designated within DP9 as mixed use development, the site currently has residential dwellings to the south and more verdant open space to the north. The site itself is well screened along the south and eastern (front and side) boundaries by an established tree belt

Application Details

The proposal is for the construction of a new single storey church building and community facilities with the capacity of up to 192 people. The proposal would have a gross internal floor area of approximately 526 square metres, with the provision of

onsite parking for 71 cars, with the addition of 6 motor cycle spaces and 14 cycle parking spaces. The proposal will incorporate a worship space, 2 multi purposes spaces, office, two storage spaces, WC, Kitchen, Open plan office, three WC's (one accessible), coat room and a space for the friends of Burgess Hill Green Circle Network.

The proposed church is located to the north of No. 80 and 98 Maple Drive and has been designed with a mix brick/render walls, the proposed roof will be a sheeted pitched roof. The proposed building would measure a maximum of some 24.6 metres in width, with a depth of 26.9 metres in depth, with a mix of eaves height ranging from 4 metres up to 4.5 with an overall height of some 7.2 metres.

This application is to be determined at Planning Committee as the application site is on land owned by Mid Sussex District Council.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Burgess Hill Neighbourhood Plan and the Sites 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.

District Plan Policies

Policy DP6 (Settlement Hierarchy)
Policy DP7 (General Principles for Strategic Development at Burgess Hill)
Policy DP9 (Strategic Allocation to the north and north-west of Burgess Hill)
Policy DP21 (Transport)
Policy DP24 (Leisure and Cultural Facilities and Activities)
Policy DP25 (Community Facilities and Local Services)
Policy DP26 (Character and Design)
Policy DP37 (Trees, Woodland and Hedgerows)
Policy DP39 (Sustainable Design and Construction)
Policy DP41 (Flood Risk and Drainage)

Burgess Hill Neighbourhood Plan

Neighbourhood Plan Policies

LR1 - Improved Recreational Facilities and New Community/Sports Hall at Leylands Park

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It 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. Relevant Policies are:

SA38: Air Quality

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 currently be given to the plan due to the very early stage that it is at in the consultation process.

National Policy and Legislation

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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.

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 (Consideration of Key Issues)

Principle of Development

The church currently hires Sheddingdean Community Centre. The proposal is seeking to have its own designated space and achieve the following aims as set out within the supporting design and access statement:

- To create an inspiring worship space and build on the Mission life of the Church.
- To increase the number of people from the community who are involved with the church and its facilities.
- To develop a number of additional uses for the building that match the needs of the community with the missional focus of the church.
- To generate additional income for the longer term sustainability of the Church and the facilities.
- To develop the building as a sustainable and energy efficient building.
- To develop a strong sense of Church and community by working in partnership with external organisations.

The application site is located within built up area boundaries of Burgess Hill by virtue of policy DP9 of the District Plan. Within such areas Policy DP6 in the District Plan states:

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

The principle of a community building within the built up area is thus acceptable.

The application site also lies within the strategic allocation to the north of Burgess Hill, as set out in the District Plan, DP9.

However, the site does not lie within the approved Northern Arc Masterplan (2018) nor within the areas that are subject to the current planning application which will deliver the Northern Arc (Brookleigh) allocation. Therefore this application will not impact upon the delivery of the strategic allocation.

Policy DP25 of the Mid Sussex District Plan supports the provision of new community facilities and 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.'*

While Policy LR1 of the Burgess Hill Neighbourhood Plan states:

'A new community/sports facility will be supported in Leylands Park. The location and size of the community facility will be agreed with the local community as part of the work on a Development Brief for the area. Funding for the community facility will come from new residential development in the area. Up to 40 dwellings could be accommodated to help fund the community centre and other improvements within the policy area. Space has also been identified for up to 20 self build units. Information on layout, design and servicing requirements of the units will be included in the development brief.

Enhanced areas of formal recreational facilities will be provided as part of the Leylands Park study area. These include improvements to the children's play area and BMX track in the existing locations. The retention of the two 'Southdown' football pitches and space for allotments are also supported.

The relocation of the Burgess Hill Town Football Club to equivalent or better facilities in a suitable location will be required to allow the housing development to go ahead. This will be controlled through the development brief.

A public transport and cycle link will be supported between the proposed Northern Arc strategic development and Maple Drive running to the north of The Hawthorns, providing the existing play facilities are relocated to at least the existing standard at the satisfaction of the Council.'

The proposal for a new church and community facilities is thus also supported by these policies in principle.

The site is identified as open space within the Burgess Hill Neighbourhood Plan. DP24 states that proposals that involve the loss of open space will not be supported unless the facility is surplus to requirements, the loss would be replaced, or the development is for alternative provision which outweighs the loss.

In this case, the proposal is for a new community facility, and whilst it would involve the loss of open space, the proposed use will provide an additional recreational

facility for the local community. Therefore, proposed development is considered to outweigh the loss of the existing open space.

Furthermore, permission has previously been granted for a church and community facility within this location under DM/18/3627.

The proposal is thus considered to comply with policy DP6, DP24 and DP25 of the District Plan and LR1 of the Neighbourhood Plan.

Design and visual impact

Policy DP26 of the District Plan relates to character and design and states:

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

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

The Council's adopted Design Guide is a material consideration in the determination of the application. Design Principle DG38 requires good architecture whilst responding appropriately to its context.

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

'new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.'

Principle DG18 in part states:

'The quality of the street environment should be a paramount consideration in designing parking spaces into the street. Parking should be attractively integrated so that it does not dominate the streetscape, is softened by landscaping and accords with the other layout principles in the Guide.'

In addition Principle DG19 in part states:

'Larger parking courts/squares will normally be unacceptable unless they are designed as part of a well landscaped and ordered open space that contributes positively to the development.'

Paragraph 126 of the NPPF states:

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

Following the Urban Designer comments, the scheme has been amended. The roofline has now been totally amended to suit a more traditional dual-pitched style which adds a conformity to the whole project and is similar to the neighbouring buildings. Together with detailing of the proposed rainwater discharge arrangement which is considered acceptable.

The Urban Designer has confirmed that the design changes are satisfactory and support the proposal subject to conditions. The Officer agrees with these view that these changes have addressed the initial concerns raised by the Urban Designer and are now acceptable. The site is currently used as an overflow car park for BHTFC on match days, the addition of any building within this location would impact upon the open character of the area. However, the application site is afforded good levels of screening along its southern and eastern boundaries and the car park has been amended so that it reflects the previous approval.

The current proposal is smaller in scale than the previously approved scheme being only single storey in nature compared to the previous approved two storey scheme. The proposal has been designed with a mix of pitched roof heights which helps to break up the massing of the building, while also matching in with the pitched roofs of the dwellings to the south. Due to its relationship to the existing dwellings to the south it is considered to result in a natural extension of Burgess Hill.

The design approach that has been adopted in this instance will provide a distinctive, but functional, building that will benefit the informal open space and the uses that will occur therein.

Officers are content that the proposal complies with the above mentioned policies.

Highways and parking

The proposal is seeking to gain access via an existing cul-de-sac which provides access and parking for the dwellings to the south of the application site. At present the site is used as an overflow car park with access gained through the end of the cul-de-sac and a link on the eastern (side) boundary.

WSCC Highways initially requested additional information in relation to a plan showing the parking spaces, access design and details on how the agreement will work with the football club.

These details have been provided and full comments of WSCC Highways Authority are available to view at Appendix B which raises no objections to the proposal and as such the proposal is deemed to comply with Policy DP21 of the Mid Sussex District Plan.

Neighbouring amenity

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

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The application site is bounded on three sides by open land/kickabout areas, with residential dwellings only to the south.

To the immediate south of the application site, along the proposed access are a number of dwellings, the closest of which are 98 and 80 Maple Drive. It is proposed that the majority of screening along the southern boundary will be retained, while being set approximately 33 metres from No.98 Maple Drive and some 30 metres from No.80 Maple Drive.

Vehicular movements will increase in the cul-de-sac when the building is in use, for example, it is anticipated that a typical Sunday morning service will be attended by 90 people (72 adults and 18 children) which leads to around 30 cars arriving, thus creating a total of 60 trips. There will therefore, be additional traffic generated when in use relative to the existing situation and this will have a level of impact on the residential amenities of these occupiers, by way of noise and disturbance. However, adjacent residents are located within a built up area and as such some level of

disturbance is expected. Additionally the situation would be little different from that was considered to be acceptable in 2019 for the permitted scheme (DM/18/3627).

The test within the policy DP26 is whether the impact would be significant and, while it is recognised there would be an impact, it is not considered that this would result in a significant detrimental impact upon the amenities of neighbours, particularly when weighed up against the wider benefits of the provision of a community facility. For these reasons the application is deemed to comply with the above mentioned policy.

Trees and Landscaping

The site currently benefits from tree screening along the southern and eastern boundaries, A site plan has been submitted showing that 4 trees will need to be relocated. This current proposal actually result in less trees being removed than previously approved under application DM/18/3627. It should also be noted that none of the trees upon the site benefit from preservation orders. The Tree Officer has not raised an objection to the application, furthermore, details of the Tree protection Plan, Method statement detailing construction details of hard standing have been attached as conditions. No objection is therefore raised in respect of the loss of the trees upon the site and improvements to the landscaping upon the site would be supported.

Drainage

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

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

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme, maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation, and also to limit water use to 110 litres/person/day.

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 submitted planning statement contains a sustainability section which states the proposal would include/use the following:

- The proposed building will be constructed via a SIP (Self Insulated Panel) system. This system is manufactured off site cutting down construction times on site and reducing traffic and noise pollution. The system also uses FSC timber OSB panel sheeting and is highly effective at reducing cold bridging within buildings thus increasing the thermal efficiency of the building. The effectiveness of this system of construction will reduce energy consumption and the panels could be re-used or recycled at the end of the buildings lifespan. Points 1, 2, 3 and 6 of DP39.
- The foundations of the building will be done on a pile foundation system. A timber frame floor cassette will then be installed with an air gap underneath the building. The timber frame and insulation will be constructed of FSC timber and recycled plastic insulation. The air gap will aid the ventilation of the building and increase the thermal properties. The fact the building will be raised off the ground will help reduce any damage due to potential future flooding issues which may occur due to climate change and allow surface water to dissipate in absence of a hard standing or concrete base. Points 1, 4, 5 and 6 of DP39.
- The heating system will be done via an air source heating and cooling system which reduces energy consumption and allows the building to not require any gas. For smaller rooms Infrared panel heaters will be installed which negate the need to heat cold air and give instantaneous results. Points 1 and 2 of DP39.
- We are proposing a rainwater harvesting system to allow the building to use rainwater for flushing the toilets. All toilets will also have limited capacity, and all taps will switch off after use. All hot water will be done by an instantaneous heating system. We have calculated that the building will use circa 440 litres of water per day of which circa 100 will be provided by the rainwater harvesting system. This would leave 340 litres which equates to around 20 litres per person per day. This also reduces the impact on potential drainage

capacity and flooding issues that may arise in the future. Points 1, 2, 3, 4, 5 and 6 of DP39.

- There is extensive A rated glazing around the whole building to maximise natural light. This includes a raised roof area on the main church hall. Point 1 DP39.

Therefore, it is considered that the proposal complies with the relevant criteria policy DP39 of the District Plan and the requirements of the NPPF, consequently the proposal is considered to be acceptable in sustainability terms.

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.

Other Issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

For instant concerns raised in regards to contaminated land have been controlled by condition requiring additional investigations to take place and for remediation to take place as needed.

Although concerns were raised in regards to the weathering and graffiti of the render this is a maintenance issue and as such is not a material planning consideration that can be taken into account in regards to this application.

In relation to Policy SA38 of the Sites Allocation DPD it states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

Details of this have been secured by an Air Quality condition.

Concerns have been raised in relation to the impact upon a number of protected species/wildlife, the site is currently used as an overflow car park for the football club, parts of the site are hard surfaced and the claims regarding the number of protected species are not backed by any detailed survey evidence and the presence of these species were not identified during my site visits. As such it is considered that on the evidence the risk to wildlife is low.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. 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 principle of a new church and community facility is considered acceptable within this location, being within the built up area boundaries of Burgess Hill a category 1

settlement and supported by DP25. The design of the proposed building will not have any undue impact on the surrounding character and appearance of the area. The proposal would also result in construction jobs over the life of the build.

There will be a neutral impact in respect of highways and parking provision, impact on neighbouring amenities, trees, drainage, sustainable construction, contaminated land and the impact on the Ashdown Forest.

Weighing against the scheme is the loss of open space, however, it is considered that on balance the additional community facility for the local community is considered to weigh significantly in favour of approving the application and outweighs all negative aspects identified above.

The application sites lies within the strategic allocation to the north of Burgess Hill, as set out in the District Plan, DP9. However, the site does not lie within the approved Northern Arc Masterplan (2018) nor within the areas that are subject to the current planning application which will deliver the Northern Arc (Brookleigh) allocation. Therefore this application will not impact upon the delivery of the strategic allocation.

It is considered that the proposal complies with policies DP6, DP9, DP21, DP24, DP25, DP26, DP37, DP39 and DP41 of the Mid Sussex District Plan, policy LR1 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide, Site Allocation DPD and the aims and objectives of the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

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

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

3. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls roof, windows and doors of the proposed building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority

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.

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 a hard and soft landscaping scheme These details shall include:
 - Tree Protection Plan and a Method Statement detailing construction details of hard standing;
 - Details of the heat pumps, bin store and cycle store
 - Details on the materials and finishes for the hardstanding

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

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

5. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

8. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials

for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

9. Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

10. Air Quality - Prior to commencement, the applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution of the Mid Sussex District Plan 2014-2031 and SA38 of the Sites Allocations DPD.

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

- a) A preliminary risk assessment which has identified
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

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

14. 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 development shall be occupied or 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 and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

15. No development shall take place until details of energy and water conservation measures such to improve the sustainability of the scheme have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To comply with the requirements of Policy DP39 of the Mid Sussex District Plan.

16. No development above slab level shall take place until a 1:20 scale elevation/section drawing showing half of the proposed front elevation to secure the quality of the design of the buildings 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 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 buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
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.
4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. It is advised that as part of the hard and soft landscaping condition, the details of the rear car park should not have a tarmac finish.

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
Topographical Survey	3.9	1	15.02.2022
Location Plan	3.1	3	21.09.2022
Tree Survey	3.11	1	15.02.2022
Site Plan	SITE LAYOUT	3	27.03.2023
Site Plan	SITE PLAN	3	27.03.2023
Proposed Floor Plans	GROUND FLOOR PLAN	3	27.03.2023
Proposed Roof Plan	ROOF PLAN	3	27.03.2023
Proposed Roof Plan	ROOF DISCHARGE	3	27.03.2023
Proposed Elevations	APPROACH ELEVATION	3	27.03.2023
Proposed Elevations	LEFT ELEVATION	3	27.03.2023
Proposed Elevations	RIGHT ELEVATION	3	27.03.2023
Proposed Elevations	REAR ELEVATION	3	27.03.2023
Sections	ROOF GUTTER	3	27.03.2023
Sections	OVERHANG	3	27.03.2023

APPENDIX B – CONSULTATIONS

Street Naming and Numbering 14/03/2022

Weekly list date: 07.03.2022 and 11.03.2022

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

Linda Symes
Street Naming and Numbering Officer

Informative (Info29)

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

Planning applications requiring SNN informative

DM/22/0239
DM/22/0732
DM/22/0377
DM/22/0718
DM/21/3202
DM/22/0596
DM/22/0733
DM/22/0666
DM/22/0711

Street Naming and Numbering 06/03/2023

Weekly list date: 27/2/2023 and 3/3/2023

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

Linda Symes
Street Naming and Numbering Officer

Informative (Info29)

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

Planning applications requiring SNN informative

DM/22/0239
DM/22/0240
DM/22/0241
DM/22/0242

Community Facilities Project Officer 22.03.2022

Thank you for the opportunity to comment on the plans for a new Church and Community Facility on Land North of Maple Drive, Burgess Hill on behalf of the Head of Corporate Resources.

This development is supported in principle by the Council who have offered a Facility Grant toward the costs of construction subject to Planning approval and further details regarding the lease agreement and community access.

Please note, ambulance and maintenance vehicle access should be retained to the BMX track, to the north of the development site. The site also currently provides an occasional overflow car park with 60 spaces for Burgess Hill Town Football Club which will need to be retained. It will also be necessary to keep the height restrictor at the entrance to the site.
Kind regards,
Elaine

Community Facilities Project Officer 07.10.2022

Thank you for the opportunity to comment on the amended plans in respect of the erection of a new Church and Community Facility on Land Off Maple Drive, Burgess Hill.

As the design alterations have not affected the internal layout of the community / multi-functional spaces significantly, I have nothing further to add to my previous comments.

Community Facilities Project Officer 07.03.2023

Thank you for the planning consultation regarding amended plans for the erection of a new Church and Community Facility on Land Off Maple Drive, Burgess Hill.
I have no comments to make on this application.

Drainage Officer

22.03.2022

Application Details	
Application Number	DM/22/0239
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-03-25
Site Location	Public open space north 98, Maple Drive, Burgess Hill
Development Description	The erection of a new Church and Community Facility including all associated external works forming car, motorcycle and cycle parking and associated hard and soft landscaping.
Recommendation	No objection subject to condition

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, a small area of the site, near the western boundary is shown to have increased 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.

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

No information has been provided into how surface water drainage shall be managed on site, except in the application form which states sustainable drainage shall be used.

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

is unlikely to be possible on site. In addition, the site is known to be a historic landfill and as such infiltration may not be possible due to ground stability and contamination control issues.

The flood risk and drainage team advise the applicant that the detailed drainage design will need to take all the site constraints into consideration.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This will need to be supplemented with evidence that the impact of the old landfill usage of the site has been considered as part of the design.

FOUL WATER DRAINAGE

It is proposed that the development will discharge to the public foul sewer.

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

CONDITION RECOMMENDATION

FOUL AND SURFACE WATER DRAINAGE (COMMUNITY BUILDING)

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 development shall be occupied or 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 (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements - surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

³ Formal approval via S106 etc is not required.

Table 1: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ⁴	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

Drainage Officer 03.10.2022

Just to confirm the flood risk and drainage team's previous consultation response remains valid following the updated plans submitted for the above application.

Drainage Officer 23/03/2023

The flood risk and drainage team have reviewed the additional information submitted in support of the above application. We can confirm that our recommendation that a drainage condition is utilised to secure detailed drainage design remains valid. We would advise that the use of permeable surfacing may not be suitable on the site due to the potentially contaminated nature of the site.

Due to the extended timeframe since our initial response there has been alterations to our general guidance for detailed drainage design. We therefore attached the latest guidance documents for the applicants reference.

WSCC Highways 01/04/2022:

The planning documents are currently unavailable to view on your web page - formal comments to follow in due course.

WSCC Highways 11/05/2022:

⁴ Formal approval via S106 etc is not required.

The proposed application is for a new church and community facility (590sqm) with associated parking (50 spaces). New pedestrian and vehicular access points are proposed. The application form states 2 employees and operation times of 0800 - 2200 every day.

The proposals shown is similar to the application DM/18/3627 which was approved

Local Road Network/Site Access

The site is accessed via an existing access from a cul-de-sac (serving garages only) off Maple Drive. The cul-de-sac is approx. 5m wide with footways on both sides and a wide hammerhead turning area at the northern end. Currently few cars park along the main part of the cul-de-sac but it has been reported that some cars park in the hammerhead at the end of the road to each side. At the end of the cul-de-sac, there is a double gate approximately 4m wide with a height barrier above. The gated access serves an informal parking area associated with the nearby Burgess Hill Town Football Club and Leylands Park Recreation Ground used for overspill parking when there are events.

The existing access point into the site is narrow at 4m and should be widened to 4.5m to allow for 2 vehicles to pass and avoid any congestion and or issues for pedestrians. the footway stops at the access to the site leaving pedestrians no option but to step into the carriageway. No access plans has been provided.

Maple Drive is wide and fairly straight at the cul-de-sac location with footways on both sides and a wide grass verge on the north side. Adequate visibility is achievable in each direction from the cul-de-sac.

Transport Statement (TS)/Traffic Generation

A transport Statement has been submitted utilising figures from the existing church operation. The TS can be summarised as follows:

- A typical Sunday morning service is currently attended by around 90 people (72 adults and 18 children) leading to around 30 cars arriving at the site, creating 60 trips on the local highway network.
- Most other people (15+) arrive by walking leading to around 30 walking trips on a typical Sunday.
- A Sunday morning service starts at 1030am and is over by 1200. Therefore, the highest number of trips on the local highway network at between 0930 and 1030 and 1200 and 1300 on Sundays
- The other activities at the church generate much lower levels of trips. Most activities take place once a month and are therefore, not a consideration on a weekly basis. The one activity that currently does take place weekly is the mother and toddler group (Chatterbox) which takes place every Monday morning between 0900 and 1200. This usually involves 14 adults in 12 cars. Therefore, every Monday, there are around 12 trips on the local highway network during the AM peak hour. The 12 return trips take place during the middle of the day

Proposed site

An increased capacity of 240 people in the seating areas is proposed. However, the maximum total potential attendance at any service is estimated at significantly less than this based on the existing total congregation of 150. The additional higher capacity of 240 is for more irregular one off events, such as funerals. In addition, an arrangement is proposed with the existing Sheddingdean Community Primary School to allow for limited end of year

assemblies and other school productions. The proposed car parking would be available for parents attending. Regular church services and sessions would not be held at times which would give rise to travel demands in periods of other general high travel demands. The intended programme is largely as existing at the current site. It is anticipated that the provision of a new purpose built church is likely to lead to a small increase which is estimated at around 10percent over the current experience at the existing location and these have been incorporated into the table below.

PARKING

- The proposed new site for the church is currently used for some limited parking associated with the local football club. This usually only amounts to around 6 cars which will need to be accommodated within the new proposed car park. In addition, the adjoining Burgess Hill Town FC occasionally has special events and use the current field for overspill parking.
- On site, it is proposed that there will be two parking areas, one at the front of the church and one to the rear.
- The proposed car park at the front of the church will be surfaced and will provide parking for 26 cars. There will also be space available for set down and pick up in front of the church. In accordance with the County Council standards, 3 disabled parking spaces will be provided in front of the main church entrance
- To the rear of the church, there will be a second car park. This car park will be unsurfaced and will provide parking for a further 45 cars
- Covered cycle parking provision will be provided at the front of the church. This will provide provision for 14 spaces. In addition, 6 motorcycle parking spaces will be provided in accordance with the County Council standards.

No plans have been provided showing how the car parking will be marked out nor has a pedestrian link between the Football Club and the Church been identified.

The applicant has agreed to develop a Travel Plan, which is welcome and ideal for a proposal such as this where car sharing is an option and flexibility for start/finish times can be adjusted to alleviate any parking pressure.

Visibility from the Cul-de-sac into Maple Drive is good so there would not be any highway safety concerns regarding this. How the access onto the site from the public highway (at the hammerhead) will need to be considered and approved by the Highway Authority given suitable provision and visibility for pedestrians.

No Highway Objection subject to the following:

- Plan showing parking spaces/layout and detailing materials used for rear parking area (the TS suggests it will be unsurfaced).
- Plan showing access design, taking into account pedestrian access
- Details of how the parking will work with the football club - is this informal or will there be an agreement?

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

Travel Plan Statement (to be approved)

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

Reason: To encourage and promote sustainable transport.

Construction plant and materials

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

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

Works within the Highway - Implementation Team

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

WSSC Highways 20/06/2022:

Since our response of the 11/05/22, there appears to be only 1 additional representation listed on the webpage - Vehicle Access 06/06/22 - Dwg No. 3.12.

The plan shows a gravel parking area and with marked spaces. As gravel cannot be marked can the applicant provide some kind of posts at the back of the parking spaces to aid organised parking. The chevron style parking in the centre may need a little more thought though, the layout is acceptable however it will be difficult to distinguish with post so it may need some raised areas, perhaps at the ends and in the centre. They may not have to be permanent ie concrete raised kerbs, railway sleepers have been used in some cases which are moveable.

No additional information on a pedestrian access or details of how the parking will be managed with the football club and is still required.

Please reconsult.

WSSC Highways 21/07/2022

The following additional information has been submitted:

- Parking Plan including space markers and pedestrian route
- Information on space sharing agreement with Football Club

No highway objection

WSSC Highways 12.10.2022

Amendments have been made in accordance with Urban Design comments submitted. Changes do not appear to be highway related. Therefore the Highway Authority would not wish to make further comments at this time.

WSSC Highways 23.03.2023

The amended plans now shows the parking layout. No objection to the amended parking plan.

Tree Officer

Hi Joe,

I understand that this proposal has a previous consent and will also provide community benefits.

I note that a tree report has not been submitted and , as well as the loss of a small group of trees, there will be impacts on the RPAs of a number of trees.

If permission is granted, I would therefore request that conditions be attached requesting a Tree Protection Plan and a Method Statement detailing construction details of hard standing, prior to commencement.

I am also unsure if hard standing will be permeable , could this be confirmed, and/or, conditioned please.

Irene

Environmental Protection Officer 05.04.2022

It is unusual for us to receive noise complaints concerning churches and those we do receive are usually regarding bell-ringing or clock chiming, which appear not to be relevant in this case. Other possible noise sources are use of a musical band as part of worship and the noise of the congregation arriving and departing in their vehicles.

The noise of a band would presumably be occasional, limited to daytime only for a few hours and can be controlled by reducing the amplified volume and/or closing windows. On this basis it would not seem to be a matter that needs Planning controls.

Noise from vehicles is only likely to be an issue in the early morning or late at night and as the hours applied for are 0800 to 2200 this does not apply.

Environmental Protection has no particular concerns but does recommend conditions to control noise and hours during construction, as well as a condition to mitigate against the impact of the development upon air quality. Should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use

during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

Environmental Protection Officer 10.10.2022

The amendments do not appear to affect our previous comments. These previous comments still stand.

Environmental Protection Officer 13.13.2023

Previous comments still apply.

MSDC Urban Designer

This is a disappointing and unconvincing proposal, and has none of the harmony and order of the highly commendable 2014 scheme.

The stepped roofline of the church is a fussy design. It has little relationship with the building frontage that appears like a stuck-on gabled façade and these elements result in an inelegant roof profile on the west elevation. At the rear, the stepped profile builds up to a tall mostly blank façade on the northern side that provides a lifeless backdrop to the north facing communal back garden that is also a bleak location for seating because of the surrounding car park.

The large areas of blank walls and choice of render is unfortunate as it is likely to provide a blank canvas for graffiti artists and will be more of a challenge to maintain than other materials such as brick. The mirror clad frontage is also impractical as it is likely to generate glare and deteriorate over time. The rammed earth element appears superficially applied, as does the glitzy tones of the capping.

The ancillary parts of the building read like bolted-on afterthoughts. The collection of shallow monopitch roofs, flat roof and more stepped roof appear randomly added and have an uncomfortable juxtaposition with the main stepped profile of the church and overall contributes to a confusing and untidy-looking building that lacks design integrity. The shallow-angled monopitch roofs also jar with the steeper pitch of the gabled church frontage.

The internal plan also does not look well organised and generates a long alley leading to the entrance to the ancillary part of the building. This should be avoided for community safety and sustainability reasons as the large recess could attract anti-social activity and generates a higher surface area to volume ratio.

While some of the rainfall will be collected in the sedum roof, there will also need to be other rainwater discharge arrangements which are not shown on the drawings.

The large car park is unfortunate and because it is being formally organised with defined in/out route and parking spaces will impose more upon the open space at the rear than the previous scheme with its more natural/informal arrangement.

For the above reasons, the scheme does not accord with principles DG18, DG19, DG38 and DG42 of the Council's Design Guide or policy DP26 of the District Plan. I therefore object to this planning application.

MSDC Urban Designer 25/10/2022

As discussed, the church element has been improved but overall I feel the design is still unsatisfactory (and does not accord with principle DG38 of the Council's Design Guide). In particular the roof plan is still unfortunately convoluted and I especially question the perpendicular relationship of the roofs over the community space and church. It would be more straightforward and elegant if the ridge line over the community space were parallel with the church. That could be achieved with a pair of double pitch roofs (ie. extruded N/S rather than E/W) generating two additional gable fronts and backs which should work with the internal configuration of the building with its continuous N/S spine walls, as well as the church exterior. Consideration should also be given to incorporating windows (which could still be in projecting bays) in the gable frontages (at front and back) to avoid too much blank façade which is an issue at the front.

The roof plan also needs to be more clearly/consistently drawn as at the moment it does not appear to accord with the elevations.

I am still not satisfied by the rainwater discharge arrangements. If it is to be internally incorporated, the drawings should be showing hidden gutters on the roof (and where they are accommodating the drain holes) and the internal pipes on the ground floor. I however question whether this will be achieved in the final analysis as I have many experiences of schemes which have claimed they will incorporate everything internally only to realise at the construction stage that this is not feasible from a technical and/or cost perspective.

I would be prepared to meet with the applicant to discuss these issues.

In terms of the landscaping, there has been some improvement with a slight reduction in the area of hardstanding and the application of a gravel surface. There should also be scope for some further tree planting at the rear of the church.

MSDC Urban Designer 22/03/2023

As previously discussed, the church element has been improved and overall, I feel the design is satisfactory and suggested changes were made.

1:20 scale drawing showing the roof eaves detail is acceptable as well as other details relating to rainwater discharge arrangements.

The location of wheelchair accessible toilet is unclear and needs to be shown on the plans (this can be done by the slightly reconfigured layout of the proposed toilets).

In terms of the landscaping, I understand there has been some improvement with a reduction of the hardstanding surface and the application of a gravel surface. Not all drawings reflect this change.

I, therefore, support this planning application.

I recommend the following conditions:

- 1:20 scale elevation / section drawings showing half of the front elevation.
- Details of the hard and soft landscaping including the areas within the bund such as the heat pumps, bin and cycle stores.

Corporate Estates 29/09/2022

We do not have any comments regarding the revised application.

Corporate Estates 07/03/2023

No comments to make at this stage.

Contaminated Land Officer 28.03.2022

The application looks to build a church with associated parking.

Our records indicate that the site sits on a historical landfill, and that previous desktop studies for the site (Southern Testing (Ref: J11879), dated 30th July 2014) have found that further investigation is required in terms of ground gases, as testing so far has found high levels of Methane and Carbon Dioxide.

Conditions should therefore be attached requiring additional investigation to take place and for remediation to take place as needed.

Recommendation: Approve with conditions

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

a) A preliminary risk assessment which has identified

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site,

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

Contaminated Land Officer 02.03.2023

The amendments do not appear to affect our previous comments. These previous comments still stand.

Burgess Hill Town Council 06/04/2022

Recommend Approval. The Committee expressed concern over parking constraints and pedestrian access right, and suggested putting in a height barrier

Burgess Hill Town Council 16/03/2023

The Committee noted concern.

There was concern raised about the design of the roof and the complicated pitch of it, as well as concern that the white render would be prone to graffiti.

The Committee discussed the missed opportunities for installing photovoltaics on the roof and concern over the rainwater discharge arrangements. The Committee also requested confirmation that there was cooperation with football club over use of the car park, they additionally questioned whether the surface of the car park was permeable and what protection had been agreed for the existing trees or whether these would be suitably replaced should they be removed.

MID SUSSEX DISTRICT COUNCIL

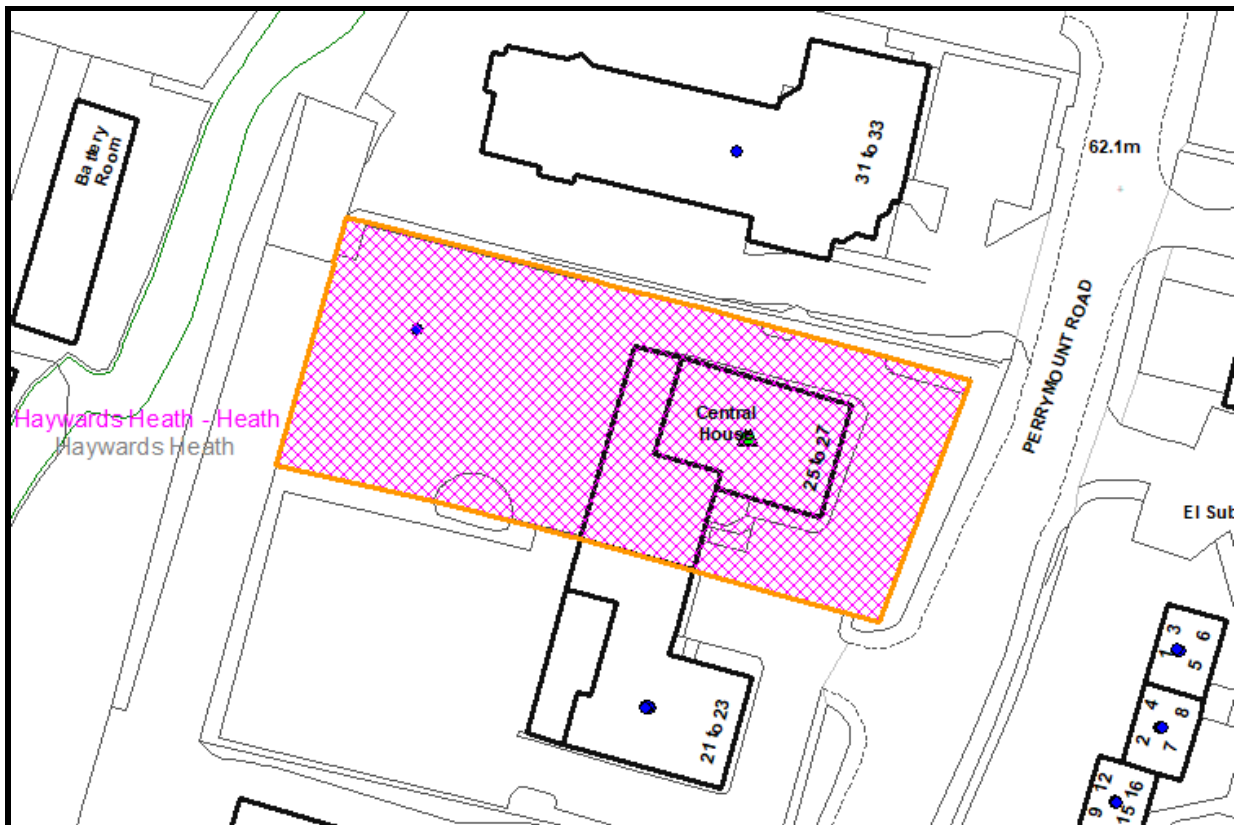
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/2880



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**LAND REAR OF CENTRAL HOUSE 25 - 27 PERRYMOUNT ROAD
HAYWARDS HEATH WEST SUSSEX RH16 3TP
ERECTION OF A 6 STOREY BUILDING COMPRISING OF 28 FLATS (15 X
1 BED AND 13 X 2 BED) WITH ASSOCIATED LANDSCAPING, PARKING
AND REFUSE STORES.
SHALL DO CENTRAL HOUSE LIMITED**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Bluebell Railway / Aerodrome Safeguarding (CAA) / Trees subject to a planning condition / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th May 2023

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a 6 storey building comprising of 28 flats (15 no. 1 bed and 13 no. 2 bed) with associated landscaping, parking and refuse stores at land rear of Central House, 25-27 Perrymount Road, Haywards Heath. The building would be sited on the former car park associated with the building. The existing building itself is not within the application site.

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

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.

It is acknowledged that the site is allocated as an existing employment site within Policy SA34 of the Site Allocations Development Plan Document (SADPD). However, the Development Plan (DP6, DP26 and H8) and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of previously developed and under-utilised land. Whilst the loss of the commercial use of the site is regrettable, the building benefits from a permitted development prior approval consent for its use for residential purposes. It is therefore considered that the principle of the re-development of the former car park site is appropriate and is supported by the Government's requirement to maximise development on sites and promote development on previously developed and under-utilised land. As such, in terms of principle, the redevelopment on the site would result in the delivery of 28 dwellings within a highly accessible and sustainable

location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

The site falls within an area of coarse grain development where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan. The design of the building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design, siting and proposed materials it is considered that the proposal would not detract from the character of the area or street scene. Although the development would only result in the provision of 6 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

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

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP39 and DP41 of the District Plan, policies E8, E9, H8, T1, T2 and T3 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 110, 111, 119, 124, 130, 152 and 205 of the NPPF.

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

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

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 13th July 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reasons:

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

SUMMARY OF REPRESENTATIONS

3 letters of OBJECTION concerning the following points:

- Over-development of the site,
- Limited parking in Haywards Heath and little option to park off road in Perrymount Road,
- People living in Central House will have a view of another block of flats,
- Poor design of building,
- New building is too close to existing building of Central House,
- Should be thinking of parking and green areas keeping trees and green areas not concrete blocks.

SUMMARY OF CONSULTATIONS

WSCC Highways

No objection subject to conditions

WSCC County Planning Officer

Summary of contributions:

Education - Primary - £14,824

Education - Secondary - £15,995

Libraries - £7,861

TAD - £36,495

WSCC Waste and Minerals

No objection.

WSCC Water and Access

Comments.

MSDC Urban Designer

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to condition.

MSDC Environmental Health

Approve with conditions.

MSDC Contaminated Land

Approve with condition.

MSDC Leisure

The development would generate the need for the following contributions:

Play equipment - £9,946

Kickabout provision - £8,354

Formal Sport - £11,390

Community Buildings - £12,215

MSDC Housing

No objection subject to provision of 30percent affordable housing in line with District Plan Policy.

MSDC Street Name and Numbering Officer

Informative.

MSDC Archaeology Consultant

Recommend approval subject to conditions.

Southern Water

Comments and suggested condition and informative.

Sussex Police

No objection. Comments.

Haywards Heath Town Council

The Town Council draws the attention of Mid Sussex District Council's Planning Officers to the Archaeological Assessment by Canterbury Archaeological Trust Ltd and would like to flag the need to proceed on site with due care and caution.

The Town Council understands that the principle of development is already established on this site from previous permissions, which included an affordable housing requirement. However, this latest application excludes affordable housing as required by the Haywards Heath Neighbourhood Plan and Mid Sussex District Plan 2014-2031 and furthermore, it has a paucity of parking provision. The Town Council therefore OBJECTS to the application. It would support it if 30percent or more affordable housing were to be delivered on the site.

If the application is approved, Section 106 funding should be allocated to the provision and installation of a new cycleway through Clair Park to join with the existing cycleway between Heath/Church Road towards The Orchards/town centre, together with extensive eco-friendly LED lighting to protect resident safety and amenity. Or, if this Clair Park project is not delivered, funds shall be applied to improvements to the proposed Country Park on land off Hurstwood Lane.

INTRODUCTION

This application seeks planning permission for the erection of a 6 storey building comprising of 28 flats (15 no. 1 bed and 13 no. 2 bed) with associated landscaping, parking and refuse stores at land rear of Central House, 25-27 Perrymount Road, Haywards Heath.

RELEVANT PLANNING HISTORY

CU/95/82 - 5 storey office building of 2,869 sqm including covered parking and plant parking and associated landscaping. APPROVED.

DM/20/1137 - Outline application to demolish the existing office building and the erection of a new office (B1 use) and a mixed use (commercial B1, D1, D2 use and residential) building comprising of up to 38 flats and up to 3,419 sqm of commercial floorspace together with the formation of a new access and associated car parking. All matters to be reserved except for access. APPROVED.

Other relevant history

The main building of Central House has had various prior approvals for the conversion of the office building to 48 flats (references DM/21/1819, DM/21/2681 and DM/21/2730). Works are being carried out to implement this office to residential conversion. As part of this prior approval there was to be only 7 car parking spaces to be provided for the development.

There is also an application currently pending consideration immediately to the north of the site of Lloyds Bank, 31-33 Perrymount Road under reference DM/22/2303 for a 9 storey extension to the western elevation of 31-33 Perrymount Road, together with a 2 storey rooftop extension, a new rooftop amenity deck, parking, bin and bike stores and internal and external changes to the existing building to deliver a total of 98 dwellings and ancillary residential facilities (further to the approved change of use of the existing building for 38 units under prior approval consent, therefore delivering an uplift of 60 dwellings on the site).

SITE AND SURROUNDINGS

The application site is located on the western side of Perrymount Road. It forms the former car park associated with the existing building, (25 - 27) which is one half of the modern office buildings on the stretch between The Broadway and Clair Road. The existing building has a total width of approximately 50m with wings on either end projecting towards Perrymount Road. The building contains 6 floors of offices, the top level being contained within a mansard roof, surmounted by a plant room. The existing building itself does not lie within the application site.

The land slopes quite sharply downwards towards the north and the west. There is a floor difference in levels between the front and rear of the site.

The building of Central House is functional but could not be called attractive and its appearance is further marred by the majority of the remainder of the site being covered by car parking and an access road to the side of the building.

As stated above, the other half of this block (21-23) abuts the application site to the south, beyond which are three modern office buildings to the south which reach to The Broadway. To the north are a series of modern and converted office buildings, reaching to Clair Road. Similarly, there are residential maisonettes which face the application site on the east side of Perrymount Road, from a raised setting.

To the rear, is a private access road, with vehicular parking, tree and vegetation screening beyond. Further to the west is railway land where there is a sharp drop between Perrymount Road and the railway tracks.

The site is identified as being with the built up area of Haywards Heath and within a commercial area as set out in the District and Haywards Heath Neighbourhood Plan.

APPLICATION DETAILS

Planning permission is sought for the erection of a 6 storey building comprising of 28 flats (15 no. 1 bed and 13 no 2 bed) with associated landscaping, parking and refuse stores on the former car park area.

As part of the development there would be the provision of 9 affordable dwellings. This is to comprise of 3no 1-bed flats and 6no 2-bed flats. This would be split as 6 no. affordable rented and 3 no. first homes. Five of the affordable rented will be situated on the first floor with one of the affordable rented on the ground floor with its

own entrance separate to the main building. The first homes are to be situated on the ground and second floors and are to comprise of 2-bed flats.

The proposed building would measure some 27.4 metres in length, some 16.3 metres in depth (including the protruding balconies to the rear), with an overall height of some 20.1 metres. The top floor would be set in from either end of the building by some 2.1 metres and some 2.2 metres from the front and rear elevation.

The building would have a predominantly brick appearance with the top floor recessed from all sides and treated in a dark grey standing seam. The proposed windows are to be a matching grey colour. To the rear elevation is to be three bays of protruding balconies for a number of the flats on the ground to fourth floors measuring some 1.5 metres in depth. The sides of these balconies are, however, to be enclosed within the built form.

Soft landscaping is proposed to the front, rear and sides of the new building providing scope for additional tree planting, grassed areas and shrubs. No existing on site trees are to be removed as part of the development.

A total of six car parking spaces including three disabled spaces are proposed for use by future residents. Plans show that there would be 6no electric charging vehicle points provided. In addition, there would be a communal covered and secure cycle and bin store set to the front of the building.

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

- Air Quality Assessment,
- Arboricultural Impact Assessment and Tree Protection Plan,
- Archaeological Desk-based Assessment,
- Draft Construction Management Plan,
- Daylight and Sunlight Report
- Design and Access Statement,
- Flood Risk Assessment including Sustainable Drainage Strategy,
- Environmental Noise Survey and Acoustic Design Statement Report
- Phase 1 Environmental Report,
- Planning Statement,
- Sustainability Statement,
- Train Induced Vibration Assessment Report,
- Transport Technical Note,
- Financial Viability Assessment, and
- Planning Obligation form.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

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

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD), and the Haywards Heath Neighbourhood Plan.

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

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

Mid Sussex District Plan

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

Relevant policies include:

- DP4: Housing
- DP6: Settlement Hierarchy
- DP20 Securing Infrastructure
- DP21: Transport
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP28: Accessibility

DP29: Noise, Air and Light Pollution
DP30: Housing Mix
DP31: Affordable Housing
DP34: Listed Buildings and Other Heritage Assets
DP37: Trees, Woodlands and Hedgerows
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage
DP42: Water Infrastructure and the Water Environment

Site Allocations Development Plan Document - SADPD

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

Perrymount Road and the application site is identified as an existing employment site within Appendix A of the SADPD.

Relevant policies:

SA34 - Existing employment sites - protection, intensification and re-development
SA38 - Air Quality

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 ended on the 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

Haywards Heath Neighbourhood Plan

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

The following policies are considered to be relevant:

E6 - Green Infrastructure
E7 - Sustainable Drainage Systems
E8 - Sustainable Development
E9 - Design and Character
E11 - Visual impact
T1 - Connectivity
T2 - Cycle Routes
T3 - Car parking
H8 - Windfall sites

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.

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Haywards Heath Town Centre Masterplan

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

National Planning Policy Framework (NPPF)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth, providing a supply of housing and creating a high quality environment with accessible local services, and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states:

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

Paragraph 38 of the NPPF states:

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

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

Assessment

The main issues for consideration are:

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

Principle of development

Policy DP1 of the District Plan seeks the effective use of employment land and premises by protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use.

Policy SA34 of the Councils adopted Site Allocations DPD (SADPD) relates to the protection, intensification and redevelopment of existing employment sites which

supplements Policy DP1 of the District Plan by protecting certain existing employment sites. The site is identified within Appendix A of the SADPD as an existing employment site.

Para's 119 and 120 of the NPPF seek to promote an effective use of land in meeting the need for homes and other uses, promoting development on previously developed or 'brownfield' land and also on under-utilised land.

The proposal is to provide residential development to the rear of the site on an existing area of hardstanding which was previously used as car parking for the former office of Central House. The building has been subject to various permitted development prior approval consents for the change of use from offices to residential which is being implemented. The applicants submit that this land is now surplus to requirements as the car parking is not required for the residential use of the existing building which is to provide only 7 parking spaces. Whilst the loss of the commercial use of the site is regrettable, in light of the recent approvals for the building to be used for residential purposes, it is considered that the principle of the re-development of the former car park site within this location is appropriate and is supported by the District Plan policy (DP26) and Governments requirement to optimise development on sites and promote development on previously developed and under-utilised land.

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

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

In addition, Haywards Heath is classed as a category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

Policy H8 of the 'made' Haywards Heath Neighbourhood Plan relates to windfall sites and states:

'Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*

- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

Policy H8 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

The proposal is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

There are no objections therefore to the principle of the re-development of this site as proposed.

Design and impact on character of the area

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

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

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

Policy H8 of the Neighbourhood Plan requires amongst other criteria the scale, height and form fit unobtrusively with the existing building and the character of the street scene.

Policy E9 of the Neighbourhood Plan requires proposals to protect and reinforce the local character within the locality of the site. This will include amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

Para 126 of the NPPF relates to design and states in part:

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

Para 130 of the NPPF states:

'Planning policies and decisions should ensure that developments:

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

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

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities*

should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'

Within the Mid Sussex Design Guide there is support for site optimisation within principles DG31 and DG32. This follows the requirements of policy DP26 of the District Plan to:

'optimise the potential of the site to accommodate development.'

Principle DG31 seeks to focus development in sustainable locations where there are opportunities to promote a greater concentration of development in town centre locations identified as being in coarse grain areas.

Design Principle DG32 relates to managing increased density in town centres. This is set out in full below:

'Development density should be appropriate to the location and respond to and/or enhance the character of the existing settlement.'

The District's towns are largely composed of low-rise development, typically of two and three storey buildings and have the greatest potential to deliver increased density. The opportunities exist for more intensive development within the part of the town centres identified as coarse grained in Figures 5B, 5C and 5D because of their inconsistent built form or fragmented street layout (refer to sections 2.5 and 2.6). Increased height and massing within the town centre intensification areas must be carefully managed as part of a coherent and comprehensive vision which establishes a more urban form composed of street blocks and spaces with typical building heights of four to six storeys (four to five in East Grinstead). Development that exceeds this height risks being unduly prominent and/or out of scale with the surrounding streets and buildings.

Any development that promotes a scale, height and massing that is greater than the existing context must also demonstrate that it does not:

- *Cause significant harm to the amenity of adjacent properties (refer to chapter 8),*
- *Adversely impact on views of the wider townscape and landscape,*
- *Adversely impact on the quality of the streets and spaces, and / or*
- *Generate parking that dominates or adversely impacts on the public realm.'*

The application site is situated within the coarse grain urban area identified for site optimisation. As such the site is identified as being a suitable for intensification of development of a higher density.

The above principle suggests typical building heights of four to six storeys.

The Design Guide promotes high density development within sustainable locations and so the principle is considered acceptable.

Principle DG38 requires building to have architectural integrity and sense of place. In addition, DG39 requires appropriately scaled buildings with vertical proportioned bays to avoid large buildings and extended frontages appearing monolithic. It suggests that upper floors should be set back with a different façade treatment to help screen the full height of the building from the street level.

The site is situated within an area characterised by large commercial buildings and residential development. The commercial buildings are at varying levels due to the sloping nature of the land.

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

'The main elevations at the front and rear benefit from being symmetrically organised around a central bay. On the front elevation, the central bay features the entrance and a recessed fully glazed stairwell that extends from the first floor to the top, while the projecting central bay at the rear features deeply inset windows with Juliet balconies. The corners of the rear elevation are articulated with semi-inset balconies that also contribute to giving the building structural depth as well as providing private outdoor amenity space that benefit from a western orientation. The vertically grouped windows provide strong vertical articulation on both the front and rear elevations, and the set-back top floor appropriately terminates the roofline.

Both flanks are appropriately treated as secondary elevations as they may face future buildings in the rear part of the adjacent sites. These elevations only feature small windows serving kitchens and bathrooms, they have nevertheless been vertically grouped to provide additional articulation.'

In addition he considers:

'The building benefits from a landscape buffer at the front that softens the parking courtyard and provides an attractive entrance approach and threshold buffer for the ground floor flats that also provides separation from the bin and cycle stores that are neatly located adjacent to the parking.'

Your Planning Officers agree with the comments of the Urban Designer. The principle of a large building on this site has previously been approved under planning reference DM/20/1137. Although this previous approval was outline, indicative plans were provided on the likely design and scale of the building. The building subject of this planning application is of a lower height to Central House to the east of the site. It would form a contemporary designed building with the top floor set in from the main building and finished with a different material.

The site falls within an area of coarse grain development as defined in the Mid Sussex Design Guide where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan. The proposal seeks to do this through creating a building which maximises the use of the existing

brownfield site and removing the large area of hardstanding. Due to the rearward position of the building, the relationship with the neighbouring tall buildings, and the proposed design the prominence of the building would be minimised. In addition the proposed front elevation provides articulation which reduces the building apparent scale with the top floor set back in the building with a different material to minimise its prominence. As such it is considered that the proposal would sit comfortably within the site and its surrounding context.

Due to the positioning of the building there will be glimpses of this from Perrymount Road. However, the building is set back in a rearward position with tall buildings to the north and east. Due to the materials, and relationship with the neighbouring buildings it is considered that the proposal would not adversely affect the character of the area. It is considered that the application is acceptable in design terms, subject to conditions relating to the finer details of the design as set out in Appendix A.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan, Policies H8 and E9 of the Neighbourhood Plan, the Mid Sussex Design Guide, and the provisions of the NPPF.

Access, parking and highway safety

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

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*

- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- *The scheme protects the safety of road users and pedestrians, and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy T1 of the Neighbourhood Plan states:

'Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles.'

Policy T3 requires sufficient on site car parking and states:

'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'

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

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

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

In addition, para 111 states:

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

The site lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north.

The site is accessed onto Perrymount Road via a single point of access that is shared with Central House and 21 Perrymount Road to the south this access splits off at the front of the buildings and leads around the side of each building to the rear. The vehicular access to Central House and the application site is a two-way priority junction arrangement with dropped kerbs and tactile paving along the frontage footway.

As part of the parking provision, all of the parking spaces are to have access to active EV charging points. The development would also provide cycle storage with a capacity of up to 17 bicycles.

A Transport Technical Note has been submitted with the application. This states that:

'6 spaces are proposed, of which up to 3 can be dedicated for disabled users only. WSCC have confirmed within their pre-application advice that they would support a car-lite scheme given the site's proximity to rail, bus and cycling opportunities.'

In addition it states:

'the reduced level of car parking on site could not lead to any adverse impacts on the surrounding highway network and residents would be able to undertake daily trips by non-car modes of travel. Residents would clearly be aware of the excellent accessibility of the site by non-car modes and availability of car parking prior to deciding whether to purchase or rent a unit on site. Such an approach to parking is consistent with that agreed for the adjacent Central House Prior Approval scheme'

It is acknowledged that the proposal falls below the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 3. As such there is a requirement for some 31 car parking spaces. Whilst the proposal falls below the WSCC Parking Standards for new developments, it is recognised that the site is in a highly sustainable location close to the mainline railway station, bus stops and the town centre. Due to the sustainable location of the

site, it is considered that reduction in parking can be supported. The Government are supportive of such a stance in para 105 of the NPPF where it states that:

'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'

The Highways Authority has considered the proposal and raise no objection. They acknowledge that they raised *'no objection to the provision of 7 car parking spaces for 48 flats during the Prior Approval application for change of use of Central House. The current development proposes to provide 6 car parking spaces, including 3 spaces for disabled parking for 28 flats. The site is located near to bus stops and Haywards Heath train station. Many local amenities / facilities are located within short walking distances. The site is considered highly sustainable and therefore the current level of car parking provision is considered adequate.'* In addition, they consider that the *'proposed residential development is likely to generate 31 fewer trips in the AM peak hour, 15 fewer trips in the PM peak hour and 152 fewer trips during total daily trips. Therefore, the trips associated with the proposed residential use is not considered detrimental to the operation of the local highway network.'* Overall the Highways Authority consider 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.

A draft Construction Management Plan (CMP) has been submitted with the application. This provides an overview of the details that will be provided in a full CMP, which would be submitted if the planning application is approved and a contractor is appointed in advance of construction works commencing on site. This identifies a number of measures to be undertaken during the construction including the proposed working hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays. It submits that in order to minimise the impact of construction traffic, the appointed contractor will aim to ensure that bulk transit trips such as waste collection vehicle movements and steelwork deliveries take place away from peak times of 08:00-09:00hrs and 17:00-18:00hrs during weekdays. A planning condition could be placed on a planning approval to the site to ensure that a detailed CMP is submitted securing details and further in the interests of highway safety and to protect the amenity of local residents from noise and dust emissions during construction.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policies T1 and T3 of the Neighbourhood Plan and para 110 of the NPPF.

Residential Amenity

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

The test, as set out under policy H8 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

To the east of the site is the existing building Central House. This is an existing 6 storey brick building with a high number of windows on the rear elevation facing the application site. As set out above the building is currently being converted to residential where there will be flats facing the application site. The land to the rear gently slopes away and plans show that the proposed building is to be set some 19 metres from the rear of this existing property. There would be a rear to front relationship between the existing and proposed buildings and plans show that a number of the flats within Central House are to have single aspect rooms of main living accommodation and bedrooms which face the site.

There would be an area of hardstanding for parking, bin and cycle storage to serve the proposed development as well as soft landscaping between the two buildings. It is considered that in this instance such a separation distance within a town centre location is acceptable in terms of amenity and that there would not be significant detriment in terms of overlooking and a loss of privacy between these two buildings.

To the north of the site is 31-33 Perrymount Road which has a permission for the conversion of the building from offices to 38 flats under a prior approval (reference DM/21/2679). Works are progressing on this approval. This neighbouring building has a large number of windows which face the site and plans show that these are to serve open plan living room / kitchens and bedrooms. There is to be a side to side relationship between the existing and proposed building with a distance of some 14 metres. The proposed building subject of this application under consideration is to have secondary windows on the northern side elevation serving the kitchen and also windows serving bathrooms to all levels as well as a side entrance door to one of the ground floor flats.

It is considered that these being secondary windows or bathrooms and due to the separation distance between the buildings such a relationship with the neighbouring building is acceptable and will not result in significant detriment to the amenities of future occupiers of the neighbouring or proposed buildings.

It is acknowledged that there is an application pending consideration on this neighbouring site for a 9 storey side extension (planning reference DM/22/2303) which would reduce this neighbouring distance to some 5.6 metres. Plans show that on the side elevation of the proposed extension for the neighbouring building are to be two partially obscure glazed windows one to the ground floor and one to the first floor, as well as side openings to the corners of the recessed balconies on the rear

elevation to seven floors. The planning application on the neighbouring site is currently under consideration and has not yet been determined. Notwithstanding this, it is considered that this proposed side to side relationship, if permitted, is considered acceptable as the windows are to be secondary windows to serve the living areas as well as for bathrooms. As such it is considered that there would not be significant detriment to the amenities of future occupiers through overlooking or a loss of privacy.

In respect of the amenity to future occupiers of the proposed development, plans show that the windows on the front elevation facing Central House are to serve bedrooms, en-suites as well as the entrance and stairwell of the building. As these are not to be rooms of main living accommodation, it is considered that there will not be significant detriment to future occupiers through an overbearing impact, loss of privacy or a loss of light.

Due to the relationship and scale of the neighbouring buildings of Central House and 31-33 Perrymount Road, a Daylight and Sunlight Report has been submitted with the application. This report considers the impact on daylight and sunlight to the future occupiers of the flats within Central House the neighbouring building 31-33 Perrymount Road. The report concludes that *'the impacts to the recently consented schemes at 31-33 Perrymount Road and Central House are negligible and that all rooms remain appropriately daylit and sunlit'* with the erection of the building subject of this application.

Policy DP29 of the District Plan relates to noise, air and light pollution which is considered pertinent due to the proximity with the railway line. In relation to noise pollution, this policy states in part:

'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 addition, Policy SA38 of the SADPD relates to air quality. This in part states:

'Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.'

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.'

An Environmental Noise Survey and Acoustic Design Statement Report has been submitted with the application. This sets out subject to appropriate mitigation

measures the site is suitable for residential development in terms of noise including suitably specified glazing, alternative means of ventilation and/or cooling to allow fresh air and thermal comfort without opening windows through each unit and solid balcony screens.

To the rear of the site is the mainline London to Brighton railway line and the car park for the Haywards heath train station. This is set at a significantly lower level than the site. A Train Induced Vibration Assessment Report accompanies the planning application to establish the existing levels of train induced vibration and to also predict the likely levels of train induced noise and vibration to the proposed development. It concludes that *'train induced vibration would only be perceptible by the most sensitive 25percent of the population, is below the suggested criteria and should therefore be deemed acceptable.'* In addition it considers that the *'predicted levels of groundborne noise are well below our proposed criteria.'* As such no mitigation works are required.

The Councils Environmental Protection Officer has considered the proposal and the accompanying reports and raises no objection subject to conditions which are set out in Appendix A in relation to soundproofing and air quality.

In light of the above it is considered that the application complies with Policy DP26 and DP29 of the District Plan, and SA 38

Sustainability

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

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

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

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

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

Policy E8 of the Neighbourhood Plan relates to new major development proposal and states:

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

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

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 application has been accompanied with a Sustainability Statement. It details that the proposed scheme, by a combination of passive design measures and active design measures, a strategy often referred to as a 'fabric first approach', will result in exceeding existing minimum Building Regulations requirements. This approach considers the following in the design and construction for the building:

Passive Design Measures

- Passive solar gain
- Natural daylighting

Efficient Building Fabric

- Building envelope
- Air permeability
- Thermal bridging
- Ventilation

Active Design Measures

- Efficient lighting and controls
- Space heating and hot water
- Water consumption limited to 110 litres/person/day

The submitted Sustainability Statement undertakes an assessment of low and zero carbon technologies which could be suitable for the development. It identifies that the use of photovoltaic arrays (PV's) and air source heat pumps would be suitable for the development. Submitted plans show that there would be solar panels and a green roof on the building.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. The development is situated in a highly sustainable location within a category 1 settlement close to the town centre as well as a bus stop and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria of policies DP21 and DP39 of the District Plan as well as policy E8 of the Neighbourhood Plan. The proposal is considered to be acceptable in sustainability terms.

Drainage

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

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

It is proposed that the development will utilise permeable paving and soakaway to manage surface water drainage. In terms of foul water drainage, will discharge foul water via a private pumping station to the foul drains of the adjacent site. This system ultimately discharges to the public foul sewer on Perrymount Road.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to conditions.

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

Archaeology

Policy DP34 of the District Plan seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological.

Para 205 of the NPPF states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The application is accompanied by an Archaeological Desk-based Assessment. It highlights that there are no designated heritage assets, such as listed buildings, scheduled monuments or conservation areas within the site. The assessment considers that:

'Calculating the likelihood of archaeology surviving within the proposed development area is somewhat hampered by the small number of archaeological interventions that have been made in its vicinity. Existing evidence suggests there is a possibility of prehistoric archaeology being found within the site, given the record of other nearby finds, but no major settlements or finds from the Romano-British, Anglo-Saxon or medieval periods are recorded within a 500m radius of it. Map regression suggests the area was agricultural land bordering the heath and Great Haywards demesne during the post-medieval period, and this part was utilised in the late nineteenth century as rear gardens to residential properties, before being developed as a car park to Central House in the late twentieth century.'

On the basis of circumstantial evidence, archaeological remains might be extant within the proposed development area and could be disturbed or destroyed through development groundworks.

Further mitigation of the potential effects of development groundworks is likely to be a condition on planning consent.'

The Council's Archaeological Consultant has considered the proposal. He considers that *'any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development. Accordingly, this office agrees with the desk-based assessment's suggestion that further information about the archaeological potential of the site needs to be established prior to the commencement of development. Once the archaeological potential of the site has been established, it would allow for a program of mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate.'*

As such the Council's Archaeological Consultant has recommended a number of conditions in respect of archaeological evaluation and excavation. Officers agree

with the comments from the Councils Archaeologist Consultant and consider that the proposal would be acceptable subject to compliance with these conditions.

The proposal thereby complies with Policy DP34 of the District Plan and the requirements of the NPPF.

Trees

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

An Arboricultural Impact Assessment and Method Statement has been submitted as part of the application. It identifies that there are a number of trees to the north and south of the site close to the existing boundaries. There are to be no trees to be removed as part of the proposal, however, T10 would have a hung up branch removed and it is identified that some of the trees would have their crowns reduced to clear any part of the proposed building. In addition, the report notes that the trees would have ground protection to ensure that they are protected from the building works. The report notes that there would be some incursion into part of the Root Protection Area (RPA) of T13 through the building, however, it is acknowledged that the current ground surface around the RPA is hardstanding which has been used for car parking.

The trees are to be retained and protected during construction works. These trees are not however subject to a Tree Preservation Order.

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

Infrastructure contributions

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

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

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

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where

planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

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

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

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

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

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

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

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

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

and:

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

- a) necessary to make the development acceptable in planning terms,*
- b) directly related to the development, and*
- c) fairly and reasonably related in scale and kind to the development.'*

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

County Council Contributions

Education - Primary - £14,824 - To be spent on additional facilities at Warden Park Primary Academy.

Education - Secondary - £15,955 - To be spent on additional facilities at Oathall Community College.

Libraries: £7,861 - To be spent on providing additional facilities at Haywards Heath Library.

TAD: £36,495 - To be spent on bus service improvements including bus shelters and RTPI in the Parish, and/or the South Road Pedestrian Improvement Scheme.

District Council Contributions

Formal Sport: £11,390 - To be spent towards formal sport facilities in Clair Park and / or Victoria Park, Haywards Heath.

Playspace - £9,946 - To be spent towards improvements to play equipment at Clair Park.

Kickabout - £8,354 - To be spent towards kickabout provision at Clair Park and / or Victoria Park.

Community Buildings: £12,215 - To be spent to make improvements to the Wesley Hall and other community rooms at Haywards Heath Methodist Church and / or St Richards Hall and / or new or improved facilities at Clair Hall.

Local Community Infrastructure: £11,018 - To be spent towards the provision of cycle routes and/or allotments and/or additional cemetery facilities and/or provision of country park/open space in Hurstwood Lane.

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

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

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

Housing Mix and Affordable Housing

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

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

'The Council will seek:

- 1. the provision of a minimum of 30 percent on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²,*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30percent on-site affordable housing,*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements,*
- 4. a mix of tenure of affordable housing, normally approximately 75percent social or affordable rented homes, with the remaining 25percent for intermediate homes, unless the best available evidence supports a different mix, and*
- 5. free serviced land for the affordable housing.*

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

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

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

As part of the submission a Viability Assessment has been provided. This sets out that it is recommended that the proposed development does not contribute any

affordable housing units (or a payment in lieu of on-site provision) and any sums towards planning obligations, unless at the discretion of the applicant.

This viability assessment has been subject to an independent review by the Councils Viability Consultant DSP. The full report is available to view online, however it considers that a nil affordable housing outcome has not been justified at this stage, and that with a downward adjustment to the build costs and professional fees and the exclusion of the duplicate contingency allowance, the scheme appears sufficiently viable to support a full policy compliant level of affordable housing.

Following the response from the Councils Independent Viability Consultant, amended plans were submitted to show the provision of 9 affordable dwellings in the development to meet the requirements set out by the Councils Housing Officer. It is considered that the proposal would provide a policy compliant level of onsite affordable housing and this could be secured within a legal agreement.

The proposal is thereby considered to meet the requirements of Policies DP30 and DP31 of the District Plan.

Dwelling Space Standards and Accessibility

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

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

The submitted plans show that the proposed flats would meet and, in some cases, exceed the National Dwelling Space Standards.

In terms of accessibility the flats would provide level access to the entrance and there would be a lift to allow residents to access all levels. The submitted Planning Statement submits that all *'28 proposed flats meet the Technical Housing Standards and have been designed to be capable of complying with Part M4(2) of the Building Regulations.'* In addition, there would also be three disabled parking spaces as part of the development.

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

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 (HRA) process for the Mid Sussex District Plan 2014-2031. 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 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across

Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Other matters

Contaminated Land

A Phase 1 Environmental Report has been submitted with the application. It identifies that the building is to be located within an area of hardstanding. The report states that there are no significant on-site or off-site contamination sources which have been identified from the desk study. It considers that the construction of the building with hardstanding and planting areas represent a moderate sensitivity end use and no significant risk is identified.

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

Water Supply

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

Planning Balance and Conclusion

Planning permission is sought for the erection of a 6 storey building comprising of 28 flats (15 no. 1 bed and 13 no. 2 bed) with associated landscaping, parking and refuse stores at land rear of Central House, 25-27 Perrymount Road, Haywards Heath. The proposed building would be sited on the former car park associated with the existing building.

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

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.

It is acknowledged that the site is allocated as an existing employment site within Policy SA34 of the Site Allocations Development Plan Document (SADPD). However, the Development Plan (DP6, DP26 and H8) and the NPPF seek to promote an effective use of land in meeting the need for homes through promoting the development of previously developed and under-utilised land. Whilst the loss of the commercial use of the site is regrettable, in light of the recent prior approvals for the building to residential, it is considered that the principle of the re-development of the former car park site within this location is appropriate and is supported by the Governments requirement to maximise development on sites and promote development on previously developed and under-utilised land. As such, in terms of principle, the redevelopment on the site would result in the delivery of 28 dwellings within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site it therefore considered to be a suitable and sustainable location for residential development.

The site falls within an area of coarse grain development where there is support for increasing density in town centre locations which can be achieved through taller development. Such a proposal seeks to optimise the use of the site which is supported in principles DG31 and DG32 of the Design Guide as well as Policy DP26 of the District Plan. The design of the building is considered to be of good quality and meet the design principles of the Design Guide. Due to the design, siting and proposed materials it is considered that the proposal would not detract from the character of the area or street scene. Although the development would only result in the provision of 6 car parking spaces, the site is within a highly sustainable location close to bus stops, the train station and the town centre. As such it is considered that the proposal would not cause harm in terms of lack of parking or highway safety. In addition, no significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of light.

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

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP39 and DP41 of the District Plan, policies E8, E9, H8, T1, T2 and T3 of the Haywards Heath Neighbourhood Plan, and paragraphs 8, 110, 111, 119, 124, 130, 152 and 205 of the NPPF.

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

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Application'.

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

Pre-Commencement conditions

3. 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 in consultation with Southern Water. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policies DP41 and DP28 of the Mid Sussex District Plan 2014 - 2031.

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

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and 29 of the Mid Sussex District Plan 2014 - 2031.

6. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
- (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.
- (iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- (iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

(v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is potentially of archaeological interest and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

7. No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road and rail traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation, with sufficient capacity to ensure the thermal comfort of the occupants with windows closed, in line with AVO guidance. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

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

8. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

9. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority a schedule and samples of facing materials and finishes to be used for external walls and roofs as well as the balconies of the proposed building. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

10. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale sections and elevations (vignettes) of the following shown in context:
- the stairwell window showing the relationship with the stairs and landing areas,
 - the vertically grouped windows showing the relationship with the grouping material,
 - the Juliet balcony and inset windows,
 - the semi inset balcony/balustrading,
 - roof structures including ASHP plant/ solar panels / roof plant / lift overrun.

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

11. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of a hard and soft landscaping scheme including details of boundary treatments. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

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

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

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

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

14. The works shall be carried out in accordance with the Arboricultural Impact Assessment (dated August 2022).

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

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

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

16. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

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

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

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

18. No part of the development shall be first occupied until details of electric vehicle charging vehicle points have been submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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

19. No part of the development shall be first occupied until a detailed 1:20 section and elevation drawings showing a typical solar panel in relation to the roof as well as specifications on the panels have been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

20. No part of the development shall be first occupied until a detailed 1:50 scale roof plan showing all the roof structures/plant has been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

21. No part of the development shall be first occupied until detailed plans in respect of the design and scale of the bin store has been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in accordance with the agreed details.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

INFORMATIVES

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

Accordingly, you are requested that:

-
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

2. The work identified in condition 6 should be undertaken by a qualified archaeological contractor and will comprise an archaeological trial-trenching evaluation, carried out in advance of the commencement of the development. All areas of the proposed development should be evaluated, including the footprint of the building, the access and the car parking. If significant archaeological remains are uncovered by this evaluation a further stage of archaeological excavation and/or monitoring may be required.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

4. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from:
<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.
5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	E21-022/SIT200		15.09.2022
Existing Site Plan	E21-022/SIT001		15.09.2022
Proposed Elevations	E21-022/ELE001	P2	15.09.2022
Proposed Elevations	E21-022/ELE002	P2	15.09.2022
Proposed Floor Plans	E21-022/PRP000	P8	24.03.2023
Proposed Floor Plans	E21-022/PRP001	P4	24.02.2023
Proposed Floor Plans	E21-022/PRP002	P3	15.09.2022
Proposed Floor Plans	E21-022/PRP003	P4	09.03.2023

APPENDIX B – CONSULTATIONS

WSCC Highways Authority

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on Full Planning Application, with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Technical Note (TTN).

Background and Site Context

The application site is a redundant car park located to the rear of 'Central House' at the address 25-27 Perrymount Road, Haywards Heath RH16 3TP. In August 2021, a Prior Approval application (planning reference DM/21/2730) for the Central House was approved for change of use of the building from office to 48 flats (C3 use). The scheme was approved with associated refuse and cycle storage and the provision of 7 car parking spaces. As a result of the Prior Approval, the car park at the rear of Central House has become redundant. The current development proposal is for the construction of a 6-storey building comprising 28 flats (15 x 1 bed and 13 x 2 bed) with associated landscaping, parking, and refuse stores.

Access and Visibility

The application site access fronts onto B2028 Perrymount Road which is a 'B' classified road, subject to 30 miles an hour speed restriction. The site has an established access with previous use of Central House as an office. There is no change proposed to the existing access arrangements. WSCC maps have been checked for visibility splays along B2028 Perrymount Road, which seem adequate for the posted speed limit. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there has been a single incident of 'Slight' injury category near to site access. The reason for the injury is attributed to fatigue or driver impairment, which indicates that there are no concerns with the road layout / geometry and the site access has been operating in a safe manner in its current form.

Parking Arrangements

WSCC had offered no objection to the provision of 7 car parking spaces for 48 flats during the Prior Approval application for change of use of Central House. The current development proposes to provide 6 car parking spaces, including 3 spaces for disabled parking for 28 flats. The site is located near to bus stops and Haywards Heath train station. Many local amenities / facilities are located within short walking distances. The site is considered highly sustainable and therefore the current level of car parking provision is considered adequate.

In line with WSCC's requirement for cycle parking, provision for safe and secure cycle parking is made for 17 bicycles.

Servicing

Bin stores are located adjacent to bicycle storage and delivery and servicing are carried out in line with existing arrangements. Swept path analysis included within the TTN demonstrates that a standard refuse vehicle can enter the site, turn using the turning head, and exist in forward gear.

Trip Generation and Highway Impact

The nationally recognised TRICS database has been interrogated to estimate the likely number of trips associated with the former use of Central House as an office and the trips generated by the proposed residential development. The proposed residential development is likely to generate 31 fewer trips in the AM peak hour, 15 fewer trips in the PM peak hour and 152 fewer trips during total daily trips. Therefore, the trips associated with the proposed residential use is not considered detrimental to the operation of the local highway network.

Conclusion

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

CONDITIONS

Vehicle Parking and Turning

No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

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

Cycle Parking

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

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

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	44.2		
	Primary	Secondary	6th Form
Child Product	0.1047	0.1047	0.0000
Total Places Required	0.7328	0.5235	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£7,861		
Population Adjustment	44.2		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	28		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	44.2		
Net Parking Spaces	3		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£14,824
Education - Secondary	£15,955
Education - 6th Form	No contribution
Libraries	£7,861
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£36,495
Total Contribution	£75,134

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

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

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

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

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

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

The calculations have been derived on the basis of an increase in 28 net dwellings, and 3 parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

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

The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.

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

The contributions generated by this proposal shall be spent on bus service improvements including bus shelters and RTPI in the Parish, and/or the South Road Pedestrian Improvement Scheme.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,229 per child**
- Secondary Schools- **£30,480 per child**
- Sixth Form Schools- **£33,056 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

3. TAD- Total Access Demand

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

$$\text{TAD} = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$$

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

$$\text{Infrastructure contributions} = \text{Car parking spaces} \times \text{Cost multiplier}$$

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

$$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 773$$

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

WSCC Waste and Minerals

Please be advised that the MWPA would offer no objection to the proposed development from a Minerals and Waste Safeguarding perspective as the application site relates to previously developed land.

WSCC Water and Access

Having viewed the information for planning application no. DM/22/2880 for the erection of a 6 storey building comprising of 28 flats (15 x 1 bed and 13 x 2 bed) with associated landscaping, parking and refuse stores, evidence will be required to show suitable access and turning facilities are provided to enable a fire appliance to gain access to within 45 metres of all parts inside all flats and able to turn and make their exit as identified in AD-B Volume 1: B5, section 13 - Table 13.1.

Any areas outside this distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standards. This will then suppress or extinguish the fire, giving attending Fire Crews more time to set up the additional equipment needed to reach all areas of all flats.

MSDC Urban Designer

Comments in respect of additional information

- Soft and hard landscaping details including boundary treatment:

Plans were not submitted.

Material: Marshall Block Pavers-Sunrise, samples of pavers should be provided for final approval.

- Facing materials:

Main Brickwork and Secondary Brick Roof Element are generally fine.

However Main Brickwork (Vandersanden Maltings Antique Facing Brick) seem a bit too dark for the scale and setting of the building, therefore I would like for samples of both Main brick and Secondary Brick (Vandersanden Corum) to be provided for final approval.

Sample of lighter alternative to main brick would be welcomed as well.

Mortar: colour of the mortar as shown in 'Materials Assessment.pdf' is acceptable.

Roof Element: STACK Bond RAL7016, STANDING SEAM, METAL CLADDING is acceptable.

Drainpipe: type shown on p.4 of 'Materials Assessment.pdf' is acceptable.

- 1:20 section and elevation (vignettes) drawings of the following shown in context:
(i) the stairwell window showing the relationship with the stairs and landing areas.

Blanking panel behind the glass hiding the staircase half-landing is acceptable.

(ii) the vertically grouped windows showing the relationship with the grouping material: Depth of the window reveal is acceptable, however brick recess of 30mm seems not significant enough.

Window Frame Profile (RAL7016) type shown on p.4 of 'Materials Assessment.pdf' is acceptable.

(iii) the Juliet balcony and inset windows:

(iv) the semi inset balcony/balustrading:

Acceptable (as shown on p.4 of 'Materials Assessment.pdf').

I assume Juliet balcony will have the same type of railing which is acceptable.

(iv) roof structures including ASHP plant/ solar panels / roof plant / lift overrun:
This doesn't look finished.

- The design of the bin store and cycle store:

The design is generally acceptable except for Single Ply Membrane roof to cycle store, which needs to be replaced with material that allows daylight penetration. Also, detail should include some description of artificial lighting and should show how rainwater will be collected and redirected from the roof.

- A 1:50 scale roof plan showing all the roof structures/plant:

This doesn't look finished.

Original

This site has an outline consent for a taller residential block that has established the principle of development.

The Mid Sussex Design Guide defines this site as being within the part of Haywards Heath town centre that is characterised as having a coarse grain (because of its inconsistent built form or fragmented street layout) where there is scope for more intensive development of up to 6 storeys. This scheme falls within this parameter and is considered acceptable in principle because the building is screened from the public realm on the east side by the existing 5/6 storey office block that fronts Perrymount Road and is mostly screened at the rear by the buildings and trees that bound the main line railway on the west side of the application site. Consequently, the building does not adversely impact on views of the wider townscape and landscape, nor does it impact on the quality of streets and spaces. The parking is limited to the courtyard area that is also not visible from the street and because the proposal sits adjacent to commercial buildings, it does not cause significant harm to the amenity of adjacent properties. The proposal therefore accords with DG32 of the MSDG which sets out the principles that apply to managing increased density in town centres.

The elevations are now well ordered having been significantly improved since the initial pre-application submission and now accord with principle DG38 of the MSDG. The main elevations at the front and rear benefit from being symmetrically organised around a central bay. On the front elevation, the central bay features the entrance and a recessed fully glazed stairwell that extends from the first floor to the top, while the projecting central bay at the rear features deeply inset windows with Juliet balconies. The corners of the rear elevation are articulated with semi-inset balconies that also contribute to giving the building structural depth as well as providing private outdoor amenity space that benefit from a western orientation. The vertically grouped windows provide strong vertical articulation on both the front and rear elevations, and the set-back top floor appropriately terminates the roofline.

Both flanks are appropriately treated as secondary elevations as they may face future buildings in the rear part of the adjacent sites. These elevations only feature small windows

serving kitchens and bathrooms, they have nevertheless been vertically grouped to provide additional articulation.

The internal layout of the building has been organised so that all the living rooms benefit from a western orientation. Consideration though will need to be given to noise insulation given its proximity to the mainline railway.

The building benefits from a landscape buffer at the front that softens the parking courtyard and provides an attractive entrance approach and threshold buffer for the ground floor flats that also provides separation from the bin and cycle stores that are neatly located adjacent to the parking.

Existing mature trees will be retained on the side and rear elevations and will provide further softening/screening.

Air Source Heat Pumps (ASHP) are proposed, and solar PVs and Solar Thermal are also proposed to be explored. These are all likely to need to be mounted on the roof. As no roof plan has been provided and as it will be necessary to ensure that these installations do not clutter the roof, this should be covered by a condition.

Overall Assessment

The scheme sufficiently accords with the Mid Sussex Design Guide and with policy DP26 of the District Plan. I therefore have no objections. To secure the quality of the design, I would nevertheless recommend conditions that require the approval of the following drawings and information:

- Soft and hard landscaping details including boundary treatment
- Facing materials
- 1:20 section and elevation (vignettes) drawings of the following shown in context: (i) the stairwell window showing the relationship with the stairs and landing areas, (ii) the vertically grouped windows showing the relationship with the grouping material, (iii) the Juliet balcony and inset windows, (iv) the semi inset balcony/balustrading, (v) roof structures including ASHP plant/ solar panels / roof plant / lift overrun.
- The design of the bin store and cycle store.
- A 1:50 scale roof plan showing all the roof structures/plant.

MSDC Drainage

Recommendation - No objection subject to condition

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 3.3percent (>1:30-year)	3b	High
Between 1percent and 3.3percent (1:100-year and 1:30-year)	3a	Medium
Between 0.1percent and 1percent (1:1,000-year and 1:100-year)	2	Low
Less than 0.1percent (<1:1,000-year)	1	Very Low

APPLICATION SPECIFIC COMMENT

As required under the NPPF the application is supported by a flood risk assessment.

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 permeable paving and soakaway to manage surface water drainage. This is considered acceptable in principle, subject to detailed drainage design.

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 via a private pumping station to the foul drains of the adjacent site. This system ultimately discharges to the public foul sewer on Perrymount Road. This is considered acceptable in principle, subject to detailed drainage design and approval from the adjacent site landowner.

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

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

PROTECTIVE MEASURES DURING CONSTRUCTION

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

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

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

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

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

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

Table 1: Detailed drainage design requirements – surface water

Requirement	Information	Location of information / drawing number
For all designs		
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		
For soakaways		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
For discharge to watercourse		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²		
Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ³)		
For discharge to sewer		
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)		

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		

MSDC Leisure

Thank you for the opportunity to comment on the plans for the erection of a 6 storey building comprising of 28 flats with associated landscaping, parking and refuse stores on Land Rear Of Central House, 25-27 Perrymount Road, Haywards Heath behalf of the Head of Planning Policy and Housing Enabling. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Clair Park, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £11,733 is required to make improvements to play equipment. A further contribution of £9,855 is required toward kickabout provision at Clair Park and /or Victoria Park. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £13,437 is required toward formal sport facilities in Clair Park and / or Victoria Park, Haywards Heath.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £13,790 is required to make improvements to the Wesley Hall and other community rooms at Haywards Heath Methodist Church and / or St Richards Hall and / or new or improved facilities at Clair Hall.

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

MSDC Environmental Protection

I have read the acoustic report by Hann Tucker Associates, ref: 29914/ADS1, dated 13th July 2022.

The acoustic report states that it will be necessary to have windows closed to achieve reasonable noise levels in accordance with BS 8233:2014. This is further backed up by the letter from Quantum Acoustics, ref QA22003 which shows that L_{max} levels will surpass 45dB more than 10 times with windows open. I would note that while internal noise levels are achievable, the exact windows have not been selected yet to show they will meet the desired requirement.

I would also note that because suitable internal noise levels can only be achieved with windows to be closed, alternative means of ventilation will need to be provided. Environmental Protection accepts that a well-designed scheme can achieve satisfactory internal noise levels but as residential accommodation will not meet accepted noise standards unless windows are kept closed, it is important that the alternative means of ventilation referred to above is implemented.

The letter from Quantum Acoustics, ref QA22003 shows that external levels on the balconies will exceed 55 dB LA_{eq,T}. However, the noise level may be able to be reduced for when occupiers are in a seated position on the balconies by ensuring the balconies have a solid screen, and I would suggest this implemented. Given future residents are likely to still want an outside area even if it does exceed guidance levels slightly, I have no objection to the balconies.

In terms of vibration, it is understood that the level of vibration caused by the nearby railway with in the proposed flats is considered to be acceptable and no mitigation works are needed.

In terms of air quality, the operational use has been modelled and the overall impact upon air quality is assessed as negligible. A damage cost calculation has been undertaken in accordance with the Sussex Air Guidance and Defra damage cost values. Accordingly it is recommended that a mitigation scheme be agreed to the calculated value. However, the mitigation proposed, PV panels and mechanical ventilation, is not accordance with accepted mitigation methods as it does not impact local air quality. I would refer the applicant to the Sussex Air Guidance for a list of possible mitigation measures. Are preferred measures are

EV charging points, ultra-Low NOx boilers, and cycle storage. In to allow the application to proceed currently I would recommend a condition be attached requiring that an acceptable scheme of mitigation be submitted at later date.

Recommendation: approve with the following conditions

1. Soundproofing: No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road and rail traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation, with sufficient capacity to ensure the thermal comfort of the occupants with windows closed, in line with AVO guidance. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Reason: To safeguard the amenity of residents.

2. Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

3. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 Hours
 - Saturday: 09:00 - 13:00 Hours
 - Sundays and Bank/Public Holidays: no work permitted

Reason: to protect the amenity of local residents.

4. Deliveries (construction): Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 hrs
 - Saturday: 09:00 - 13:00 hrs
 - Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

MSDC Contaminated Land

As part of the application a phase 1 ground conditions assessment has been undertaken by Enzygo Geo Environmental dated September 2022, ref: CRM.1293.009.GE. R.002.A.

While the report has identified that there is no significant risk of on or off site contamination to the site, it does recommend that a discovery condition should be attached, so that in the event that contamination is found during ground works, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

It is recommended that this be conditioned.

Recommendation: Approve with the following condition:

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

MSDC Housing

The applicant is proposing a development of 28 flats (15 x 1 bed and 13 x 2 bed), at the rear of an office block being converted into flats under Prior Approval on the above site, which gives rise to a minimum onsite affordable housing requirement of 30percent in line with District Plan Policy DP31. This equates to 9 units since the number of affordable dwellings is rounded up to the next whole number, as stated in the Affordable Housing SPD. The affordable housing dwellings required comprise 3 x 1B/2P flats @ a minimum of 50m² and 6 x 2B/4P flats @ a minimum of 70m². 3 of the total number of affordable dwellings (ideally 2B/4P flats) are required to be for First Homes, and are to be sold at a 30percent discount with a price cap after discount of £240K, and 6 of the total are required to be for social or affordable rent. As advised during pre app discussions, the rented flats need to be located around a separate core/entrance or on a separate floor(s) to the First Homes and open market flats, and any ground floor rented flats need to have individual accesses. It is therefore suggested that 5 of the rented flats comprise those flats on the first floor (3 x 1B/2P and 2 x 2B/4P), with the remaining rented flat being the 1 x 2B/4P flat with its own individual access on the ground floor. The 3 x 2B/4P First Homes can be provided anywhere else within the building. The applicant has however submitted a Viability Appraisal along with his application, and this Viability Appraisal and the Planning Statement conclude that it is not currently viable to provide any affordable housing or any S106 infrastructure costs. This appraisal will need to be assessed to determine whether or not this is the case, and a quote will be obtained from the Council's Viability Consultant.

MSDC Street Name and Numbering Officer

Informative.

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

MSDC Archaeology Consultant

Recommend approval subject to attached conditions.

As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area where very few archaeological investigations have been previously undertaken. As a result, satisfactorily and accurately determining the archaeological potential of the site is a difficult prospect.

Some prehistoric worked flints and evidence of bronze-working have been recovered from nearby (HER MWS783 and MWS786), and there is a route of a Roman road to the west of the proposed development (HER DWS8680), both of which suggest the possibility of archaeological remains in the vicinity, but the lack of any nearby archaeological fieldwork to confirm this supposition is problematic.

What is clear, however, is that any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development. Accordingly, this office agrees with the desk-based assessment's suggestion that further information about the archaeological potential of the site needs to be established prior to the commencement of development. Once the archaeological potential of the site has been established, it would allow for a program of mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate. Archaeological deposits are both fragile and finite and the following condition is therefore recommended, in accordance with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Archaeological Evaluation and Excavation

- (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
- (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.
- (iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- (iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- (v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The work should be undertaken by a qualified archaeological contractor and will comprise an archaeological trial-trenching evaluation, carried out in advance of the commencement of the development. All areas of the proposed development should be evaluated, including the footprint of the building, the access and the car parking. If significant archaeological remains

are uncovered by this evaluation a further stage of archaeological excavation and/or monitoring may be required. A brief will be supplied from this office detailing the work required on request.

Southern Water

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the 'practical point of connection', as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points. southernwater.co.uk/connection-charging-arrangements

Alternatively, if this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

We request that should this application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: water.org.uk/sewerage-sector-guidance-approved-documents ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Thank you for your correspondence of 23rd September 2022, advising me of a full planning application for erection of a 6-storey building comprising of 28 flats (15 x 1 bed and 13 x 2 bed) with associated landscaping, parking and refuse stores at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

The site already has outline consent for 42no1 and 2-bedroom flats and associated car parking across 9 stories (DM/20/1137).

This application proposes 28 units over 6 stories with 1 unit to the rear (Flat 5) has its own private entrance at ground floor. The other units are accessed via a central entrance, with a lift and stair core providing access to the upper levels.

From a crime prevention perspective for blocks of multiple dwellings, it will be imperative that access control is implemented into the design and layout to ensure that control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2019 V2 chapter 27 respectively. For multiple blocks of multiple dwellings serving 25 dwellings or more please see chapter 27.24. Tradesperson buttons are not recommended as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development.

Developments over 25 flats, apartments, bedsits, or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits, or bedrooms, and to reduce the opportunity for antisocial behaviour, SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation) by restricting access to all areas and floors of the building to all residents. The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

1. Lift and stairwell access controlled separately.
 2. Lift and stairwell access jointly controlled via an additional secure door-set.
- Further detail can be obtained within SBD Home 2019 V2 chapter 27.2.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. (Note 21.5). This would apply to windows as well.

With respects to mail delivery for blocks of multiple dwellings. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32.

I recommend the postal arrangements for the flats is through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front door (with the exception of flat 5 which has its own entrance). The absence of the letter aperture

removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Compartmentalisation

For security advice for cycle stores and refuse stores please see SBD Homes 2019 V2, chapter 56 and 57 respectively.

I recommend that the applicant seeks advice from Network Rail regarding the site's perimeter fencing to ensure it is fit for purpose and adequate for a residential development.

For blocks of multiple dwellings, I recommend that the entrance and the lobbies lighting are lit with dusk till dawn vandal resistant, energy efficient switched lighting with the stairwells having PIR operated lighting.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations have been given due consideration.

The Crime and Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime and Disorder Act.

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MID SUSSEX DISTRICT COUNCIL

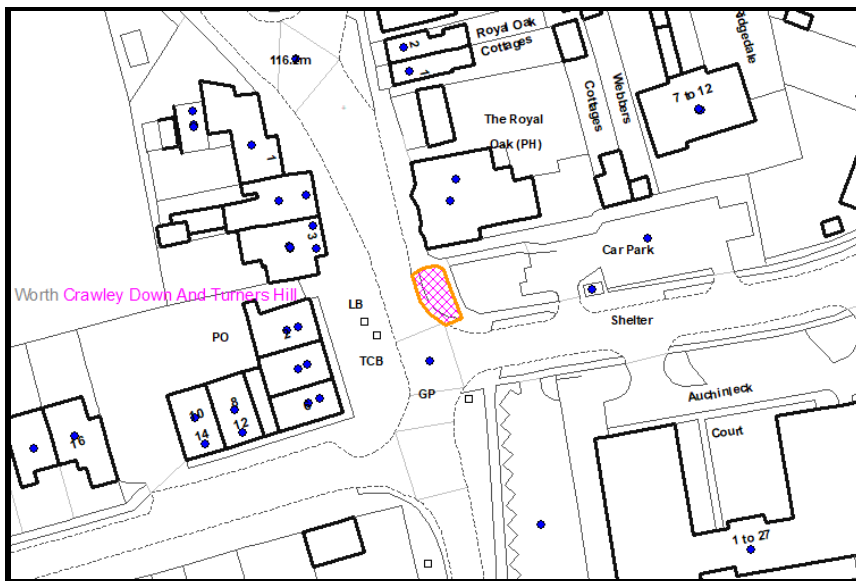
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

Worth

DM/23/0440



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**LAND ADJ, TO THE ROYAL OAK STATION ROAD CRAWLEY DOWN
CRAWLEY WEST SUSSEX RH10 4HZ
ERECTION OF A PICTORAL MAP
MID SUSSEX DISTRICT COUNCIL**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas /
Sewer Line (Southern Water) /

ODPM CODE: Minor Other

8 WEEK DATE: 13th April 2023

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

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a pictorial map at land adjacent to the Royal Oak Station Road Crawley Down RH10 4HZ.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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 Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position, the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policy CDNP10 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL

Whilst the council do not object to the erection of the map in principle, we ask that a better location is considered.

Introduction

The application seeks planning permission for the erection of a pictorial map at land adjacent to the Royal Oak Station Road Crawley Down RH10 4HZ. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site consists of open grassland which is considered to be park of the public realm. The site is located within the Crawley Down built up area boundary, the Crawley Down village centre as defined by the Crawley Down Neighbourhood Plan and it is located within the existing highway boundary.

The Royal Oak public house is located to the north of the site, a public car park is located to the east of the site, Burleigh Way is located to the south of the site and Station Road is located to the west of the site.

The buildings within the surrounding area consist of residential and commercial properties. They are varied in their scales and design. There is a variety of existing street furniture within the surrounding area which includes, telecommunication cabinets, road signs, directional signs and bollards.

APPLICATION DETAILS

The proposal seeks planning permission for the erection of a pictorial map at land adjacent to the Royal Oak Station Road Crawley Down RH10 4HZ.

The proposal will measure some 0.9 metres in width, 0.5 metres in depth and a total height of 1.2 metres. It would consist of a map of the Crawley Down area, an A1 sign panel and two supporting struts. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. The frame and struts are to be constructed of aluminium.

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:

- DP3 - Village and Neighbourhood Centre Development
- DP6 - Settlement Hierarchy
- DP21 - Transport
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design

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 (adopted January 2016)

Policy 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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Highways matters,
- 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 for this part of Mid Sussex consists of the District Plan, Crawley Down Neighbourhood Plan and the Site Allocation DPD.

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

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

Policy DP3 of the Mid Sussex District Plan states in part:

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

- *helps maintain and develop the range of shops and services to enable the village centre to meet local needs, and*
- *is appropriate in scale and function to its location including the character and amenities of the surrounding area, and*
- *is in accordance with the relevant Neighbourhood Plan.'*

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*

- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

Policy CDNP10 of the Crawley Down Neighbourhood Plan states in part:

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

...

f) Development proposals would maintain or enhance the existing public footpaths, rights of way, bridle paths and twittens.'

The application site is located within the Crawley Down built up area boundary. The proposal includes a map which identifies historical landmarks and points of interest within Crawley Down. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. As such it is considered to encourage the use of existing rights of way, making them multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. Taking into account the above the proposal is considered to comply with policies DP3, DP6 and DP22 of the Mid Sussex District Plan, policy CDNP10 of the Crawley Down Neighbourhood Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and similar development is considered common place within village centres. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to 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. As such the proposal complies with the above part of policy DP26 of the Mid Sussex District Plan.

Highways Matters

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

'The Scheme protects the safety of road users and pedestrians.'

A similar ethos is contained within policy CDNP10 of the Crawley Down Neighbourhood Plan.

The proposed works would be located within the highways boundary however it is of a modest scale and set back from the main highway. There is a variety of existing street furniture within the surrounding area which includes, telecommunication cabinets, road signs, directional signs and bollards. As such the proposal is considered to comply with the above-mentioned parts of policy DP21 of the Mid Sussex District Plan.

Other matters

The Parish Council have raised no objection to the principle of the proposal they have requested that the location of the proposal is reconsidered. The Council in its role as the Local Planning Authority must determine the application that has been submitted to them. However, given the purpose of the development, its location within the village centre and close proximity to the Worth Way, the proposed location of the proposal is considered to be acceptable.

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 Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage use of existing rights of way, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP3, DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policy CDNP10 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	Loc P9	-	16.02.2023
Site Plan	Site P9	-	16.02.2023
Photographs	-	-	16.02.2023
Proposed Elevations	-	-	16.02.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

Worth Parish Council

Whilst the council do not object to the erection of the map in principle, we ask that a better location is considered.

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MID SUSSEX DISTRICT COUNCIL

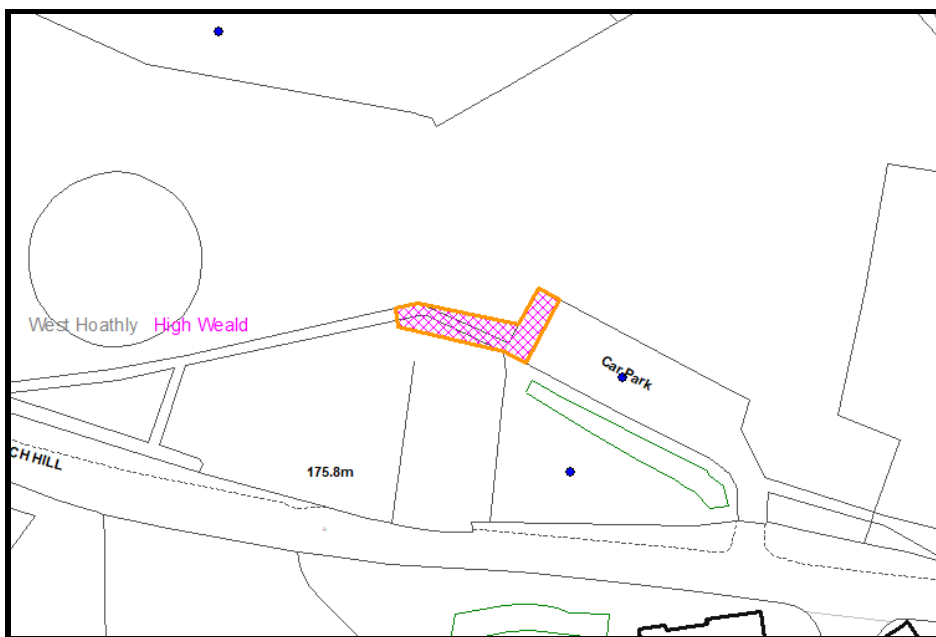
Planning Committee

13 APR 2023

PERMISSION

West Hoathly

DM/23/0441



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**WEST HOATHLY PARISH COUNCIL CAR PARK FINCHE FIELD
RECREATION GROUND CHURCH HILL WEST HOATHLY WEST SUSSEX
RH19 4PN
ERECTION OF A WAYMARKER.
MID SUSSEX DISTRICT COUNCIL**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Countryside Gap / Public Right Of Way / Aerodrome Safeguarding (CAA/ Miscellaneous Archived Charges (WSCC) / Minerals Local Plan Safeguarding (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 13th April 2023

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a waymarker at the West Hoathly Parish Council Car Park Finche Field Recreation Ground Church Hill West Hoathly RH19 4PN.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan and policy WHP3 of the West Hoathly Neighbourhood Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding

buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policy WHP3 of the West Hoathly Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

WEST HOATHLY PARISH COUNCIL

The Parish Council had no objections.

Introduction

The application seeks planning permission for the erection of a of a waymarker at the West Hoathly Parish Council Car Park Finche Field Recreation Ground Church Hill West Hoathly RH19 4PN.

The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site consists of a recreational field which is designated as a formal recreational space by the open grassland which is considered to be park of the public realm. The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty.

Open countryside is located to the north, east and west of the site and Church Hill is located to the south of the site. A public car park is located to the east of the proposed waymarker and there are allotments to the north of the site. The existing recreational space's boundary treatment consists of significant tree line. There is

also a variety of street furniture within the existing recreational ground including signs and benches.

APPLICATION DETAILS

The proposal seeks planning permission for the erection of a waymarker at the West Hoathly Parish Council Car Park Finche Field Recreation Ground Church Hill.

The proposal will measure some 0.4 metres in width, 0.2 metres in depth and a total height of 1.6 metres. It would consist of an oak carving which is a decorative piece of public art with local references informing its design and a plaque with a QR code and logo. The design of the proposal is unique and the details that have informed the detailed design of the carving have been submitted within the application. It will be constructed of green 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, West Hoathly 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:

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP22 - Rights of Way and other Recreational Routes
DP26 - Character and Design

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.

West Hoathly Neighbourhood Plan (adopted April 2015)

WHP3 - Rights of Way

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.

High Weald AONB Management Plan 2019-2024

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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Impact on High Weald AONB, 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 for this part of Mid Sussex consists of the District Plan, West Hoathly Neighbourhood Plan and the Site Allocation DPD.

The relevant countryside protection policy is Policy DP12 of the District Plan, which states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District,

and:

- *it is necessary for the purposes of agriculture, or*

- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

Policy WHP3 of the West Hoathly Neighbourhood Plan states:

'Development proposals that will enhance the rights of way network, whilst meeting other policies of this Plan, will be supported.'

The proposed waymarker is modest in its nature and it will be of timber construction appropriate within the countryside. The existing recreational space's boundary treatment consists of significant tree line and as such there would be limited views of the proposal from the surrounding area. There is also a variety of street furniture within the existing recreational ground including signs and benches. As such the proposal is considered to maintain the quality of the rural landscape character of the District.

The proposal marks the location of an existing public right of way and the proposed QR code directs people to additional information regarding the Mid Sussex Walking Trails. As such it is considered to encourage increased use of paths and making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. Taking into account the above the proposal is considered to comply with policies DP12 and DP22 of the Mid Sussex District Plan, policy WHP3 of the West Hoathly Neighbourhood Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and its design is considered to be of high quality. The details that have been submitted that informed the detailed design of the proposal are considered to demonstrate the high-quality design of the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to 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. As such the proposal complies with the above part of policy DP26 of the Mid Sussex District Plan.

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also requires Local Planning Authorities to:

'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'

Paragraph 176 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

A similar ethos is found within the High Weald AONB Management Plan 2019-2024 and policy DP16 of the Mid Sussex District Plan.

The proposals are modest in their nature and there will be limited views from the surrounding area given the location of the proposal and the existing boundary treatment. As such the proposal would not have any adverse impact on the landscape quality of the AONB and the proposal complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2019-2024 and paragraph 176 of the NPPF.

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan and policy WHP3 of the West Hoathly Neighbourhood Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of

nearby residents. The proposal's impact on the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policy WHP3 of the West Hoathly Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 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. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	Loc W8	-	16.02.2023
Proposed Elevations	-	-	16.02.2023
Site Plan	Site W8	-	16.02.2023
Photographs	-	-	16.02.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

West Hoathly Parish Council

The Parish Council had no objections.

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MID SUSSEX DISTRICT COUNCIL

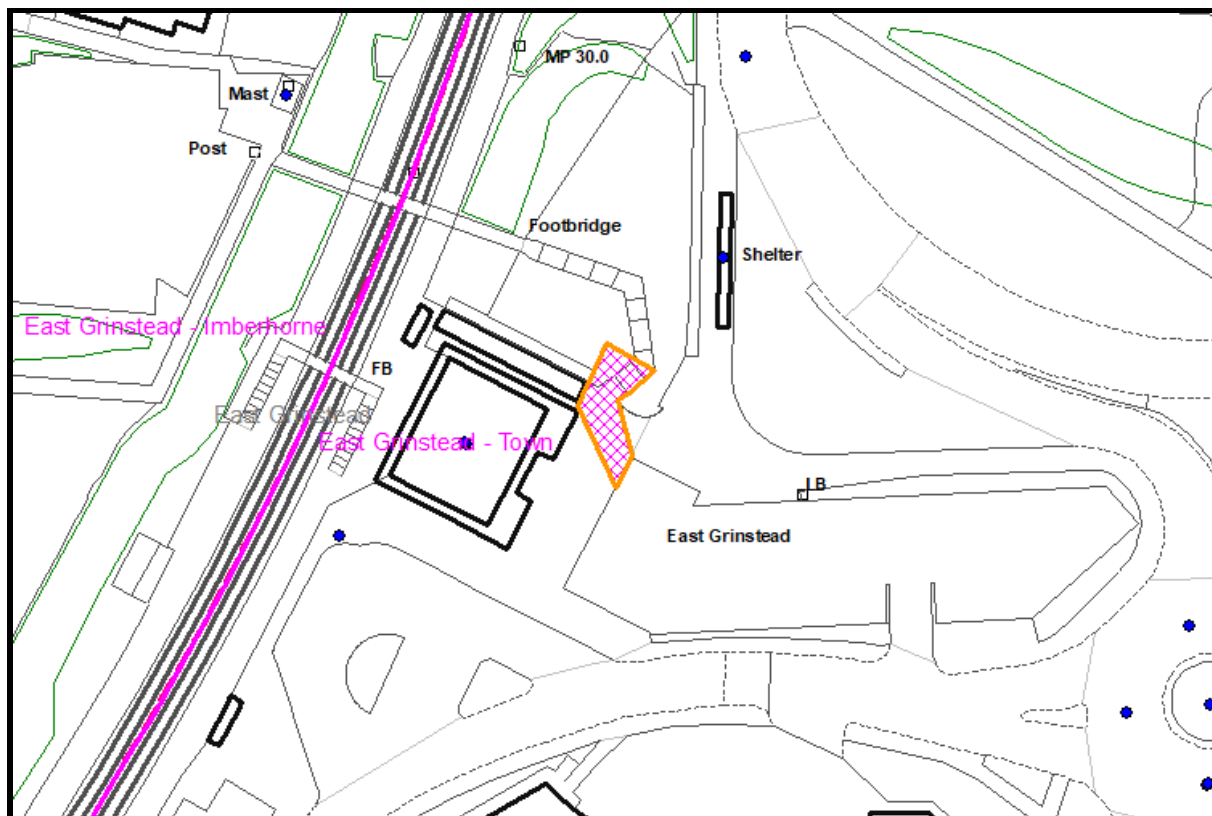
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

East Grinstead

DM/23/0442



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**EAST GRINSTEAD RAILWAY STATION RAILWAY APPROACH EAST
GRINSTEAD WEST SUSSEX RH19 1EB
ERECTION OF A WAYMARKER
MID SUSSEX DISTRICT COUNCIL**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 13th April 2023

WARD MEMBERS: Cllr John Dabell / Cllr Neville Walker /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a waymarker at the East Grinstead Railway Station, Railway Approach, East Grinstead, RH19 1EB.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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 town where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage use of existing rights of way, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its high-quality design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents.

For the above reasons, the proposal is deemed to comply with policies DP2, DP6, DP22 and DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

EAST GRINSTEAD TOWN COUNCIL

The Committee of 6th March had no specific comment but no objections.

Introduction

Planning permission is sought for the erection of a waymarker at the East Grinstead Railway Station, Railway Approach, East Grinstead, RH19 1EB. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site consists of the forecourt of East Grinstead Railway Station. The site is located within the East Grinstead built up area boundary and the Town Centre of East Grinstead as designated by the East Grinstead Neighbourhood Plan.

A public footpath and a significant tree line are located to the north of the site, the station's car park is located to the east of the site, the station's forecourt is located to the south of the site and the main station building is located to the west of the site. There is a variety of street furniture within the existing forecourt including signs, bollards and benches.

APPLICATION DETAILS

The proposal will measure some 0.4 metres in width, 0.2 metres in depth and a total height of 1.6 metres. It would consist of an oak carving which is a decorative piece of public art with local references informing its design and a plaque with a QR code and logo. The design of the proposal is unique and the details that have informed the detailed design of the carving have been submitted within the application. It will be constructed of green 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, East Grinstead 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:

- DP2 - Town Centre Development
- DP6 - Settlement Hierarchy
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design

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.

East Grinstead Neighbourhood Plan (adopted November 2016)

EG3 - Promoting Good Design

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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities, 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 for this part of Mid Sussex consists of the District Plan, East Grinstead Neighbourhood Plan and the Site Allocation DPD.

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

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

Policy DP2 of the Mid Sussex District Plan states in part:

'Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- *is appropriate in scale and function to its location including the character and amenities of the surrounding area,*
- *has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.'*

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

The application site is located within the East Grinstead built up area boundary. The proposed waymarker is modest in its nature and there is a variety of street furniture within the existing forecourt including signs, bollards and benches. The proposal marks the location of an existing public right of way and the proposed QR code directs people to additional information regarding the Mid Sussex Walking Trails. As such it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the town centre and existing public footpaths, rights of way, bridle paths and twittens. Taking into account the above the proposal is considered to comply with policies DP2, DP6 and DP22 of the Mid Sussex District Plan and is acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within policy EG3 of East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and its design is considered to be of high quality. The details that have been submitted that informed the detailed design of the proposal are considered to demonstrate the high-quality design of the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

A similar ethos is also found within Policies EG3 of the East Grinstead Neighbourhood Plan.

Although Policy EG3 states that proposals should 'not harm' adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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.

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to 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. As such the proposal complies with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

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 Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage use of existing rights of way, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its high-quality design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents.

For the above reasons, the proposal is deemed to comply with policies DP2, DP6, DP22 and DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	-	-	16.02.2023
Location Plan	Loc W7	-	16.02.2023
Site Plan	Site W7	-	16.02.2023

APPENDIX B – CONSULTATIONS

East Grinstead Town Council

The Committee of 6th March had no specific comment but no objections.

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MID SUSSEX DISTRICT COUNCIL

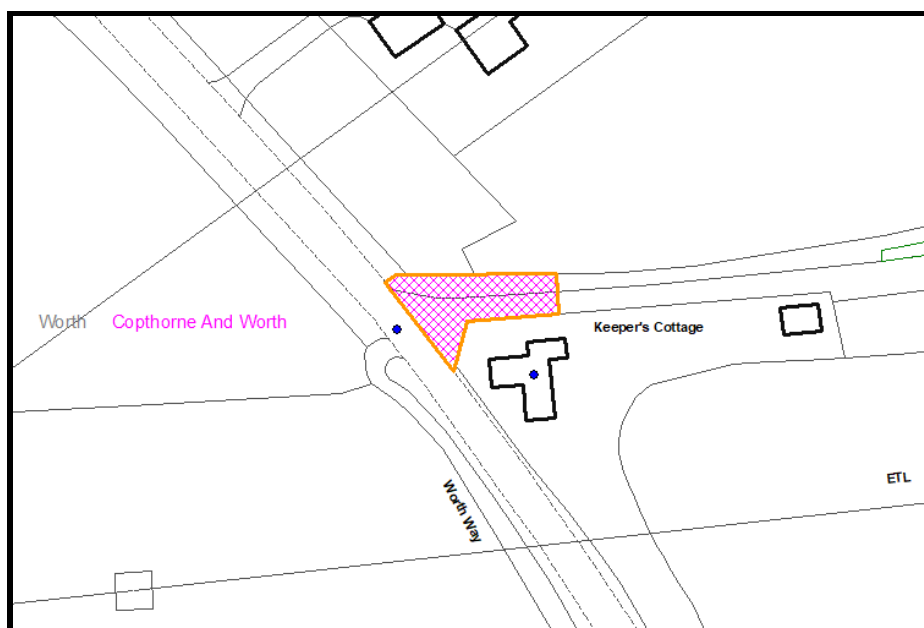
Planning Committee

13 APR 2023

PERMISSION

Worth

DM/23/0443



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LAND AT WORTH WAY CRAWLEY DOWN WEST SUSSEX ERECTION OF A WAYMARKER MID SUSSEX DISTRICT COUNCIL

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS)

ODPM CODE: Minor Other

8 WEEK DATE: 13th April 2023

WARD MEMBERS: Cllr Christopher Phillips / Cllr Bruce Forbes /

CASE OFFICER: Hamish Evans

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a waymarker at Worth Way Crawley Down.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage use of paths, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause unreasonable harm to the amenities of nearby residents. The proposal's impact on the setting of the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP9 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

WEST HOATHLY PARISH COUNCIL

The council support this application.

Introduction

The application seeks planning permission for the erection of a of a waymarker at the Worth Way Crawley Down. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site is located immediately adjacent to the Worth Way and sited directly to its north. The site is located within the countryside and the setting of the High Weald Area of Outstanding Natural Beauty.

Open woodland is located to the north and east of the site, a residential property is located to the south of the site and Turners Hill Road is located to the west of the site. There is also a variety of street furniture within the immediate area including signs, fencing and gates.

APPLICATION DETAILS

The proposal seeks planning permission for the erection of a waymarker at the Worth Way Crawley Down.

The proposal will measure some 0.4 metres in width, 0.2 metres in depth and a total height of 1.6 metres. It would consist of an oak carving which is a decorative piece of public art with local references informing its design and a plaque with a QR code and logo. It will be constructed of green 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, Copthorne 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:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design

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.

Copthorne Neighbourhood Plan (adopted September 2021)

Policy CNP1 - General Development Requirements

Policy CNP9 - CA2: Agricultural Belt

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.

High Weald AONB Management Plan 2019-2024

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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Impact on the setting of the High Weald AONB, 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 for this part of Mid Sussex consists of the District Plan, Copthorne Neighbourhood Plan and the Site Allocation DPD.

The relevant countryside protection policy is Policy DP12 of the District Plan, which states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District,

and:

- *it is necessary for the purposes of agriculture, or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*

- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

The proposed waymarker is modest in its nature and it will be characterised by external materials that are considered to be appropriate within the countryside. There is also a variety of street furniture within the existing recreational ground including gates, signs and fences. As such the proposal is considered to maintain the quality of the rural landscape character of the District. The proposal marks the location of an existing public right of way at Worth Way and the proposed QR code directs people to additional information regarding the Mid Sussex Walking Trails. As such it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. Taking into account the above the proposal is considered to comply with policies DP12 and DP22 of the Mid Sussex District Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within policy CNP1 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The site is located within the Agricultural Belt of Copthorne area as designated by the Copthorne Neighbourhood Plan.

Policy CNP9 of the Copthorne Neighbourhood Plan states in part that:

'As appropriate to their scale and nature development proposals within the defined Character Area 2 - The Agricultural Belt (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.3, 4.4 and 4.5 of the Copthorne Heritage and Character Assessment (May 2019).'

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and its design is considered to be of high quality. The details that have been submitted that informed the detailed design of the proposal are considered to demonstrate the high-quality design of the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and would represent high quality development that takes account of its immediate locality. Therefore, the proposal complies with policy DP26 of the Mid Sussex District Plan, policy CNP9 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

CNP1.2 of the Copthorne Neighbourhood Plan states:

'Proposals for new development should not cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby'

There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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 CNP1.2 of the Copthorne Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unreasonable harm to neighbouring amenities as outlined above.

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby. As such the proposal complies with the above part of policy CNP1.2 of the Copthorne Neighbourhood Plan.

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also requires Local Planning Authorities to:

'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'

Paragraph 176 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Policy DP16 of the Mid Sussex District Plan in part states:

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

A similar ethos is found within the High Weald AONB Management Plan 2019-2024.

The proposed works are modest in their nature and there will be limited views of the proposal from the surrounding area given the location of the proposal and the surrounding woodland. Taking into account the above the proposal is considered not to detract from the visual qualities and essential characteristics of the AONB nor

adversely affect views into and out of the AONB and complies with the above part of policy DP16 of the Mid Sussex District Plan, High Weald AONB Management Plan 2019-2024, paragraph 176 of the NPPF and the Countryside and Rights of Way Act 2000.

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause unreasonable harm to the amenities of nearby residents. The proposal's impact on the setting of the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP9 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 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. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans

and application form without the prior approval of the Local Planning Authority.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	-	-	16.02.2023
Location Plan	Loc W5	-	16.02.2023
Site Plan	Site W5	-	16.02.2023
Photographs	-	-	16.02.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

West Hoathly Parish Council

The council support this application.

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MID SUSSEX DISTRICT COUNCIL

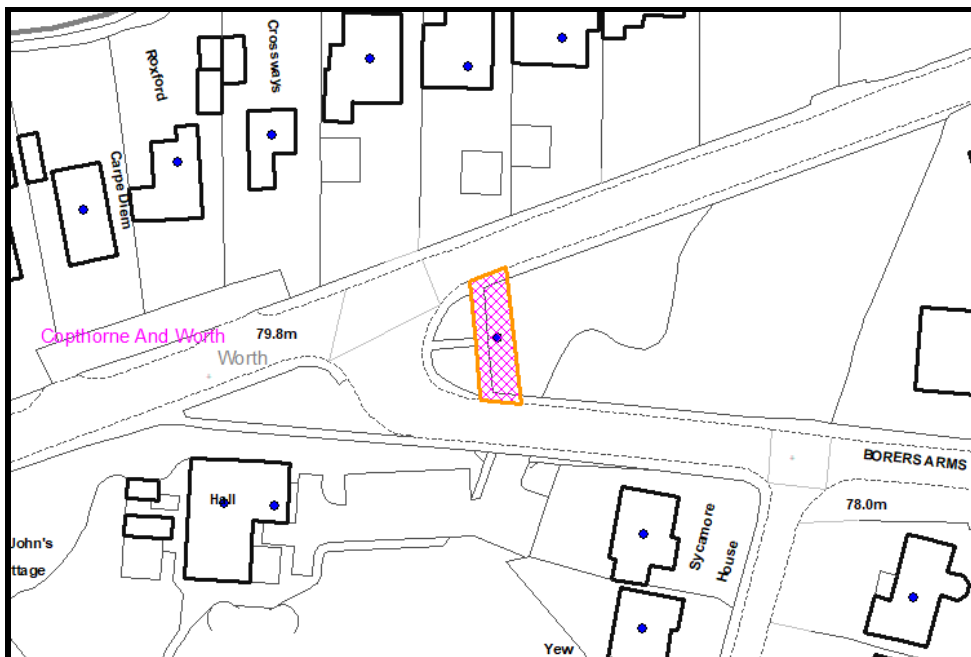
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

Worth

DM/23/0606



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**LAND AT BORERS ARMS ROAD COPTHORNE WEST SUSSEX
ERECTION OF A PICTORAL MAP.
MID SUSSEX DISTRICT COUNCIL**

POLICY: Article 4 Direction / Article 4 Direction / Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Green Belt / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Village Green (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 28th April 2023

WARD MEMBERS: Cllr Christopher Phillips / Cllr Bruce Forbes /

CASE OFFICER: Hamish Evans

DMPURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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 Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP11 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

One third-party representation letter has been received in respect of this application. It raises no objection to the proposal as a form of public artwork but does not achieve the objectives stated in the application documents.

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL

Defer to officer.

Introduction

The application seeks planning permission for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site consists of open grassland which is considered to be part of the public realm. The site is located within the Copthorne built up area boundary and located within the Historic Core of Copthorne as defined by the Copthorne Neighbourhood Plan.

Copthorne Bank is located to the north of the site, a Care Home is located to the east of the site and Borers Arms Road is located to the south and west of the site.

The buildings within the surrounding area consist of residential properties and community facilities. They are varied in their scales and design. There is a variety of existing street furniture within the surrounding area which includes, road signs, directional signs, public bins and benches.

APPLICATION DETAILS

Planning permission is sought for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne.

The proposal will measure some 0.9 metres in width, 0.5 metres in depth and a total height of 1.2 metres. It would consist of a map of the Copthorne area, an A1 sign panel and two supporting struts. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. The frame and struts are to be constructed of aluminium.

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
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design

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.

Copthorne Neighbourhood Plan (adopted September 2021)

Policy CNP1 - General Development Requirements

Policy CNP11 - CA4: Historic Core

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

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Highways matters,
- 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 for this part of Mid Sussex consists of the District Plan, Crawley Down Neighbourhood Plan and the Site Allocation DPD.

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

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

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

The application site is located within the Copthorne built up area boundary. The proposal includes a map which identifies historical landmarks and points of interest within Copthorne. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. As such it is considered to encourage use of paths, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. It should also be noted that

the proposal's location is within close proximity to a number of Public Rights of Ways. Taking into account the above the proposal is considered to comply with policies DP6 and DP22 of the Mid Sussex District Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is found within policy CNP1 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The site is located within the Historic Core Copthorne area as designated by the Copthorne Neighbourhood Plan.

Policy CNP12 of the Copthorne Neighbourhood Plan states in part that:

'Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA4'

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and similar development is considered common place within village centres. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan, CNP1 and CNP12 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

CNP1.2 of the Copthorne Neighbourhood Plan states:

'Proposals for new development should not cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby'

There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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 CNP1.2 of the Copthorne Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unreasonable harm to neighbouring amenities as outlined above.

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby. As such the proposal complies with the above part of policy CNP1.2 of the Copthorne Neighbourhood Plan.

Highways Matters

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

'The Scheme protects the safety of road users and pedestrians.'

The proposed works would be located on land adjacent to the highways boundary however it is of a modest scale and set back from the main highway. There is a variety of existing street furniture within the surrounding area which includes, road signs, directional signs, public bins and benches. As such the proposal is considered to comply with the above-mentioned parts of policy DP21 of the Mid Sussex District Plan.

Other matters

One representation letter has been received in respect of the application. It raises no objection to the proposal as a form of public artwork but does not achieve the objectives stated in the application documents. The details submitted with the application are considered to demonstrate pathways and walkways within Copthorne and Mid Sussex, together with local places of interest. It should also be noted that the proposal's location is within close proximity to a number of Public Rights of Ways and as such the proposed location of the proposal is considered acceptable.

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 Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage increased use of paths, identify local places of interest, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP11 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	Loc P10	-	03.03.2023
Site Plan	Site W10	-	03.03.2023
Other	-	-	03.03.2023
Photographs	-	-	03.03.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

Worth Parish Council

Defer to officer.

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