

MID SUSSEX DISTRICT COUNCIL

Planning Committee

10 NOV 2022

RECOMMENDED FOR PERMISSION

Lindfield



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**DM/22/1307**

**LAND REAR OF 67 SUNTE AVENUE LINDFIELD HAYWARDS HEATH  
WEST SUSSEX RH16 2AB  
PROPOSED PAIR OF 4 BED SEMI DETACHED DWELLINGS AT LAND  
R/O 67 SUNTE AVENUE.  
MR LEWRY**

POLICY: Built Up Areas / Flood Map - Zones 2 and 3 / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 11th November 2022

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Joseph Swift

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks planning permission for proposed pair of 4 bed semi detached dwellings at land r/o 67 Sunte Avenue, Lindfield.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the District Plan, the Lindfield and Lindfield Rural Neighbourhood Plan and the Sites Allocation DPD and then to take account of other material planning considerations including the NPPF.

The loss of the unrestricted and inappropriately located builders' yard is considered to provide clear benefits for neighbouring amenity. This has been accepted previously through planning permissions for residential development on the site. The proposal dwellings are located within the built up area boundaries of Lindfield and are considered to be of an appropriate design, size and scale that is in-keeping with the locality while also respecting the Area of Townscape Character.

The relationship of the proposed dwellings with the surrounding neighbouring properties is considered appropriate and will not result in significant harm by virtue of loss of light, loss of privacy, or noise and disturbance. Access and parking arrangements are considered satisfactory. The proposal is also considered acceptable in relation to drainage, contamination, dwelling space standards, Ashdown Forest and sustainable construction.

As a result the proposal is deemed to comply with the relevant criteria of Policies DP1, DP4, DP6, DP17, DP21, DP26, DP27, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies 2 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

## **RECOMMENDATION**

It is recommended that the application be approved subject to the conditions set out in Appendix A.

## **SUMMARY OF CONSULTATION COMMENTS**

**Lindfield Parish Council:** Objection

**Drainage Officer:** No objections subject to conditions

**Contaminated Land Officer:** Recommended phased contaminated land condition

**Water and Access Manager:** Evidence of sufficient turning on site for fire appliance

**WSSC Highways:** No objection

**Street Naming and Numbering:** Info 29

## **REPRESENTATION**

12 third party letters of representation have been received in regards to this application, which have objected to the proposal for the following reasons:

- Highways access and parking
- Not suitable for 2 storey dwellings
- Local infrastructure
- Noise and disturbance
- Overlooking/ loss of privacy
- Loss of light
- Out of scale
- Character/out of keeping
- Flood risk
- Loss of outlook
- Overdevelopment
- Not advertised correctly
- Impact on wildlife
- Drainage
- Asbestos
- Contamination

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## **INTRODUCTION**

This application seeks planning permission for proposed pair of 4 bed semi detached dwellings at land r/o 67 Sunte Avenue, Lindfield.

## **RELEVANT PLANNING HISTORY**

The application site is currently in use as a builder's yard/storage area. The site has been used as a builder's yard since 1946, and as such is not subject of any conditions regarding its use e.g. there are no restrictions on the working hour etc.

11/00889/FUL: Erection of one pair of semi detached houses, being a change of use from storage area and yard. Amended plan received 3rd June 2011 correctly showing existing building to be demolished. WITHDRAWN

11/02624/FUL for: Erection of one pair of semi detached chalet style properties, being a change of use from storage area and yard. PERMISSION

14/03955/FUL: Proposed 2/3 bed semi-detached chalet bungalows. PERMISSION

These latter permissions have lapsed.

## **SITE AND ITS SURROUNDINGS**

The application site is currently used as a builder's yard/storage area, and is roughly T-shaped, opening out more at the far (southern) end. The site is accessed via a single width driveway from Sunte Avenue to the north in between 65 and 67 Sunte Avenue.

Along the eastern side of the driveway is a single storey, part pitched roof, part flat roofed warehouse/office building. The remainder of the site is generally occupied by a number of flat roofed garages/buildings/sheds around the perimeter with piles of general building materials around the remainder, such as tiles, bricks, timber etc.

The eastern boundary of the site beyond the office buildings is marked by a brick wall, the other side of which is the rear garden on 67 Sunte Avenue, which itself is set behind the rear garden of 69 Sunte Avenue, distant from no. 67 itself.

To the south the application site abuts the rear gardens of 24-26 Chestnuts Close, where the existing flat roof garage building sits very close to the mutual boundary which itself is marked by laurel hedging. 24 - 26 Chestnuts Close the other side of this boundary are single storey bungalows, which are set some 17 metres from the mutual boundary.

To the west the boundary at the rear is shared with 63 Sunte Avenue and is marked by 1.8 meter high fencing. Towards the front of the site adjacent the driveway, the boundary is shared with 65 Sunte Avenue and is marked by hedging.

In terms of planning policy the site falls within the built up areas of Lindfield and within an Area of Townscape Character.

## **APPLICATION DETAILS**

This application seeks permission for proposed pair of 4 bed semi detached dwellings at land r/o 67 Sunte Avenue, Lindfield.

In order to facilitate the proposal the existing garages and storage buildings would be removed and replaced with a pair of 4 bedroom semi detached dwellings. These would measure a maximum of 15 metres in width, by 11.6 metres in depth, with an eaves height of 5.2 metres and an overall height of 6.5 metres. Each dwelling would provide a living room, kitchen/dining room, utility room, WC, cupboard and entrance hall at ground floor and provide 4 bedrooms, family bathroom and ensuite at first floor. The proposal has been shown to be constructed of Wienerberger Terco facing brick walls (Kassandra Multi), and Sahtas Brookhurst clay tiles (restoration) to the first floor, Sahtas Brookhurst clay tiles (brown) roof tiles, pebble grey UPVC double glazed windows and UPVC doors.

The pair of dwellings would be located some 9.5 metres from the rear boundary of the site, with a gap of 1 metre to the western (side) boundary and 1.3 metres from the eastern (side) boundary. The eastern most of the two dwellings would benefit from a much larger garden on the basis that the land to the rear of 67/69 Sunte Avenue would be incorporated into the curtilage of this new dwelling.

Parking and turning for the two new dwellings would be directly in front of each of the units, with open parking provided for at least two to three cars per dwelling. The existing workshop, attached to the office building (that is to be retained) will be demolished and the area retained for parking in association with the offices.

Each dwelling would have a gross internal floor area of approximately 155 square metres.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Lindfield and Lindfield Rural Neighbourhood Plan and the Sites Allocation DPD.

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

### **Mid Sussex District Plan**

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

Relevant policies:

DP1: Sustainable Economic Development  
DP4: Housing  
DP6: Settlement Hierarchy  
DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP21: Transport  
DP26: Character and Design  
DP27: Dwelling Space Standards  
DP39: Sustainable Design and Construction  
DP41: Flood risk and drainage  
DP42: Water Infrastructure and the Water Environment

### **Site Allocations DPD**

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

There are no relevant policies.

### **Neighbourhood Plan**

The Lindfield Neighbourhood Plan was made on 23 March 2016. The relevant policies are considered to be:

Policy 2: Housing Windfall Sites  
Policy 7: Areas of Townscape Character

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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

National Planning Policy Framework (NPPF) (July 2021)

The National Planning Policy Framework (NPPF) 2021 is also a material consideration and paragraphs 8, 11, 111, 126 and 130 are considered to be relevant to this application.

**ASSESSMENT**

**Principle of development**

The District Plan Policies seek to protect the provision of employment premises. Policy DP1 states in part:

'Effective use of employment land and premises will be made by:

Protecting allocated and existing employment land and premises 'unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use...'

In this case, due to the surrounding residential nature of the adjoining properties, combined with the unrestricted use of the site, it is considered that there are clear benefits to neighbouring amenity that would outweigh the loss of the inappropriately located builders yard.

As the proposed development is within the built up area of Lindfield, a Category 2 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

A similar ethos is found within Policy 2 of the Lindfield and Lindfield Rural Neighbourhood Plan which supports development subject to the following criteria:

*' i. their design accords with the adopted Lindfield Parish Village Design Statement or with the key characteristics of Scaynes Hill, as appropriate;  
ii. the homes proposed include a number of smaller homes suited to first time buyers or to older households;  
iii. the scheme delivers, wherever feasible and viable, on-site affordable homes in accordance with development plan policy and implements the adopted Mid Sussex Local Lettings Policy in respect of the allocation of some homes to those households with a local connection; and  
iv. they respect and, where possible, enhance the natural built and historic environment.'*

These criteria where relevant are considered in the following sections of the report. However, in light of the above the development of a brownfield site within the built up area is supported in principle.

### **Design and impact on the character of the area**

Policy DP26 of the Mid Sussex District Plan states:

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

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



Policy 2 of the Lindfield and Lindfield Rural Neighbourhood Plan set out the following requirements:

*'i. their design accords with the adopted Lindfield Parish Village Design Statement or with the key characteristics of Scaynes Hill, as appropriate;*

Within the Lindfield Parish Village Design Statement Guideline 1 has a similar ethos to DP26 requiring proposal to have regards to the landscape, character, distinctiveness and sensitivity in order to minimise the visual and environmental impact of the development.

Principle DG38 of the Mid Sussex Design relates to building designs and a sense of place and states:

*'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.*

*The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.*

*Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

In addition the application site is within an Area of Townscape Character, Policy 7 of the Lindfield Neighbourhood Plan sets out:

*'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.'*

The proposed pair of semi-detached dwellings are of a fairly traditional design and would use materials which are considered appropriate within this context, details of which can be secured by a suitably worded condition. It is acknowledged that the existing pattern of development along Sunte Avenue, is of semi detached dwellinghouses, with very long rear gardens, and the current proposal would be an

infill development to the rear, with much smaller plots that do not necessarily fit in with the existing established pattern. Nonetheless, it would not result in the loss of any gardens as this site is currently used as a builders yard and contains a number of utilitarian style buildings which are to be removed and the site will become residential in nature which is considered to be an overall improvement.

Due to the rearward nature of the development, there would be limited visibility of the proposal from public viewpoints, other than from the access of Sunte Avenue which is to remain unchanged. Permission was previously granted for a pair of chalet style bungalows under application Ref 14/03955/FUL, although this permission has lapsed, the current proposal is now for a pair of semi-detached two storey dwellings, the use of the crown pitched roof has kept a similar height to the approved chalet bungalows and will ensure that the proposed dwellings do not appear overly prominent.

Both dwellings are considered to have sufficient amenity space, with parking to the front and a private garden to the rear, and as such it is not considered to be an overdevelopment of the site. The proposal is therefore considered to be of an appropriate design, size and scale that is keeping with the character of the wider locality while also preserving the character of the Area of Townscape Character. The proposal is therefore considered to comply with Policy DP26 of the Mid Sussex District Plan, Policies 2 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan, The Lindfield Village Design Statement and the Mid Sussex Design Guide SPD.

## **NEIGHBOURING AMENITIES**

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

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

Concerns have been raised in regards to impact upon neighbouring amenities. To the north of the application site the closest residential dwellings are some 41 metres away from the front elevation of the proposed dwellings, with a distance of some 12 metres to the mutual boundary to the north. While to the southern (rear) it would have a back to back distance of some 28 metres with 9.3 metres from the rear boundary. With such intervening distances between the existing and proposed dwellings to the north and south it would be very difficult to demonstrate that significant harm would be caused to the amenities of the occupiers of these properties by virtue of loss of outlook, loss of privacy or loss of light.

Whilst the proposal will result in some overlooking into the rear gardens of these adjacent properties it is not considered that this results in 'significant harm' in terms of privacy and loss of outlook because of the intervening distances and the fact that a degree of overlooking is considered acceptable within the built up area boundaries.

The proposal is deemed to comply with the above mentioned part DP26 and Principles DG45, 46, 47 and 48 of the Mid Sussex Design Guide SPD.

Concerns have been raised in regards to noise and disturbance, however, the residential use of the site is likely to result in a better relationship in terms of noise and disturbance than that which is currently afforded to the neighbouring residential dwellings by the existing use as a builders yard.

## **HIGHWAYS ACCESS AND PARKING**

Policy DP21 of the Mid Sussex District Plan relates to transport and requires development to be sustainably located to minimise the need for travel and provide adequate car parking taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport. Schemes should avoid severe additional traffic congestion and should protect the safety of road users and pedestrians.

To inform on the highway safety aspect of the assessment, West Sussex County Council has been consulted on the merits of the application. Subject to conditions securing car parking, cycle parking and a construction management plan WSCC Highways have raised no objections to the proposal. The application is therefore considered to comply with Policy DP21 of the Mid Sussex District Plan.

The Water and Access Manager of the WSCC Fire and Rescue Service has commented on the proposal setting out that evidence is required to show sufficient turning facilities are provided for a fire appliance to turn and make their exit from the site as identified in Approved Document - B Volume 1 B5. This is not a planning matter as it will be resolved at implementation of the permission as part of the Building Regulations.

## **CONTAMINATED LAND**

As a former building site the Contaminated Land Officer has some concerns regarding contamination at this address, however to overcome this, a phased contamination land condition is proposed.

## **DWELLING SPACE STANDARDS**

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

A 4 bedroom, 8 person, 2 storey dwelling is required to have a minimum gross internal floor area of some 124 square metres with 3.5 square metres of internal floor space. Each dwelling has been shown to be 155 square metres as such exceed these minimum standards. The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the unit proposed.

## SUSTAINABILITY

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

Paragraph 152 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 157 states:

*'In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The submitted Design and Access statement contains a sustainability section which states the proposal would include/use the following:

- Condensing boilers
- Fully programmable zoned controls
- Thermally broken external windows and door frames
- Optimal air gap between panes
- Specialist heat reflective glass
- Solar gain (large glass area to south)
- Insulated cavity closers
- Low energy lighting
- Fully insulated envelope
- Solar panels on roof

Details of which can be secured by condition, consequently, the proposal is deemed to comply with Policy DP39 of the District Plan.

## ASHDOWN FOREST

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment 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.

#### **Other matters**

Policy DP42 of the Mid Sussex District Plan in part states:

*'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development.'*

The agent has provided details of correspondence with South East Water to confirm a connection can be made.

Concerns have been raised in relation to Local Infrastructure, however, a development of just 2 dwellings does not meet the threshold for infrastructure contributions.

In addition concerns have been raised in relation to impact on wildlife, however, no evidence has been provided to back this up and with it currently be used as a builders yard it is not considered that development of the site would cause significant harm to any wildlife.

#### **CONCLUSION**

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

The loss of the unrestricted and inappropriately located builders' yard is considered to provide clear benefits for neighbouring amenity. The proposal dwellings are located within the built up area boundaries of Lindfield and are considered to be of an appropriate design, size and scale that is in-keeping with the locality while also respecting the Area of Townscape Character.

The relationship of the proposed dwellings with the surrounding neighbouring properties is considered appropriate and will not result in significant harm by virtue of loss of light, loss of privacy, or noise and disturbance. Access and parking arrangements are considered satisfactory. The proposal is also considered acceptable in relation to drainage, contamination, dwelling space standards, Ashdown Forest and sustainable construction. As a result the proposal is deemed to comply with the relevant criteria of Policies DP1, DP4, DP6, DP17, DP21, DP26, DP27, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies 2 and 7 of the Lindfield and Lindfield Rural Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

### **1. Approved Plans**

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

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

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

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

### **3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.**

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 2 of the Neighbourhood Plan.

### **4. 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).

### **5. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos**

containing materials, have each been submitted to and approved, in writing, by the local planning authority:

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

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

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



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

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

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

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

10. The development shall not be occupied until the sustainability measures set out in the accompanying Design and Access Statement have been implemented.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Drainage Details			22.06.2022
Other	080.22.01b	-	25.04.2022
Design and Access Statement	-	-	25.04.2022

## **APPENDIX B – CONSULTATIONS**

### **Drainage Officer Comments**

#### **FLOOD RISK**

The application is supported by a flood risk assessment which concludes flood risk to the development is low. The report also concludes the flood risk posed off site due to the development is low.

The report recommends finished floor levels are raised a minimum of 300mm above existing ground levels to mitigate surface water flood risk.

#### **SEWERS ON SITE**

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

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. 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 high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site.

The surface water drainage strategy submitted in support of the application states that infiltration testing was undertaken on site in June 2018. The calculated percolation rate supported the use of infiltration drainage.

It is proposed that the development will utilise permeable paving over an infiltration blanket and individual soakaways to manage surface water drainage on site. This approach is considered acceptable in principle.

The flood risk and drainage team advise the applicant that the detailed drainage design will need to consider the latest climate change allowances and utilise infiltration test results undertaken at the proposed soakaway locations.

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

## FOUL WATER DRAINAGE

It is proposed that the development will discharge to the public foul sewer via an existing foul sewer manhole located at the northern edge of the site. This is considered acceptable in principle.

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

## CONDITION RECOMMENDATION

### 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.

### **Contaminated Land Officer comments:**

I would recommend that a phased contaminated land condition is attached to the proposal if it is granted. This condition is reproduced below.

1) The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

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

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

### **WSCC Highways**

I refer to your consultation in respect of the above planning application and would provide the following comments.

The proposed application is for 2 dwellings with 4 -6 parking spaces. There is sufficient room for turning/visitor parking if spaces 5&6 are left free or the new planting is removed.

The access road is narrow at approximately 3m however this is an existing access and access road which has historically generated traffic. No changes are proposed to the access.

Visibility from the access is acceptable given the very low traffic flow. It is not clear from the application as to the number of movements, however it appears to be for the 2 new dwellings plus the existing house which has its own parking to the rear. Sunte Avenue is not a heavily trafficked road with good forward visibility and likely relatively low speeds due to parked vehicles.

No Highway Objection.

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Construction plant and materials

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

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

### **Street Naming and Numbering Officer**

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

### **Water and Access Manager:**

Having viewed the plans for the planning application no DM/22/1307 for proposed pair of 4 bed semidetached dwellings at land r/o 67 Sunte Avenue, evidence is required to show sufficient turning facilities are provided for a fire appliance to turn and make their exit from the site as identified in Approved Document -B: Volume 1 B5 - section 13. A fire appliance should not need to reverse more than 20 metres to make an exit.