

MID SUSSEX DISTRICT COUNCIL

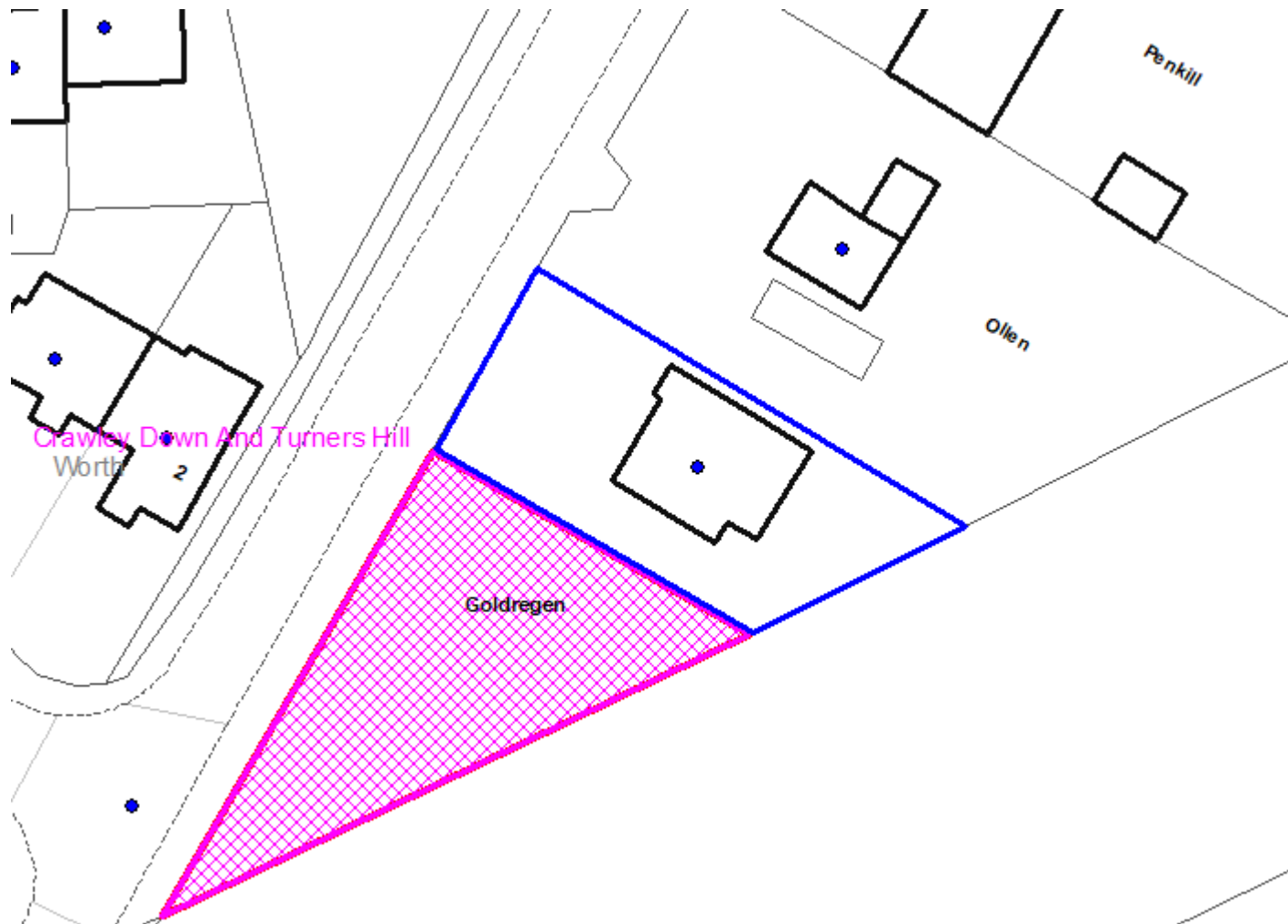
Planning Committee

8 DEC 2022

RECOMMENDED FOR PERMISSION

Worth

DM/22/1448



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**GOLDREGEN VICARAGE ROAD CRAWLEY DOWN CRAWLEY WEST SUSSEX RH10 4JJ**

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

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

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

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th December 2022

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

CASE OFFICER: Anna Tidey

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

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

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

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

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

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

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

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

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

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

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

### **RECOMMENDATION**

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

### **Summary of Consultations**

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

#### **Worth Parish Council**

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

Further comments: Accept agent's assurances that there is no guttering, etc that will overhang our land. It still appears that the corner is immediately above the boundary line. There is a window in the first floor which is only around 0.5 metres from the fence.

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

#### **West Sussex Highways**

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

Further comments:

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

#### **Tree Officer**

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

## **Drainage**

No objection subject to condition.

## **Natural England**

To be reported.

## **Summary of Representations**

No representations received.

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## **RELEVANT PLANNING HISTORY**

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

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

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

## **SITE AND SURROUNDINGS**

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

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

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

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

## **APPLICATION DETAILS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Crawley Down Neighbourhood Plan and the Site Allocations Development Plan Document.

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

### **Mid Sussex District Plan**

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

Relevant policies:

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

DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

### **Mid Sussex Site Allocations Document (DPD)**

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

### **Mid Sussex District Plan 2021-2039 Consultation Draft**

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

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

Relevant policies:

Policy CDPN04.2 Infill Housing

Policy CDPN05 Control of New Developments

Policy CDPN10 Promoting Sustainable Transport

Policy CDPN11 Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

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

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

West Sussex County Council Guidance on Parking at New Developments - September 2020

### **National Policy**

#### **National Planning Policy Framework (NPPF - July 2021)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

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

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for*

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

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

Technical housing standards - Nationally described space standard - March 2015

## **ASSESSMENT**

The main issues for consideration in determining the application are:

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

### **Principle of residential development**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally*
- be designed with active building frontages facing streets and public open spaces to animate*
- and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future*
- occupants of new dwellings, including taking account of the impact on privacy, outlook,*
- daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment,*

- particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a
- strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be
- expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.

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

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

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

In addition, paragraph 127 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

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

Principle DG38 in the Design Guide is relevant in the determination of this application. This states:

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

*The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements.*

*This includes:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Impact upon residential amenity**

District Plan Policy DP26 requires that development 'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.' Neighbourhood Plan Policy CDNP05 requires development to safeguard amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents. There is thus some conflict between these policy tests.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development

plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

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

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

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

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

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

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

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

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

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

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

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

## **Highway Access and Parking**

Policy DP21 of the Mid Sussex District Plan refers to Transport and states:

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

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use. To meet these objectives, decisions on development proposals will take account of whether:*
- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

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

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

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

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

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

In addition, it is considered that the siting of the new house within the built-up area of Crawley Down is a sustainable development. The proposal therefore accords with Policy DP21 of the District Plan, Neighbourhood Plan Policy CDNP10 and the relevant requirements of the NPPF.

## **Sustainability**

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

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

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

The submitted Planning, Design and Access Statement includes a paragraph to address the requirements of DP39. It states:

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

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

In terms of the location, the site is in an established residential road sited within walking distance of the village centre and bus stops and this is considered to be a sustainable location for the development.

It is considered that the proposal will represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39.

### **Habitats Regulations Assessment for Ashdown Forest**

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

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



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

#### Recreational disturbance

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

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

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

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

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

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

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

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

#### Atmospheric pollution

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

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

considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### **Conclusion of the Habitats Regulations Assessment**

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

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

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

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

#### **Drainage**

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

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

#### **Trees and landscaping**

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

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

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

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

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

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

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

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

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

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

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

## **Planning Balance and Conclusions**

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

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five-year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

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

would accord with the aims of Policy DP6 of the District Plan. It is considered that the proposed development also accords with the criteria of Crawley Down Neighbourhood Plan Policies. The design of the development is considered to be appropriate to the character of the area and thus accords with DP26, Neighbourhood Plan Policies CDP04.2 and CDP05 and the MSDC Design Guide principles.

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

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

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

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

The application is therefore considered to comply with Policies DP6, DP17, DP21, DP26, DP27, DP37, DP39 and DP41 of the District Plan, Policies CDP04.2, CDP05, CDP10 and CDP11 of the Neighbourhood Plan, and the requirements of the NPPF.

In light of the above it is recommended that the application is approved, subject to appropriate restrictive planning conditions.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved plans**

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

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

3. No development above ground floor slab level shall be commenced unless and until samples of materials and finishes to be used for external walls / roofs / external surfaces and new external doors and fenestration of the proposed development have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan (2014 - 2031) and Policies CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

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

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

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

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

7. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the Visibility Proposed plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## INFORMATIVES

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

Accordingly, you are requested that:

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

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

3. **Vegetation Within Visibility Splay**  
The Local Highways Authority notes that there is currently vegetation overgrowing into the extent of the public highway which obstructed visibility. The applicant should be aware that they will need to cut back this vegetation in order to achieve suitable visibility. Once cut back the applicant would be advised to maintain / cut back any vegetation which is overgrown into the visibility splay.
4. **Vehicle Crossover - Minor Highway Works**  
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>  
Online applications can be made at the link below, alternatively please call 01243 642105.  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Street Scene	ALO-0210/711	REV C	18.10.2022
Proposed Block Plan	ALO-0210/101	REV D	18.10.2022
Proposed Floor and Elevations Plan	ALO-0210/710	REV C	18.10.2022
Location and Block Plan	ALO-0210/100	-	09.05.2022
Visibility Plans	ALO-210/103		25.07.2022

## **APPENDIX B – CONSULTATIONS**

### **Worth Parish Council**

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

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



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

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

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

### **West Sussex Highways**

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

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

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

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

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

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

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

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

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

#### Conclusion

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

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

#### Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the site plan.

Reason: In the interests of road safety.

Visibility (details required)

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

Reason: In the interests of road safety.

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Electric Vehicle Charging Spaces

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

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

## Informatives

### Vehicle Crossover – Minor Highway Works

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

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

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

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

### Further comments:

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

### Visibility Splays

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

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

### Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the Visibility Proposed plan.

Reason: In the interests of road safety.

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

#### Cycle parking

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

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

#### Electric Vehicle Charging Spaces

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

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

### **Informative**

#### *Vegetation Within Visibility Splay*

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

#### *Vehicle Crossover – Minor Highway Works*

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

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

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

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

### **Tree Officer**

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

### **Drainage**

**Flood risk**

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

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

**Sewers on site**

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

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

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

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

**Surface water drainage**

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

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

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

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

**Foul water drainage**

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

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

**CONDITION recommendation**

**C18D - Single Dwelling/unit**

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

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