

MID SUSSEX DISTRICT COUNCIL

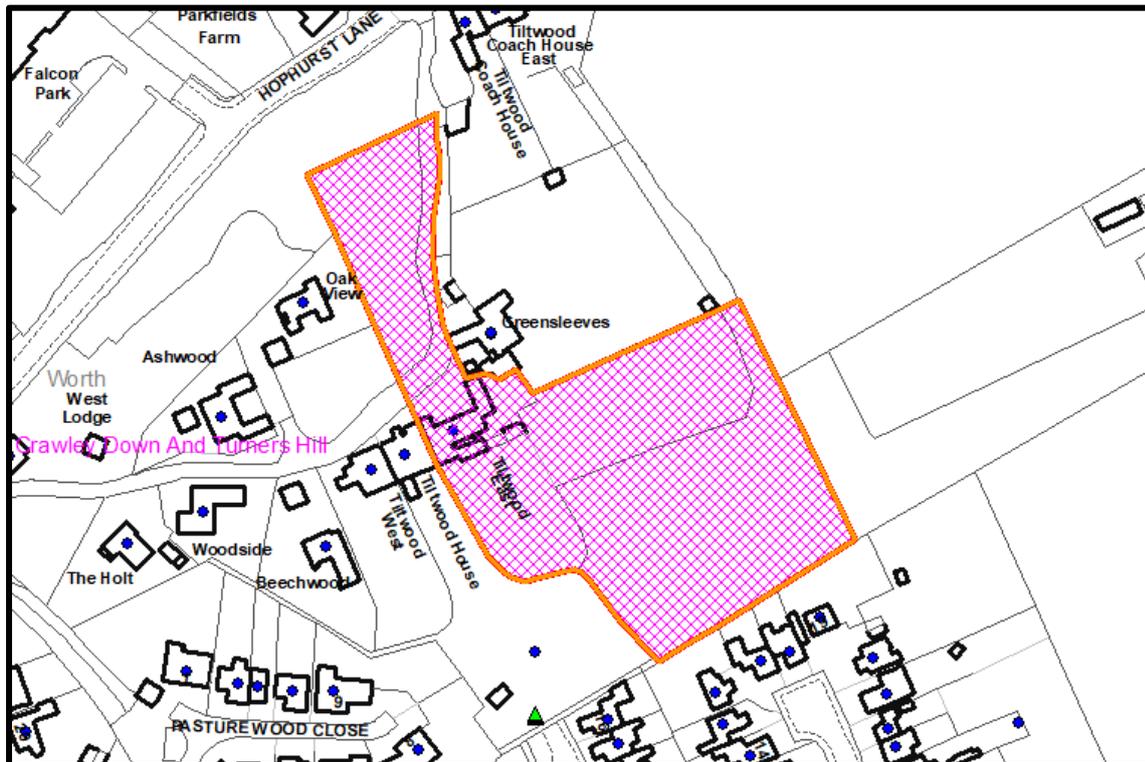
Planning Committee

15 JUN 2021

RECOMMENDED FOR PERMISSION

Worth

DM/20/4659



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

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

ODPM CODE: Minor Dwellings

8 WEEK DATE: 29th July 2021

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

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

The Council would also receive a new homes bonus.

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

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

RECOMMENDATIONS

Recommendation A

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

Recommendation B

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

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

SUMMARY OF REPRESENTATIONS

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

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

SUMMARY OF CONSULTATIONS

MSDC Street Naming and Numbering Officer

Request informative is added to any decision notice granting approval.

Ecologist

No objection subject to conditions

Arboriculturist

No objection.

Southern Water

No objection.

WSCC Highways

No objection subject to conditions.

West Sussex Fire and Rescue

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

Worth Parish Council

STRONGLY OBJECT

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

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

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

INTRODUCTION

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

RELEVANT PLANNING HISTORY

Application site:

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

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

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

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

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

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

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

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

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

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

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

SITE AND SURROUNDINGS

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

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

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

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

APPLICATION DETAILS

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

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

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

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

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

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Worth - Crawley Down Neighbourhood Plan.

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

MID SUSSEX DISTRICT PLAN

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

Relevant policies include:

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

Worth - Crawley Down Neighbourhood Plan

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

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

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Development Viability Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (Feb 2019)

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

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

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

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

National Planning Policy Guidance

Ministerial Statement and Design Guide

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

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

ASSESSMENT

Principle of development

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

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

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

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

The countryside will be protected in recognition of its intrinsic character and beauty... Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

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

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

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings, and*
2. *The site is contiguous with an existing settlement edge, and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

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

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

Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

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

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

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

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

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

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

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

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

Design and visual impact

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

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

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

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

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

Standard of accommodation

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

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

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

Impact on neighbouring amenity

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

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

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

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

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

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

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

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

Access, parking and impact on highway safety

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

Policy CDNP10 (a) states:

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

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

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

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

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

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

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

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

Drainage

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

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

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

Impact on trees

Policy DP37 of the District Plan states that:

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

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

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

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

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

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

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

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

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

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

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

Ecology

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

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

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

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

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

Other Matters

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

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

Planning Balance and Conclusions

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

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

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

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

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

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

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

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

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

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

The Council would also receive a new homes bonus.

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

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

APPENDIX A – RECOMMENDED CONDITIONS

1. TIME LIMIT - FULL

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

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

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

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

3. MATERIALS

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

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

4. LANDSCAPING

Hard and soft landscape works shall be carried out in accordance with the approved details. The recommendations set out the Arboricultural Method Statement report by David Archer Associates (January 2021) setting out measures for the protection of retained trees and hedgerows in the course of development shall be implemented in full. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan.

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

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

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

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

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

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

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

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

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

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

9. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

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

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

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

Plans Referred to in Consideration of this Application

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

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

APPENDIX B – CONSULTATIONS

Parish Consultation

Strongly Object

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

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

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

Ecologist

Recommendation

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

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

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

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

WSCC Highways

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

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

Summary

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

Access and Visibility

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

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

Parking and Turning

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

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

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

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

Sustainability

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

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

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

Car parking space (details required)

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

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

Cycle parking

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

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

Electric Vehicle Charging Spaces

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

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

Drainage Engineer

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

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

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

MSDC Street Naming and Numbering Officer

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

Informative (Info29)

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

Southern Water

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Arboriculturist

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

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

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

West Sussex Fire and Rescue

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