

MID SUSSEX DISTRICT COUNCIL

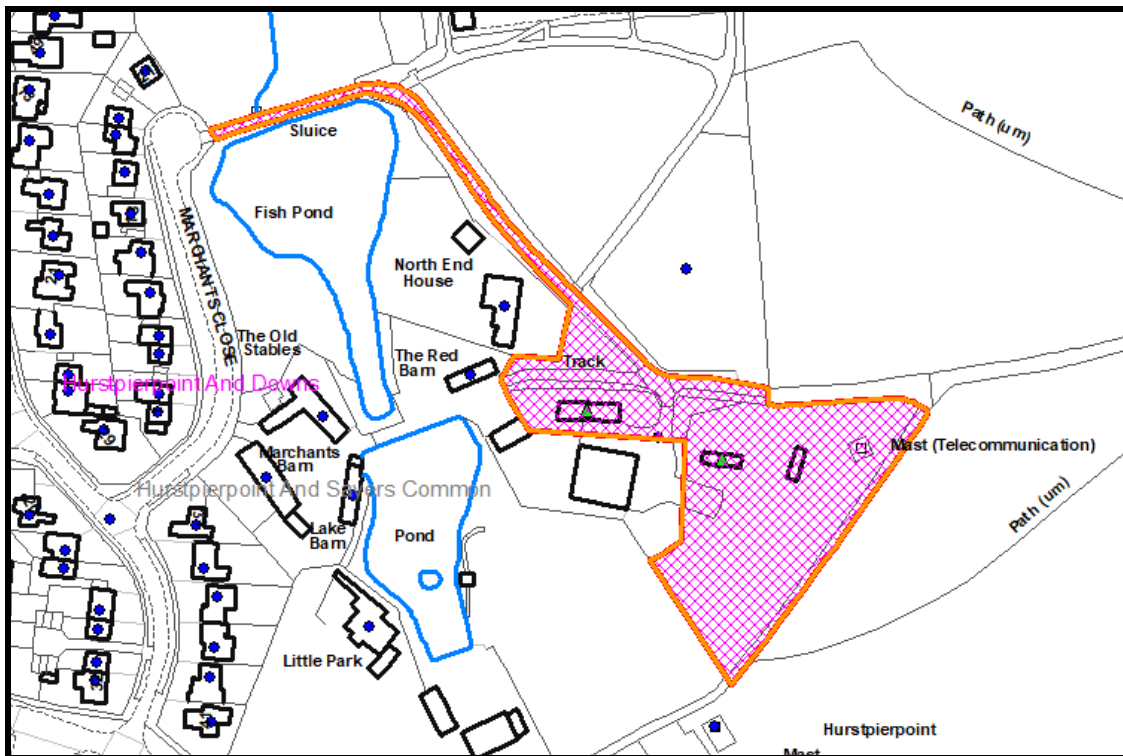
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/22/0204



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LITTLE PARK FARM MARCHANTS CLOSE HURSTPIERPOINT HASSOCKS

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

HEATHLAND HURSTPIERPOINT LTD

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

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

ODPM CODE: Minor Dwellings

8 WEEK DATE: 21st April 2022

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

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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

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

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

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

of the area.

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

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

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

The Habitats Regulations Assessment screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC and a full HRA of the proposed development is not required.

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

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

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

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

One representation received, which objects for the following reasons:

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

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

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

SUMMARY OF CONSULTEES

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

TOWN/PARISH COUNCIL OBSERVATIONS

Our recommendation is that MSDC give permission. Subject to a condition that the previously agreed construction plan is extended to this new application, specifically including the banning of construction traffic between the hours of 08.30 - 09.15 and 14.45 - 15.30 Monday to Friday on school term days.

Conservation Officer

The proposed amendments to the approved scheme are considered to detract from the impact that the development will have on the character of the setting of Little Park Farm and the positive contribution which the rural aspects of that setting make to the special interest of the listed building and how this is appreciated. This is contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the amendments will cause less than substantial harm, such that paragraph 202 will apply.

MSDC Tree Officer

The tree protection plan measures are appropriate and the fencing and construction exclusion zone should be adhered to throughout the development. Landscape Plan should be updated to the current BS5837: 2012 (rather than 2005).

It is important there is a strong presence of native trees and hedgerows around the boundary of the site. Clear and detailed specifications including of the proposed planting and maintenance of the hedgerows are requested.

Understorey vegetation around the site perimeters should be replaced with suitable mixed native hedging, included within the specifications.

Providing the above points are addressed - no objection.

WSCC Highways

No transport grounds to resist the proposal.

The following conditions are recommended: Car Parking, Cycle Parking, Turning Space, EV charging spaces.

Ecological Adviser

I would recommend that the Preliminary Ecological Appraisal document is submitted together with a statement from the ecologist conforming any recommendations that have already been implemented. A suitable condition can be applied to cover any remaining measures and secure the enhancements.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Environmental Health

Conditions are recommended to minimise any adverse noise and dust impact.

Contamination Officer

Recommendation: Approve with a condition.

Drainage

Recommendation - No objection subject to condition.

Southern Water

Southern Water would not support the proposals for package treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer.

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

Street Naming and Numbering Officer

Recommends an Informative.

INTRODUCTION

This application follows the approval by the Planning Committee in September 2021, under DM/21/2367, for full planning permission for the development of three new dwellings on the site at Little Park Farm, Marchants Close, Hurstpierpoint to replace

a Dutch barn, dairy building, mobile home and associated structures on the site. The application was approved subject to a number of pre-commencement conditions, which have been subsequently discharged.

Development work commenced on the site in November 2021 to construct two of the three approved dwellings, and the building works are still in progress. The external walls and roof are constructed at Plot B. The external walls and part of the roof structure of the unit at Plot C are also under construction.

RELEVANT PLANNING HISTORY

Planning reference: DM/21/3720. Discharge of Condition 17 (contamination) and Condition 20 (ecology) relating to planning reference DM/21/2367. Approved December 2021.

Planning reference: DM/21/3341. Discharge conditions 3, 8, 9 and 11 of planning application DM/21/2367. Approved December 2021.

Planning reference: DM/21/2367. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Approved September 2021.

Planning reference: DM/20/1533. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Amended Plans received 16.06.2020. Refused October 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/4153. Removal of an existing barn, mobile home and other outbuildings. Construction of three dwelling, 1x5 bedroom with detached garage, 1 x3 bedroom and 1 x2 bed bedroom. Refused January 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/2344. Application for determination as to whether prior approval is required for the change of use of an agricultural building to 4 dwellinghouses and for associated operational development. Prior approval granted August 2019.

Planning reference: DM/19/0824. Remove existing barn, mobile home and other outbuildings for the construction of 4 dwellings with car ports. Refused May 2019.

Planning reference: 14/00745/LDE. Application to site a caravan for domestic use. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved April 2014.

Planning reference: 08/01417/FUL. Installation of 17.5m telecommunications mast, equipment cabinets and ancillary equipment with 6.5m by 6.5m compound. Approved August 2008.

SITE AND SURROUNDINGS

The development site, known as Little Park Farm, is located off a narrow private access track leading from the end of Marchants Close. This access is shared with an existing property at North End House, which is located to the north east of the site. This track also serves as a pedestrian route for occupiers of the houses at Idenhurst, and also allows public access to Hurst Meadows open space.

The District Plan designates the site as countryside area, and outside the designated built up area of Hurstpierpoint. A former single storey brick dairy building has been demolished, and a mobile home removed from the site to allow the development works to commence. A large Dutch barn, used for the storage of farm vehicles, remains on the site, occupying the position of approved Unit A.

An extensive area of land to the east of the site, which stretches east to the Conservation Area at Hurst Wickham, is in use as Hurst Meadows Public Open Space. This land is allocated for use as public open space for informal recreation, referred to as Hurst Meadows in the Hurstpierpoint Neighbourhood Plan (Policy Amenities HurstA1: Hurst Meadows).

The eastern boundary of the site which adjoins this land has been recently secured by the erection of a new chain link fence. Trees growing along this boundary have been retained. To allow for the erection of the fence works to remove overgrown shrubs has opened up views into the land at Little Park Farm from Hurst Meadows and from adjacent public footpath (63HU).

A vehicular access gate located in the site boundary, to the south of the Dutch barn, allows access to an extended garden area serving the adjacent Grade II* property known as Little Park. Beyond this there is a large private pond which is in the grounds of that property.

APPLICATION DETAILS

The submitted planning application shows the red site outline amended, compared to the site of the former application under DM/21/2367. The red line boundary now excludes the Dutch barn and the accompanying curtilage (previously referred to as Plot A) from the revised proposal.

The curtilage associated with Unit B has been revised to include the land over which a former access track ran, leading from The Red Barn and the other converted barns sited to the west into the site towards Hurst Meadows. This track remains in place to the north of Unit C. The site layout plan indicates the retention of the access through the site to serve the garden at Little Park. The retained paddock area, located to the south of Unit C, remains within the site boundary for this application.

The proposed plans show the construction of two new dwellings, labelled Unit B and Unit C. This application does not propose changes to the scale, form or position of the approved dwelling at Unit B, which accommodates 2 bedrooms. The only proposed change to that dwelling is to alter the proposed external wall cladding on

the building from oak to black finished featheredge boarding, made from Nordic Spruce.

The plans show the provision of a new detached garage on the enlarged curtilage to the north of the dwelling at Unit B, measuring 6.4m long by 5.3m wide (approx.). The garage would be orientated to face to the east, served by the shared access. It would be similarly externally finished to match the associated dwelling with a brick plinth and horizontal black boarding. A pair of side hung doors will allow access into the garage from the front elevation, which also contains a small window. A pedestrian access door and window are proposed in the rear (west) elevation. The garage building is shown to have a gabled tiled roof, with a ridge height of 5.6m, from eaves set at a height of 2.5m (approx.).

The application seeks more significant alterations to the dwelling at Unit C. As approved under DM/21/2367, the dwelling had an L-shaped, single storey form. The maximum width was 15.8m by 11.5m wide, with a floor space area of 125 square metres, approx.

As proposed the building has been enlarged, to include a garage, attached to the western projection. The garage has a depth of 5.1m by a width of 6m and is accessed from side hinged doors at the western end of the building.

Associated revisions have been made to the floor layout of the dwelling, which formerly accommodated 3 bedrooms on the single storey footprint. The current plans introduce a first floor into the building. To achieve the enlargement of the loft space the ridge height of the building is shown to be raised from 5.95m (as approved) to 6.23m (approx.), an increase of 0.28m, and the eaves raised a similar 0.2m to 2.8m. In addition, an additional gable is proposed to the rear (eastern) facing roof slope and four 1.6m wide gabled roofed dormer windows are proposed, with two to the south and two on the northern roof slopes of the enlarged dwelling.

The ground floor layout has been altered to show one ground floor bedroom with an ensuite shower room, an access hall has been created in place of the second bedroom and a sitting room replaces the third bedroom on the ground floor of the building. The introduction of a first floor area into the building allows two bedrooms, each with ensuite bathrooms, to be accommodated in the extended loft space, as well as a linen/utility room. The proposed plans also show a mezzanine to be added over the kitchen area. The plans also show the addition of five new roof lights in the northern and southern facing roof slopes of the building.

The amended floorspace of Unit C, taking into account the area of the proposed first floor, would increase from 125 square metres to measure approx. 192 square metres.

The applicant's agent has confirmed the external finishes of the building would be amended as for Unit B, with the walls finished with black finished featheredge boarding, made from Nordic Spruce.

The approved site plan showed existing trees on the eastern site boundary to be retained. Whilst this is the case some understorey shrubs have been removed to

allow for the construction of a new chain link boundary fence. Within the site a 1.2m high timber post and rail fence, with indigenous hedge planting, is shown to divide the grassed garden curtilage of Unit C and the irregular shaped retained paddock space to the south east of the dwelling.

Supporting Planning and Sustainability and Heritage statements were submitted with the application. During the course of determining the application a revised Landscape Site Plan and Tree Protection Plan have also been submitted. These can be viewed in full on the planning file.

The application has also been supported with additional information from the agent in response to queries regarding the revised site boundary line, to explain why the size of Plot B has been amended, with the proposed garage sited over the formerly retained access track, and to explain the right of way through the site for Little Park.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP13: Preventing Coalescence
Policy DP15: New Homes in the Countryside
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Space Standards
Policy DP34: Listed Buildings and Heritage Assets
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Neighbourhood Plan -Hurstpierpoint and Sayers Common Neighbourhood Plan - Made March 2015

Relevant policies:

HurstC1: Conserving and enhancing character of countryside
HurstC3 Local Gaps and Preventing Coalescence

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

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

With specific reference to decision-taking paragraph 47 states: 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.

Ministerial Statement and Design Guide

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

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

ASSESSMENT

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

Principle of development

Design

Impact upon the Listed Building

Impact on Local Gap

Highway and Access

Amenity

National Space Standards

Drainage

Habitats Regulations Assessment for Ashdown Forest

Ecology
Trees
Sustainability
Planning Balance and Conclusion

Principle of development

As stated above the Development Plan consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan, the District Plan being the most recent policy document.

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

The Development Plan Policies that are relevant to this application are as follows:

Policy DP12 of the District Plan states:

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

and:

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

The Hurstpierpoint and Sayers Common Neighbourhood Plan contains a similarly worded policy HurstC1 that states:

Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- It comprises an appropriate countryside use;
- It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;
- In the South Downs National Park, policy HurstC2 will take precedent.

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

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

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or

- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or
- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.

Policy DP6 of the District Plan refers to Settlement Hierarchy and allows for extensions adjacent to defined built up areas, subject to a number of criteria. It states:

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

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

The proposal must also be assessed against Hurstpierpoint Neighbourhood Policies Countryside HurstC1, which states:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, Policy HurstC2 will take precedent'.*

The red line around the reduced site area remains unchanged to that under the approved application DM/21/2367, relative to the built up area boundary of Hurstpierpoint. A consistent assessment has to be taken in regards to Policy DP6. The red line of the site boundary is not contiguous with the built up area boundary of Hurstpierpoint and therefore the proposal fails to accord with the exceptions clause of District Plan Policy DP6, i.e. the site is not contiguous with the existing built up area of the settlement.

However, the recent approval under DM/21/2367 is an important material consideration and represents a fall-back position for the development of this site. In the assessment of that proposal the principle of the development of the site for housing was considered to accord with the requirement of Policy DP12 of the District Plan. This revised development proposal on the site also has to be considered with reference to DP12. A key criteria in that policy is whether the development maintains or enhances the rural and landscape character of the District. It is a requirement of Policy DP12 that development will be permitted in the countryside provided it

'maintains or where possible enhances the quality of the rural landscape character of the District.' This aim is reflected in Neighbourhood Plan Policy Hurst Policy C1.

The end result of the revised proposal could still be the creation of three new homes, on a site that is in easy walking distance of the village centre and the services it offers. In accordance with the requirements of Policy DP12 and Neighbourhood Plan Policy Hurst Policy C1, it is considered that the design of the proposed new dwellings, the limited area of the associated gardens and the designation of a large paddock to the east of the site would enhance the immediate rural setting of the site, and this weighs in favour of the application.

The proposed development is considered to be appropriate on this site, and its semirural setting, being in accordance with the requirement of Policy DP12 of the District Plan and Neighbourhood Plan Policy Hurst Policy C1 by serving to maintain and enhance the quality of the rural landscape character of the area.

Given this to be the case District Plan Policy DP15 allows new homes in the countryside to be permitted where "special justification" exists. In this case the enhancement of the setting of the Listed Building and character of the semi-rural setting as a consequence of the demolition of former agricultural structures, that were in a poor state of repair, and the removal of a mobile home and other associated structures and vehicles spread across the site was a significant factor in favour of approving DM/21/2367. For this reason the development is considered to enhance the character and appearance of the immediate setting, and whilst failing to meet DP6, will accord with the special justification clause of DP15.

It is considered that the form and layout of the proposed development presented in this application is reflective of the approved scheme, which could be implemented as a fallback.

The proposed changes to the development are relatively minor overall, do not increase the bed spaces within the approved dwellings and will not negatively impact upon the public vantage points of the site. Overall it is considered that the proposed development of the site will enhance its immediate setting and positively contribute to the character and appearance of this rural site and is therefore considered to accord with the requirement of Policy DP12 of the District Plan Neighbourhood Plan and Policy Hurst Policy C1 by serving to maintain and enhance the quality of the rural landscape character of the area.

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. It states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.'

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

The site is in a rural setting, being visually divorced from the detached houses on Marchants Close and some distance from the new houses on the new residential estate to the north. The site is open to public inspection as a result of the pedestrian use of the access track leading to the development site and the use of Hurst Meadows to the east of the site, for open public access, dog walking and leisure and recreation. This means that the site is in an important position on the village margin, and its value is also related to its historic use and close relationship to the adjacent Grade II* Listed Building at Little Park.

The importance of this site and the surrounding converted barns and ponds at Little Park have been given special consideration in the land designation as an allocated 'Protection and Enhancement of Countryside area', outside the designated built up area.

The design and layout of the proposed development attempts to recreate a farmstead layout. Sussex stock facing brick, plain clay roofing tiles and black

weather boarding are all traditional Sussex building materials. The amended design for Units B and C maintains their subordinate building form alongside the retained Dutch barn. As such the revised design retains the character of a rural farmyard with vernacular references in the construction materials.

As such the proposal is considered to accord with Policy DP26 in respect of design and with the principles in the Design Guide.

Impact upon the Listed Building

The southern boundary of the application site lies approximately 60 metres to the north east of Little Park, which is a Grade II* listed building. With this status the ex-farm house building has a high degree of significance, being one category lower than a Grade I Listed building. Taken together Grade I and Grade II* Listed buildings account for just 8% of all listed buildings, with Grade II Listed Buildings accounting for 92% of all listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant in the determination of this application, as it states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'

Paragraphs 194 - 202 of the NPPF are also relevant, stating:

'194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

198. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is

necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The application has been submitted with an accompanying Heritage Statement, which has been reviewed by the Conservation Officer and Planning Officer.

It is considered that the proposal will change the relationship of the site to the use and enjoyment of the adjacent extended garden and vegetable plots at Little Park, which are located close to the southern site boundary. The site provides a means of access to part of the grounds to the north east of that property, and this is to be retained, thereby maintaining the historic farmhouse/farmstead relationship.

The residential development of the site has been accepted. This will result in the creation of new gardens for the new dwellings, which will become manicured/domesticated and there will be associated domestic activities on the site. The maintenance of a small paddock to the east and south of Unit C will ensure that an open area of land is retained to provide a visual break in the development of the site.

The proposed development will impact upon the setting of Little Park. The Council's Conservation Officer concludes that the amendments will cause less than substantial harm, such that paragraph 202 would apply.

In the assessment of the proposal it is important to protect the adjacent listed building and its wider setting, as required by District Plan Policy DP34. National Guidance contained in Paragraphs 194- 202 of the new NPPF is also relevant.

It is your Planning Officer's view that the revisions to Units B and C are acceptable changes to the approved scheme of development on this site, and the form and positions of the new buildings will serve to reflect and enhance the setting of the Listed Building at Little Park. The public benefits of the scheme overall are considered to outweigh any potential less than substantial harm to the setting of the heritage asset.

Impact on Local Gap

Policy DP13 of the District Plan seeks to prevent coalescence and to retain the separate identity and amenity of settlements. However, as the District Plan does not

define strategic gaps on any policy maps it falls to the Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in Policy DP13.

The site lies within the Hurstpierpoint and Hassocks Gap and Policy Hurst C3 in the Neighbourhood Plan states:

'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:

Hurstpierpoint and Hassocks;
Sayers Common and Albourne;
Hurstpierpoint and Albourne;
Hurstpierpoint and Burgess Hill.

It is considered that the scale of the development would not conflict with Policy DP13 of the District Plan.

In terms of Policy Hurst C3 the site lies outside but close to the village built up area boundary. Whilst the amended proposal represents an edge of settlement development, it would be difficult to consider this would impact significantly upon the wider local gap between Hurstpierpoint and Hassocks, particularly given the immediate proximity of the volume housing development to the north of the site at Idenhurst. As such the impact on the local gap would not be significant.

Highways and Access

Policy DP21 the Mid Sussex District Plan requires development to:

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

WSCC Highways have supported the residential development of this site.

It is considered that the proposal complies with Policy DP21 of the Mid Sussex District Plan, and that the site represents a sustainable site for residential development close to the centre of a Category 2 settlement (a larger village/local service centre).

Amenity

Policy DP26 of the Mid Sussex District Plan stipulates that development: "does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution".

The immediate neighbouring properties are Red Barn and North End House, sited to the north west of the site.

The relationship of the building footprints at Units B and C have not changed as a result of the proposal, although the proposed garage to the north of Unit B does introduce a related ancillary building. The garage is sited approx 27m from the south eastern corner of North End House and would be seen in the foreground of the new dwelling from that property. The new garage building will be largely screened from the immediate neighbours by the existing and supplemented boundary vegetation, which will also obscure the new dwellings on the site in wider public views.

It is considered that the proposal represents an acceptable development which would not create significant harm to the amenities of existing nearby residents or the future occupants of the new dwellings. The application can be supported in this case in accordance with the aims of District Plan Policy DP26.

National Space Standards

In March 2015 the Government issued a document containing dwelling space standards, entitled "Technical housing standards- nationally described space standard". The standards are applicable to the proposed development and referred to in District Plan Policy DP27.

The floorspace of the dwelling at Unit B remains unaltered. This single storey 2 bed dwelling could accommodate between 3 to 4 people, requiring between 61 to 70 square metres of internal floor space, with a built in storage area of 2 square metres. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 2 bed unit, as the floorspace measures approx. 120 square metres.

The amended floorspace of Unit C, taking into account the area of the proposed first floor, would increase from 125 square metres to measure approx. 192 square metres. It would still retain 3 bedrooms over two floors. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 3 bed, 2 storey unit, which state that such a dwelling could accommodate 4-6 people and range from 84 to 102 square metres.

The proposal is found to accord with District Plan Policy DP27.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and

not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage condition (Condition 9) on the approval under DM/21/2367 for three dwellings on the site was discharged in December 2021. Details for the current application have been considered by the MSDC Drainage section and their comments are reported above. As the proposal is to construct only two of the units at this time a planning condition is recommended for the revised scheme, to require details to be submitted for approval prior to the commencement of the development. As works are already in progress on the site the wording of this condition will need to be adjusted to comply with the requirements of Policy DP41 of the Mid Sussex District Plan.

Habitats Regulations Assessment for Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Ecology

Paragraph 180 of the revised NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

And paragraph 182 states:

'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

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

An ecology report has been submitted with the application and the Council's Consultant Ecologist has commented on its content. The advice that has been provided requires the submission of a statement from the ecologist confirming any recommendations that have already been implemented to allow a suitable condition to be applied to a consent to cover any remaining measures and to secure the appropriate enhancements. The applicant's agent has been contacted and this additional information requested. Once this has been received a planning condition can be drafted to ensure that the proposal complies with Policy DP38 of the Mid Sussex District Plan and the aims of the NPPF. An update will be provided at Committee.

Trees

Policy DP37 of the District Plan is relevant in the determination of this application. The Policy states:

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

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

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

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

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

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

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

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

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

The application has been accompanied by a Tree Protection Plan and a Landscape Plan. The Council's Tree Officer has reviewed these plans, which have been amended during the course of determining the application. Her comments are reported above.

The site benefits from a good degree of natural boundary screening. The submitted plans show this is to be retained and where shrubs have been removed on the eastern boundary new and supplementary native species planting can be secured by a suitably worded planning condition. Within the site new planting is also illustrated around the boundaries of Units B and C.

A revised Landscaping Plan has been requested to show clear and detailed specifications of the proposed planting both within the site and around the site perimeters, which should be suitable mixed native hedging.

To ensure that the new planting and the retained boundary trees are suitably protected during the construction works a suitably worded planning condition is recommended to accord with District Plan Policy DP37.

Sustainability

Policy DP39 is relevant in the determination of this application. This states:

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;
- Use renewable sources of energy;
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'

The Design Guide also refers to Sustainable Design and contains Principle DG37 in Chapter 6, which states:

'Deliver high quality buildings that minimise their environmental impact

The construction industry makes a significant contribution to CO₂ emissions utilising substantial volumes of non-renewable resources and generating pollution and waste. The need for sustainable approaches to building design is therefore fundamental if the challenges associated with climate change, resource depletion and pollution are to be addressed, and will be necessary to achieve the Government's Future Homes Standard.

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

Applicants must demonstrate how this has informed their design and should consider in particular:

- Orientation and design of buildings and roofs to maximise daylight / sunlight penetration and solar gain, whilst also avoiding overheating;
- The use of green roofs or walls to reduce storm water run-off, increase sound-proofing and biodiversity;
- The use of materials with low embodied energy (for example, renewably-sourced timber and recycled materials);

- The use of sustainable materials that are locally sourced wherever possible;
- Incorporating high levels of insulation (in combination with air tightness and temperature control systems) including the use of materials with a high thermal mass, such as stone or brick, which store heat and release it slowly;
- Incorporating renewable energy including photovoltaics, solar thermal water heating, ground and air source heat pumps;
- The use of low flow technology in water fittings, rainwater harvesting systems and grey water recycling systems to reduce water consumption to 110 litres/person/day (maximum); and
- Laying out development to support identified opportunities for decentralised renewable or low carbon energy systems.

Further guidance is provided by District Plan Policy DP39: Sustainable Design and Construction.'

The approved scheme under DM/21/2367 included a supporting Planning Statement to confirm that the development includes energy efficiency and sustainability measures, such as:

- Rainwater would be recycled where possible to provide grey water supplies.
- Dual flush WC's would be installed.
- Water saving fittings would be used with flow regulators.
- Low energy lighting would be used throughout the building.
- Washing machines/dishwashers would be specified to minimise water usage.
- The development would be built to comply with the Considerate Contractor Scheme.
- Wherever possible materials would be specified from a sustainable source.
- Local materials would be sourced wherever possible.
- Wherever possible, labour would be sourced from the local area thereby supporting the local economy and providing employment opportunities for local tradespeople and businesses.
- Recycling would be encouraged with individual bins being provided for various waste and recycling.
- Sufficient space within the dwelling is provided to offer opportunities for occupiers to work from home, thus reducing traffic movements.
- The specification for insulation would ensure a good sustainability score.'

It is considered that the revised proposal complies with the relevant criteria District Plan Policy DP39 of the District Plan, the Design Guide principles and the requirements of the NPPF, and consequently the proposal is considered to be acceptable in sustainability terms.

Contamination

The site is located in an area historically in use as a farmyard and as such the Council's Contamination Officer has been consulted regarding the reuse of the land for residential purposes, as for DM/21/2367.

In order for contaminants to be investigated a set of three phased contaminated land conditions were attached to that approval to ensure that future residents are protected. Of these conditions Condition 17 has been discharged, and Condition 18 has also been addressed. As such Conditions 19 of DM/21/2367 still applies to the development at this site and it is recommended by the Contamination Officer that this is transferred onto the approval for the revised development under this application. As such the proposal will accord with the requirements of District Plan Policy DP29.

Planning Balance and Conclusion

An assessment of relevant planning policies and planning guidance, together with other material considerations, has resulted in a recommendation to approve this proposal.

The revised development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan. The changes to the design of the two proposed dwellings would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring properties at Red Barn, North End House and Little Park. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

As the application site lies close to the Grade II* Listed Building at Little Park the PLBCAA 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The requirements of this Act are reflected in Policy DP34 of the District Plan. The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The application can be supported as the public benefits outweigh any potential adverse harm to the heritage asset.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). For reasons including the location of the site, and the proposed energy efficiency details of the scheme, the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The Habitats Regulations Assessment screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC and a full HRA of the proposed development is not required.

Subject to further details regarding the ecological recommendations and the imposition of an appropriately worded condition the proposal will comply with Policy DP38 in the District Plan.

The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In summary, this is a case where it is considered that the proposal complies with some policies within the development plan but conflicts with others. The extant permissions on the site are a relevant material consideration.

It is considered that the public benefits of providing a well-designed comprehensive development on this site outweighs any considered harm to the Listed Building.

To conclude it is your Officer's view that whilst there is conflict with some policies in the development plan as set out above, overall the planning application complies with the development plan when read as a whole. The scheme is for two new dwellings in a sustainable location that accords with Policy DP12 of the District Plan, and there are not considered to be any other material considerations that would indicate that the application should be refused.

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

3. No external materials shall be used other than those specified on the application form, as detailed in the Design and Access Statement and in the Agent's email dated 24.02.2022 without the prior written approval of the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

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

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

6. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

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

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

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

8. No part of the development shall be first occupied until bin stores have been provided for each of the new dwellings in accordance with the approved Landscape Plan.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies Hurst C1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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

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

- Monday to Friday: 0800-1800 hours
- Saturday: 0900-1300 hours

- Sunday and bank holidays: no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

11. The development shall take place in accordance with the Construction Management Plan submitted to Local Planning Authority in respect of DM/21/2367, and approved under DM/21/3341, unless otherwise agreed in writing. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan includes details for:

- a timetable for the commencement, construction, occupation and completion of the development;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction and directional signage for the purposes of such;
- the siting and layout of site compounds and welfare facilities for construction workers;
- the provision of parking of vehicles by site operatives and visitors;
- the provision for the loading and unloading of plant, materials and removal of waste;
- the provision for the storage of plant and materials used in construction of the development;
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

12. No burning of demolition/construction waste materials shall take place on site.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

13. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

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

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

15. The development hereby permitted shall not be occupied until the species and full details of the landscaping planting and indigenous hedge planting, as shown on the Landscaping Plan, is approved in writing by the Local Planning Authority and the agreed species have been planted along the site and residential plot boundaries. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

16. The boundary trees and hedgerows shall be retained and protected in accordance with the details in the submitted Tree Protection Plan 1166-21-04b for the duration of the development and the trees and hedgerows shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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

18. Details of wildlife protection and habitat enhancements, based on an updated ecology survey, shall be submitted to, and approved by the Local Planning Authority within one month of this approval, unless otherwise agreed in writing. The approved details shall be implemented in full and a completed checklist signed off by the project ecologist, to ensure compliance, shall be submitted to the local planning authority prior to occupation of any dwelling.

Reason: To protect the ecological value of the site and to accord with Policies DP38 of the Mid Sussex District Plan and paragraph 180 of the NPPF

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Other	Surface Water and Foul Drainage Technical Note		20.01.2022
Drainage Details	100_P1		20.01.2022
Drainage Details	101_P1		20.01.2022
Drainage Details	120		20.01.2022
Drainage Details	150		20.01.2022
Other	500		20.01.2022
Other	501		20.01.2022
Other	1166-21 Finishes Schedule		20.01.2022
Landscaping Details	1166-21-02b		20.01.2022

Site Plan	1166-21-05a	20.01.2022
Proposed Floor and Elevations Plan	1166-21-skG01a	20.01.2022
Proposed Floor and Elevations Plan	1166-21-skG02c	20.01.2022
Proposed Elevations	1166-21-skG03c	20.01.2022
Proposed Elevations	1166-21-skG04c	20.01.2022
Approved Floor Plan	1166-21-skG05	20.01.2022
Approved Elevation Plan	1166-21-skG06	20.01.2022
Approved Floor Plan	1166-21-skG07	20.01.2022
Approved Elevation Plan	1166-21-skG08	20.01.2022
Proposed Block Plan	1166-21-skG09c	20.01.2022
Proposed Roof Plan	1166-21-skG10a	20.01.2022
Location Plan	1166-21-skG-LP	20.01.2022
Site Plan	1166-21-skG-LP1	20.01.2022
Other	Construction Management Plan	20.01.2022
Design and Access Statement		20.01.2022
Heritage Statement	Addendum	20.01.2022
Heritage Statement		20.01.2022
Other	Internal Inspection and Emergence Survey	20.01.2022
Planning Statement	Planning and Sustainability Statement	20.01.2022
Other	Preliminary Ecological Appraisal	20.01.2022
Proposed Elevations		20.01.2022
Other	Subsoil Investigations	20.01.2022
Drainage Details		20.01.2022
Transport Assessment/Travel Plan		20.01.2022
Tree Survey		20.01.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

Our recommendation is that MSDC give permission. Subject to a condition that the previously agreed construction plan is extended to this new application, specifically including the banning of construction traffic between the hours of 08.30 - 09.15 and 14.45 - 15.30 Monday to Friday on school terms days.

Conservation Officer

Please read these in conjunction with my comments on the previous related approval DM/21/2367, see below.

The significance of the Grade II* listed former farmhouse at Little Park is considered to lie primarily in its evidential and historical illustrative value as an exceptional example of a surviving high status early-mid 17th century Sussex farmhouse. It also in my opinion has some historical associative value in at least the local context through its former role as the residence of notable Hurstpierpoint families, as well as aesthetic value due to its highly attractive vernacular architecture which is viewed within a semi-rural setting of extensive gardens with fields lying beyond to the east and north east, including a large fishpond and the buildings forming part of the former farmstead. This open and semi-rural setting is

considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated.

The application site is an area of open land to the north east of Little Park immediately adjacent to its grounds. Until recently there were a small number of buildings to the northern side of the site which were predominantly of an agricultural character, including a Dutch barn, former dairy building and a mobile home. These buildings and structures did not, in my opinion, significantly detract from the prevailing rural character of the land and in the case of the former dairy building, made a modest positive contribution to it. The site forms an important part of the wider setting of Little Park, and its open and rural nature makes a positive contribution to the manner in which the special interest of the building is appreciated.

The site has a relatively complex recent planning history, including the granting of a prior approval for the residential conversion of the barn and the subsequent dismissal, at appeal, of a planning application for the demolition of the existing buildings on the site and the construction of three dwellings. Following on from the appeal, a planning approval was given for revised scheme for demolition and rebuild to create three dwellings in similar positions to the existing Dutch barn, dairy and mobile home.

The current proposal is for amendments to the approved scheme comprising:

Northern Plot (known as Plot B)

- Garage added to north.

Eastern Plot (known as Plot C)

- Attached garage added to the south-west
- Raising of the main ridge height to the roof
- Further alterations to the roof with additional gable and pitched roofed dormers

In relation to Plot B a new detached garage is proposed to the north of the approved dwelling, which replaced the original dairy building. Although relatively modest in scale the new garage building will add to the built form within the site and detract from its openness. I note that this proposed additional building is not shown on either the submitted tree protection or landscaping plan, which makes it difficult to fully assess the impact that it might have on the landscaping around the development, and in particular the retention/augmentation of planting on the site boundary adjacent to the access from Marchant's Close. Any associated loss of the existing small trees/natural vegetation along this boundary would also be detrimental to the impact of the development on the character of the site. Furthermore, the proposed detached garage has a domestic character which will detract from the surviving rural nature of the site.

In relation to Plot C the proposed attached garage not only adds to the footprint and bulk of the new building, detracting from the open nature of the site, but has an inappropriately suburban and domesticated character. Both of these factors detract from the contribution which the site makes to the setting of Little Park farm and the associated historic farmstead, although again the revised footprint does not appear to be shown on the submitted landscaping plan. The raising of the roof height and additional gable add high level bulk as well as (in the case of the gable) unwelcome complexity to the roofline. The proposed dormers add bulk, complexity and again a domesticating character. The impact of the alterations will be all the greater given that they are concentrated at the southern end of the building closest to Little Park Farm and its immediate garden setting, although the front of

the building is also prominent in views of the development from the approach from Marchant's Close and the rear is visible from the PROW to the south east of the site.

For these reasons the proposed amendments to the approved scheme are considered to detract from the impact that the development will have on the character of the setting of Little Park Farm and the positive contribution which the rural aspects of that setting make to the special interest of the listed building and how this is appreciated. This is contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the amendments will cause less than substantial harm, such that paragraph 202 will apply.

Comments reproduced from DM/21/2367:

The significance of the Grade II* listed former farmhouse at Little Park is considered to lie primarily in its evidential and historical illustrative value as an exceptional example of a surviving high status early-mid 17th century Sussex farmhouse. It also in my opinion has some historical associative value in at least the local context through its former role as the residence of notable Hurstpierpoint families, as well as aesthetic value due to its highly attractive vernacular architecture which is viewed within a semi-rural setting of extensive gardens with fields lying beyond to the east and north east, including a large fishpond and the buildings forming part of the former farmstead. This open and semi-rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated.

The application site is an area of open land to the north east of Little Park immediately adjacent to its grounds. It is currently largely undeveloped although there a Dutch barn present as well as a number of smaller structures including a former dairy building and a mobile home. These buildings and structures do not, in my opinion, significantly detract from the prevailing rural character of the land and in the case of the former dairy building, make a modest positive contribution to it. The site forms an important part of the wider setting of Little Park, and its open and rural nature makes a positive contribution to the manner in which the special interest of the building is appreciated.

The current proposal, which follows on from the granting or prior approval for the residential conversion of the barn and the subsequent dismissal, at appeal, of a planning application for the demolition of the existing buildings on the site and the construction of three dwellings, is for a revised scheme for demolition and rebuild to create three dwellings in similar positions to the existing Dutch barn, dairy and mobile home. (An additional parallel appeal in relation to a different scheme for replacement of the Dutch barn and old dairy with a pair of 1½ storey dwellings and the construction of a 5-bed detached house with triple garage block on the eastern part of the site was also dismissed but given the differing nature of the scheme is less relevant to the current proposal.)

In dismissing the recent appeal scheme, the Inspector commented in respect of the site that: 'The appeal site directly adjoins the curtilage of the listed building. Trees along the boundary provide effective screening for large periods of the year, but the site and its buildings are likely to be more exposed whenever the trees are not in leaf. Although the mobile home and other structures have a physical presence, the site is predominantly open and undeveloped and it has a strong rural character which is more akin to countryside than the urban area. This parcel of land is the last remaining linkage between the farmhouse and the fields to the east and north-east and in my opinion it contributes positively to the manner in which the listed building is appreciated.'

Unit A:

In both the appeal scheme and the current proposal, the dwelling which is proposed on the site (approximately) of the existing Dutch barn is referred to as Unit A. In respect of the appeal scheme Unit A, the Inspector commented that 'Unit A... would be a tall, bulky building with a long ridgeline. The intention is for this unit to mimic a barn conversion, and the timber clad exterior would follow this theme, but the scale is excessive and the regimented fenestration overly domestic. In my opinion, the dwelling would read as an over-sized, timber-clad house, rather than a former agricultural building. The submitted verified views indicate that the development would be well screened, but these are not representative of the situation in winter when the scale of Unit A would make it unduly prominent from the listed building and its immediate garden. For the reasons I have explained previously, it is not appropriate to rely upon a landscape buffer to make the scheme acceptable.'

Under the current proposal the footprint, orientation and scale of Unit A have been revised to reflect more closely the existing Dutch barn on the site, including its height and scale. This, in my opinion, would address the concerns raised by the appeal Inspector with regard to the excessive scale of the previous proposal.

However, the proposed design of this dwelling is in my opinion in other respects poorly conceived. It appears that the intention is to mimic the appearance of a conversion of the existing Dutch barn for residential use, whilst in fact the dwelling is a new build. The proposed building is a visually awkward 'hybrid' which has the roof form of a Dutch barn but fenestration which is domestic in character and does not relate to the existing characteristically large openings to the sides of the barn, as would be advocated by the relevant Historic England guidance on agricultural conversion schemes. Indeed, the fenestration as shown has very much the 'regimented fenestration' which the Inspector found in relation to the appeal scheme to be 'overly domestic'.

Notwithstanding the existing prior approval, in relation to which it should be noted that the Council retains control over the design and external appearance of the building (which has not been agreed), it is my opinion that a 'faux conversion' of a Dutch barn is an inappropriate approach for a site of this sensitivity. The open sided nature of a Dutch barn does not readily lend itself to an architecturally successful scheme which would retain the character of the existing building as advocated by the Historic England guidance (which suggests reuse of existing openings) while providing practical internal spaces. As the Council has never opposed the principle of the loss of the Dutch barn and the Inspector did not differ from this opinion I see no reason why a replacement building on the site should choose to mimic the form of the existing building where this detracts from the architectural quality of the replacement building. I would suggest a more appropriate and ultimately higher quality scheme could be achieved by a design which is of a similar footprint and height to the existing building, this addressing concerns relating to scale, but with a more traditional agricultural/rural form and treatment similar to that which was proposed as part of the appeal scheme to the remaining two units on the site (Units B and C) with which the Inspector found no argument, and which continues to be proposed in respect of these units within the current proposal. This would not only result potentially in a higher quality building, more appropriate to this sensitive context, but also one which relates better to the other new dwellings on the site.

As it stands I consider that the poor quality and overly domestic character of the design of Unit A is such that it detracts from the positive contribution which the site currently makes to the setting of Little Park, contrary to the requirements of District Plan Policy DP34. It is also in my opinion contrary to the requirements of the Council's adopted Design Guide.

Unit B:

Unit B in both the appeal and current proposals is in effect a replacement for the existing former dairy building on the site. In relation to the proposed new dwelling forming part of the appeal scheme the Inspector found that 'Although the (dairy) building makes a modest positive contribution to the wider setting of Little Park Farm, I share the view that its replacement could be justified, were any redevelopment scheme to be acceptable in principle and of an appropriate design quality... Units B and C would be modest, well-proportioned dwellings, their designs broadly reflective of converted vernacular barns.'

He therefore raised no objection to this aspect of the appeal proposal.

As the current proposal for Unit B is similar to the appeal scheme, to which no objection was raised by the Council, and given the appeal Inspector's comments, I consider that the current scheme in this respect will preserve the setting of Little Park.

Unit C:

Unit C replaces in effect the existing mobile home on the site, which lies to the opposite side of the entrance track to the east of the existing farm buildings on the site. In respect of Unit C within the appeal scheme the Inspector commented that: 'I note that the Conservation Officer remains opposed to the principle of any development to the east of the track entering the site. Unit C is far more modest compared to Plot 1 in Appeal A, tucked into a corner near the site entrance and with its height and proportions reminiscent of a traditional farm building. The curtilage is also drawn more tightly, leaving a significant portion of the site as open paddock. Given that the proposal would secure the removal of the unattractive mobile home, and mindful also that the mobile home could lawfully be replaced by a larger unit without the need for permission, I consider that Unit C would be likely to have a neutral impact on the setting of the listed building.' Given that Unit C within the current scheme is very similar to that forming part of the appeal proposal I see no reason to differ from the Inspector's conclusions in relation to the impact of this part of the proposal on the setting of Little Park.

In summary, although Units B and C are considered to preserve the setting of Little Park, I consider that Unit A for reasons of its poor design quality and overly domestic character will detract from the positive contribution which the site currently makes to the setting of Little Park. This would be contrary to the requirements of District Plan Policy and the Council's adopted Design Guide. In terms of the NPPF I would consider the harm caused to be less than substantial, such that paragraph 202 would apply.

Further comments: In respect to the Prior Approval my comment regarding the Council retaining control over the design and external appearance of the building was, from memory, lifted more or less verbatim from the Inspector's own comments within the appeal decision notice. I will leave it up to you how you interpret this and how much weight is consequently attached to the Prior Approval as you are best placed to do so.

Notwithstanding the Agent's views on the design merits of the scheme, which I have read and considered, I remain of the opinion that it is poorly conceived and will detract from the setting of Little Park for the reasons set out in my previous response.

MSDC Tree Officer

I have reviewed the current Landscape Plan - 1166-21 02c and current Tree Protection Plan 1166-21 04b. I note the amendments made from the previous application DM/21/2367.

With regard to the tree protection plan 1166-21 04b the measures are appropriate and the fencing and construction exclusion zone should be adhered to throughout the development. I note the Landscape Plan - 1166-21 02c also refers to the protection of the trees however I would request this is updated to the current BS5837: 2012 (rather than 2005) with the appropriate extracts taken from this current guidance.

It is important there is a strong presence of native trees and hedgerows around the boundary of the site. I would therefore request clear and detailed specifications including of the proposed planting and maintenance of the hedgerows are submitted.

Furthermore should any of the original understory vegetation around the site perimeters be removed (or have been removed) I would request these are replaced with suitable mixed native hedging and included within the specifications.

Providing the above points are addressed I would not object to the proposed application on arboricultural grounds.

WSCC Highways

Site Background

The proposal is for the demolition of existing farm buildings, then the construction of 3 dwellings comprising of 1 no. 2-bedroom, 1 no. 3-bedroom and 1 no. 4-bedroom dwellings.

The application site is found on Merchant Close, a public kept, low trafficked, unclassified cul-de-sac subject to a 30-mph speed limit and set within an urban setting. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location under the following relevant applications:

DM/19/2344 - Prior Approval - Agricultural to 4 dwellings (Approved) No highways concerns

DM/19/4153 - Full Application - 3 Dwellings (Refused/ Appealed, Denied) No Highways Concerns.

DM/20/1533 - Full Application - 3 Dwellings (Refused/ Appealed, Denied) No Highways Concerns.

DM/21/2367 - Full Application - 3 Dwellings (Approved) No Highways Concerns. The following application is similar in highways safety concerns as the 4 listed above, where no highways concerns were raised. That said the LHA will provide the following comments for the current 'live' application.

Access

An established access point will serve the proposed dwellings and currently serves a small farm. No changes to the access are proposed.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking

The proposal will see additional garages built on the previously approved site. This is not anticipated to cause a displacement of the previously agreed parking provision. These garages can provide an additional 0.5 parking spaces

To summarise the LHA raises no concerns over the Vehicle Parking.

Cycle Parking

Upon inspection of the plans and supporting documents the LHA concludes that the applicant proposes to supply cycle parking within garden sheds or garages. This conforms to requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

To summarise the LHA raises no concerns over the Cycle Parking.

Electric Vehicle (EV) Parking

The applicant has demonstrated that EV parking will be provided. However, details of the quota have not. As such the LHA provides the following statement.

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

Turning

The applicant has demonstrated a turn on site. With designated turning areas supported with swept path tracking that illustrate Refuse and Fire Vehicles turning on site. This demonstrates that this area conforms to MfS Guidance on turning.

Construction Management Plan (CMP)

The previously permitted CMP has been provided supporting the application. The LHA raise no concerns over this provision.

Additional Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling.

The smallest carriageway width for fire appliance access is 3.7m, with the potential to reduce to 2.75m over short distances supplying enough operating space (3.7m) is available within 45m as above. This is to ensure fire appliances do not have the need reverse more than 20m.

The applicant is advised to contact FRSWaterandAccess@westsussex.gov.uk to discuss any other potential issues.

Conclusion

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

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions:

Conditions

Parking

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

Reason: To provide car-parking space for the use

Cycle Parking

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

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

Turning

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of road safety

Electric Vehicle Charging Spaces

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

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

Ecological Adviser

Based on the Condition 20 - Update Preliminary Ecological Appraisal, Wildlife Protection and Ecological Enhancements by The Ecology Partnership submitted in respect of DM/21/2367, I have no issues to raise in respect of this application subject to the implementation of the recommendations in that document. However, it does not appear to have been submitted with this application; I can only find the older survey reports. Therefore, I would recommend that the document is submitted together with a statement from the ecologist conforming any recommendations that have already been implemented so that a suitable condition can be applied to cover any remaining measures and secure the enhancements.

Historic England

Thank you for your letter of 24 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

However, if you would like detailed advice from us, please contact us to explain your request.

Environmental Health

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the demolition and construction work which will produce a certain level of noise and dust. Conditions are therefore recommended in order to minimise any adverse impact.

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

Monday to Friday: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: no work permitted

Reason: To protect the amenity of local residents

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

Monday to Friday: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: none permitted

Reason: To protect the amenity of local residents

3. No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents

4. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Contamination Officer

In terms of application DM/22/0204, I have previously read the investigation report by R. Carr Geotechnical Services, Ref: 3903/21 dated October 2021, which was submitted as part of application DM/21/3720.

Their findings show no contaminants tested for on site to be above the Generic Assessment Criteria (GAC) for Human Health Risk Assessment for residential with plant uptake. As such,

they have reevaluated their risk assessment based on the findings, and found the risk to future users to be low.

Therefore no remediation measures are required, However, a discovery condition should still be applied, so that in the unlikely event that contamination is found during the ground works, works stop until testing, and remediation as necessary, can be undertaken

Recommendation: Approve with the following conditions:

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

Drainage

Recommendation - No objection subject to condition.

Flood risk

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible increased surface water (pluvial) flood risk. However, there are areas on increased surface water flood risk within the local area, largely associated with the watercourse and ponds to the west and a natural flow pathway to the east.

There are not any historic records of flooding occurring on this site. However, we do hold records of fluvial flooding occurring within proximity to the development. This fluvial flooding is associated with the watercourse and ponds to the west of the site.

The lack of records of flooding occurring on the site does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Sewers on site

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

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

Surface water drainage

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

this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The application is supported by two drainage reports, the flood risk and drainage team have reviewed the report submitted 20-01-2022 (Surface and foul drainage technical note, 20.12.2021) on the understanding that this supersedes the previously submitted report. The following comments are based on this approach.

The surface and foul drainage technical note (dated 20.12.2021) refers to a development of three new dwellings. However, it does set out the principle that that surface water drainage shall be attenuated before discharging into an existing watercourse at a controlled rate. The technical note also includes hydraulic calculations, a proposed discharge rate and required attenuation volumes.

The flood risk and drainage team cannot comment on the details of the proposed drainage strategy as it doesn't refer to the proposed two dwelling development. However, the principle of attenuating surface water before discharging it into an existing watercourse at a controlled rate is acceptable.

The detailed surface water drainage design will need to be based on the proposed development numbers and layout (2 units). It should be designed to cater for the 1 in 100-year storm event, with an allowance for climate change. Discharge into a watercourse should be limited to the Greenfield QBar runoff rate for the area being drained. If this rate is not achievable then discharge should be limited to as close as practical to this rate and agreed with the flood risk and drainage team.

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

Foul water drainage

It is proposed that the development will manage foul water drainage via individual package treatment plants.

We would advise the applicant that discharge to a main sewer would be the preferred means of managing foul water drainage. Non-mains foul drainage will need to comply with the Environment Agency general binding rules, or an Environmental Permit will need to be obtained.

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

SUGGESTED CONDITIONS

C18F - Multiple Dwellings/units

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

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

Southern Water

Southern Water would not support the proposals for package treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option.

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

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

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The submitted drainage details indicates the SuDS to be maintained within private ownership and maintenance.

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

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

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

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

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

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

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

Street Naming and Numbering Officer

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

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