

MID SUSSEX DISTRICT COUNCIL

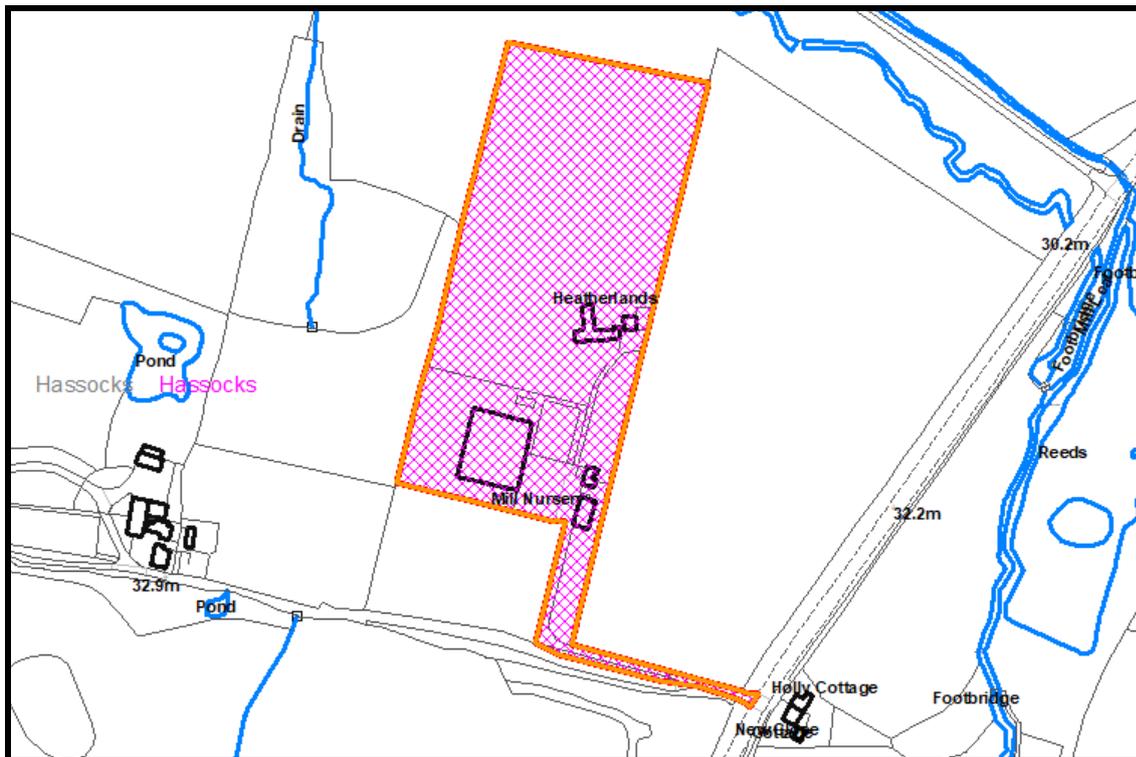
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

**Hassocks**

**DM/21/0165**



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**MILL NURSERY LONDON ROAD HASSOCKS WEST SUSSEX  
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3NO. FOUR-  
BEDROOM DWELLINGS AND 1NO. FOUR BEDROOM REPLACEMENT  
DWELLING WITH ASSOCIATED PARKING, AMENITY SPACE AND  
LANDSCAPING.**

**LEGGEND INVESTMENTS LTD**

POLICY: Ancient Woodland / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Road Improvement Act Agreement / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th April 2021

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Andrew Watt

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

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. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle of development, the site is located outside the built-up area of Hassocks or Burgess Hill. The new dwellings do not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, although the replacement dwelling does accord with Policy DP15. In accordance with the law, it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Although dismissed, it is considered that the most recent appeal decision should be afforded significant weight which outweighs this policy conflict, given that the Inspector determined that the site was suitably located for development.

Also weighing in favour of the scheme is that the development will provide 3 additional residential units in a relatively sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. 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. In addition, there will be a material visual benefit arising from this development, given the dilapidated state of the buildings, which constitutes a blight in this area.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and this means that the proposal for new dwellings conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan (although the replacement dwelling is in accordance with DP15). However, due to the revised design of this proposal, the scheme will respect the rural character of this area and will not result in a coalescence of settlements.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, land contamination, archaeology, trees and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

It is considered that given the Inspector's comments on the most recent scheme and that the proposed development would not harm the rural landscape character, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP13, DP15 (in part), DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies 1, 4, 5, 8 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

1 letter of support:

- At last a pleasing design has been found for the site
- Only comment that the entrance from the road does not appear to be improving
- There are a lot of accidents on the corner
- Entrance should be made double width

### **SUMMARY OF CONSULTEES**

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

**MSDC Contaminated Land Officer**

Conditions requested.

**MSDC Drainage Engineer**

No objection, subject to condition.

**MSDC Environmental Protection Officer**

No objection, subject to conditions.

**MSDC Street Naming and Numbering Officer**

Informative requested.

**West Sussex Fire and Rescue Service**

No objection, subject to conditions.

**WSCC Highways**

No objection, subject to conditions.

**PARISH COUNCIL OBSERVATIONS**

RECOMMEND REFUSAL. The Parish Council maintains its response as submitted for the previous application DM/19/3716 for this site. The proposed application would be located within the Burgess Hill gap as defined in Policy 1 of the Hassocks Neighbourhood Plan (HNP). In addition, the application is for the replacement of one dwelling, previously associated with a rural business, with four new dwellings to create a small development within the countryside. Therefore it is considered by the Parish Council that this proposal is contrary to Policies 1 - Burgess Hill Gap and 9 - Character and Design of the Hassocks Neighbourhood Plan. Additionally it is, in our opinion, also contrary to Policies DP12 - Protection and Enhancement of Countryside, DP13 - Preventing Coalescence, DP14 - Sustainable Rural Development and the Rural Economy and DP15 - New Homes in the Countryside of the District Plan.

Furthermore, the application provides insufficient information to be certain of compliance with HNP Policy 5 - Enabling Zero Carbon: there is no SAP assessment provided (nor indication of the provision for electric vehicle charging). Therefore HPC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan - Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. Full compliance with HNP Policy 5 should be proven prior to granting any Planning Permission.

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## INTRODUCTION

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

## RELEVANT PLANNING HISTORY

An agricultural tie on the existing residential property on the site was removed in 1993 under application CN/034/93.

DM/16/1087 was an application for determination as to whether prior approval was required for the change of use of an agricultural building to become 3 residential dwellings (C3 Use class). A decision that prior approval was not required was made in May 2016. In accordance with the permitted development order, the development had to be completed within 3 years of the decision.

DM/18/0581 sought planning permission for demolition of existing glasshouses, bungalow and outbuildings and erection of 4no., five bedroom, dwellings. A decision to refuse planning permission was made in February 2019. There were 2 reasons for refusal:

- *The proposed development is located within the countryside and occupies a location which is remote from a built up area boundary where local services will not be readily accessible as future occupiers will be heavily reliant on the private car to meet their daily needs. The development therefore conflicts with Policy DP21 of the District Plan and the NPPF principles.*
- *The proposed development is located within the countryside and occupies a location where the character of the surrounding area is verdant and rural in nature. The construction of four large detached houses and detached garages in this rural setting, coupled with the loss of a number of trees and vegetation, will therefore unduly urbanise the site and adversely affect the character of the surrounding area. The adverse visual impact of the development and urbanisation of the site would only be exacerbated by the cul de sac form of development that would be distinctly out of keeping with the more sporadic existing properties in the vicinity of this rural location. As a result the proposal conflicts with policies DP12, DP21, DP26 and DP37 of the District Plan, Policy 9 of the Neighbourhood Plan and the NPPF requirements.*

In November 2019, planning permission was refused for the demolition of all existing buildings on the site and the erection of 3 x 3-bed dwellings and 1 x 4-bed replacement dwelling, together with associated parking and amenity space (DM/19/3716). The reasons for refusal stated:

1. *The proposed development is located within the countryside and occupies a location which is distant from a built up area boundary where local services will not be readily accessible as future occupiers will be heavily reliant on the private car to meet their daily needs. The principle of development therefore conflicts*

*with Policies DP12, DP15 and DP21 of the Mid Sussex District Plan and the NPPF principles.*

- 2. The proposed development is located within the countryside and occupies a location where the character of the surrounding area is verdant and rural in nature. The construction of four large detached houses in this rural setting, coupled with the loss of a number of trees and vegetation, will unduly urbanise the site and adversely affect the character of the surrounding area. As a result the proposal's visual impact conflicts with policies DP12, DP26 and DP37 of the Mid Sussex District Plan, Policy 9 of the Neighbourhood Plan and the NPPF requirements.*

An appeal was lodged against this decision and dismissed in June 2020.

In January 2020, prior approval was granted for the change of use of 2 agricultural buildings to 3 x 1-bed residential dwellings (DM/19/4870).

## **SITE AND SURROUNDINGS**

Mill Nursery is located to the north of the village of Hassocks. It is a vacant nursery that comprises various buildings all of which are in a dilapidated condition. This includes a glasshouse and brick-built outbuildings with an uninhabited bungalow located further to the north.

There are a substantial number of trees within and around the application site. There is existing access directly to London Road to the east via Mill Lane, partly shared with other residential and commercial properties to the west.

To the south is plantation woodland within the applicant's ownership, with Mill Lane beyond. To the north beyond the site's woodland is a public footpath, Mill Stream and Mill Race which is the access to Hammonds Mill Farm. To the east is a field between the site and A273 and to the west is paddocks and an area of ancient woodland.

In planning policy terms, the site lies within the countryside as defined by the Mid Sussex District Plan.

## **APPLICATION DETAILS**

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 3 x 4-bedroom dwellings and 1 x 4-bedroom replacement dwelling, together with associated parking, amenity space and landscaping.

The existing access via Mill Lane will be utilised.

A number of trees and vegetation is to be removed as set out within a supporting Arboricultural Impact Assessment. Generally, however, the clearance will take places within the central part of the site in order to facilitate the development whilst those trees located at the site's periphery will be retained.

In terms of the layout of the scheme, Plots 1, 2 and 3 are arranged in a 'horseshoe' formation in close proximity around a formal landscaped area (roughly within the area of the existing glasshouse). Each will possess a large garden area and a shared parking area (including communal car barn) to the south-east, alongside the internal driveway. To the north, occupying a similar footprint, will be the replacement dwelling, Plot 4, with detached double garage and substantial plot size, as reflecting that of the existing bungalow.

According to the applicant's Design and Access Statement, Plots 1, 2 and 3 'have been designed as a collection of farm buildings with the main house (Plot 4) as the principal farmhouse' with Plots 1, 2 and 3 'styled as simple barn forms with individualised fenestration and materials that reflect their position within the countryside setting ... Each dwelling has an open central entrance hall extending to the ridge of the building, with large glazing sections in where a barn door opening would have been.'

Plots 1, 2 and 3 will be arranged over 1.5-storeys with horizontal black stained weatherboarded elevations above a brick plinth and beneath a clay tiled roof with conservation style rooflight windows. Plot 4 is arranged over 2-storeys with brick elevations on the ground floor and black weatherboarding on the first floor beneath a clay tiled pitched roof.

## **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:*

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

Section 38(6) of the 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 Mid Sussex District Plan (2018) and the Hassocks Neighbourhood Plan.

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

### **Mid Sussex District Plan (Mar 2018)**

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP12: Protection and Enhancement of Countryside

Policy DP13: Preventing Coalescence

Policy DP15: New Homes in the Countryside

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

### **Hassocks Neighbourhood Plan (Jul 2020)**

Mid Sussex District Council formally 'made' the Hassocks Neighbourhood Plan part of the Local Development Plan for the Hassocks Neighbourhood Plan area as of 24 June 2020. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Hassocks Neighbourhood Plan area.

Relevant policies:

Policy 1: Local Gaps

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 8: Air Quality Management  
Policy 9: Character And Design

### **Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)**

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.

Relevant design principles include:

- Principle DG5: Water features and sustainable drainage systems
- Principle DG6: Design to enhance biodiversity
- Principle DG19: Provision of off-street parking
- Principle DG21: Consider and allow for servicing, refuse collection and deliveries
- Principle DG22: Integrate refuse and recycling into the design of new development
- Principle DG24: Plan for cyclists
- Principle DG27: Integrate tree planting and soft landscape
- Principle DG37: Deliver high quality buildings that minimise their environmental impact
- Principle DG38: Design buildings with architectural integrity and a sense of place
- Principle DG39: Deliver appropriately scaled buildings
- Principle DG45: Privacy of existing and future residents
- Principle DG46: Provide attractive and usable external amenity space for all homes
- Principle DG47: Provide homes with sufficient daylight and sunlight

### **Waste Storage and Collection Guidance for New Developments (May 2015)**

### **National Planning Policy Framework (NPPF) (Feb 2019)**

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

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

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

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

In addition, paragraphs 11 (presumption in favour of sustainable development), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland) and 177 (habitats sites) are considered to be relevant to this application.

## **National Planning Practice Guidance**

### **National Design Guide**

### **Ministerial Statement and Design Guide**

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

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

### **Technical Housing Standards: Nationally Described Space Standard (Mar 2015)**

### **West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)**

### **Air quality and emissions mitigation guidance for Sussex (Jan 2020)**

## **ASSESSMENT**

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

- The principle of development;
- Previous appeal decision;
- Coalescence;
- Acceptability of a replacement dwelling;
- The design and visual impact on the character of the area;
- The impact on neighboring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Air quality;
- Archaeology;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Standard of accommodation;
- Accessibility; and
- Planning Balance and Conclusion

### **Principle of development**

Policy DP12 of the Mid Sussex District Plan states (in part):

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

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

The supporting text sets out the following:

*'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'*

The application site is located in designated countryside for which no special justification of the proposal exists and is therefore considered contrary to the first criterion of this policy. The second criterion is engaged by Policies DP6 and DP15 of the Mid Sussex District Plan.

Policy DP6 of the Mid Sussex District Plan states:

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

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

- *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- *The site is contiguous with an existing built up area of the settlement; and*
- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

*The developer will need to satisfy the Council that:*

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The proposal is for fewer than 10 dwellings. Hassocks is a Category 2 settlement (i.e. a large village which acts as a local service centre providing key services in the rural area of Mid Sussex. These settlements benefit from a good range of services and facilities including employment opportunities and access to public transport), and Burgess Hill is a Category 1 settlement (i.e. a settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements). However, the site is distant from both settlements. It also maximises the amount of development on the site, in relation to the constraints of the existing trees, rural character and the limits of the existing buildings. However, the site is not contiguous with the built-up area of Hassocks or Burgess Hill. As such, this policy is not met.

Policy DP15 of the Mid Sussex District Plan allows for new dwellings in the countryside where special justification exists and where they would not be in conflict with Policy DP12. This covers agricultural workers' dwellings, exceptional design, rural exception sites, re-use of rural buildings and replacement dwellings.

In respect of the latter, the policy states:

*Replacement dwellings in the countryside will be permitted where:*

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*

- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

Although the existing bungalow is vacant, it could not be said to be abandoned. The Highway Authority are satisfied with the access and parking arrangements (as set out below) and the replacement dwelling would have no significant impact on the landscape, given that the site is currently secluded from wider views by dense vegetation at the margins.

In summary, in relation to the principle of the application, the proposed 3 new dwellings are contrary to the Development Plan, specifically Policies DP6 and DP12 of the Mid Sussex District Plan. The replacement dwelling does, however, accord with Policy DP15.

In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

### **Previous appeal decision**

As set out in the planning history, the most recent refusal was appealed and dismissed (largely due to the design of the scheme). However, the Inspector made the following key points:

In respect of the replacement dwelling:

Para 9: 'The replacement bungalow would, in isolation, not result in harm to the character of the area as it would simply replace one building with a new, somewhat larger dwelling. Due to the dilapidated state of the bungalow a replacement would generally improve the appearance of the site. Furthermore, having regard to the existing development on site, and the contained nature of the appeal site with established boundaries, I am satisfied that the proposal would not result in a risk to the coalescence of settlements.'

In respect of the new dwellings, the Inspector noted that the site was linked to both Burgess Hill and Hassocks by a cycleway, which could then be used for train travel, and bus stops are located within a short walking distance, which provide regular services to Hassocks and Burgess Hill. He concluded that the proposal would provide a 'genuine choice of transport modes' and:

Para 18: 'The proposal would provide a choice of transport modes and would therefore comply with Policy DP21 of the Local Plan which seeks to ensure that development is accompanied by the necessary infrastructure to support development. As such, despite the conflict with the Local Plan due to the site being within the countryside, I find that future occupiers would have access to services and facilities and as such the appeal site would be a suitable location for the development.'

The Inspector also noted that the prior approval (for 3 x 1-bed dwellings) was capable of being implemented and also that 'the current state of the site is such that it is highly unlikely it would revert to its previous use.'

Based on the above assessment, it is considered that this appeal decision constitutes a material consideration of such importance as to outweigh the (partial) policy conflict set out above.

## **Coalescence**

Policy DP13 of the District Plan and Policy 1 of the Neighbourhood Plan seek to prevent coalescence between settlements.

Policy DP13 states:

*'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'*

*'Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.'*

*'Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection'*

Policy 1 of the Neighbourhood Plan states:

*'Local Gaps have been defined and will be safeguarded between:*

- a. Keymer/Hassocks and Ditchling;*
- b. Keymer/Hassocks and Hurstpierpoint; and*
- c. Keymer/Hassocks and Burgess Hill.*

*As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.*

*Development will be supported within the Local Gap where:*

- 1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or*
- 2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not compromise individually or cumulatively*

*the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'*

Given the scale of the proposed development and its location within an enclave of other built forms (which this scheme does not go beyond), it is not considered that it would result in a coalescence of settlements between Hassocks and Burgess Hill. The impacts of this development would be extremely localised, due to the dense screening, so would not impact on the wider landscape.

It should be noted that the previous application was not refused by the council on this matter and the appeal Inspector determined that that scheme would not result in a risk to the coalescence of settlements. While there is some conflict with Policy 1 of the Neighbourhood Plan (which was adopted after this appeal decision), in that the development cannot be supported on the detailed grounds set out, it is considered that the Inspector's judgement should be afforded more weight.

Accordingly the application would comply with Policy DP13 of the Mid Sussex District Plan, albeit has some conflict with Policy 1 of the Neighbourhood Plan, but is outweighed by the most recent appeal decision.

### **Design and visual 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 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.'*

Policy 9 of the Hassocks Neighbourhood Plan states:

*'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:*

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The previous scheme was dismissed on appeal, largely because the Inspector determined that its design would be 'a far more sprawling development of considerable mass [than the fallback position] and would result in significant harm to the character of the area.' The Inspector noted that the dwellings would not reflect the type of buildings one would expect to find in a farmstead [as] each would be a large 2-storey detached house and that the development would create an urban sprawl that would damage the character of the area by being transformed 'into an urban scheme sitting in a rural location which would be an alien and ungracious encroachment into the countryside.' The Inspector also found that the design of the dwellings was 'somewhat uninspired, especially when experienced upon entering the development.'

Taking on board these comments, the current scheme proposes a more traditional style of dwelling so that the farmstead layout is genuinely reflected in its elevations - i.e. 1.5-storeys in height beneath a pitched roof with rooflights and wide openings at the entrances. It is considered that this now reflects the rural character of this area in its use of natural materials and complies with the above development plan policies, as well as the Mid Sussex Design Guide SPD, in particular design principles DG38 and DG39.

## **Impact on neighbouring amenity**

Policy DP26 of the Mid Sussex District Plan states (in part):

*'All applicants will be required to demonstrate that development:*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

There are no residential dwellings within sight of the proposed development. Holly Cottage and New Close are located on the opposite side of London Road to the east around 130m away. 1 and 2 Hammonds Mill Cottages (some 250m away from the site boundary to the west) share part of the access onto London Road.

The development would not result in any overbearing impact or overlooking to neighboring properties, although noise and disturbance during construction could be controlled by condition. Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

## **Highways matters**

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

*'... Decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*

- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy 5 of the Neighbourhood Plan states:

*'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.*

*Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.*

*Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'*

The Highway Authority has raised no objection to the proposal. The application has been accompanied by a Transport Report with trip generation data showing no capacity issues on the surrounding road network. The Design and Access Statement shows that the existing access will be widened to enable vehicles to pass in the opposite direction and one of the submitted plans demonstrates that the widened access can facilitate refuse collection vehicles entering from London Road. The Highway Authority consider this as an improvement from the existing arrangements, and would satisfy the neighbouring resident's concern in this respect. Visibility splays can be provided, subject to cutback of vegetation.

A total of 15 parking spaces will be provided - Plots 1, 2 and 3 will have 3 allocated spaces, 2 each in the car port and 1 each opposite the car port. Plot 4 has 4 allocated parking spaces, of which 2 will be situated within the proposed garage. The remaining 2 spaces are allocated as visitor parking spaces. The WSCC Car Parking Demand Calculator notes that 12 parking spaces should be provided for this development, so the proposed provision is acceptable. Electric vehicle charging points should be secured through condition, as should cycle parking provision.

Accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy 5 of the Hassocks Neighborhood Plan.

## Drainage

Policy DP41 of the Mid Sussex District Plan states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

Policy 4 of the Neighbourhood Plan states:

*'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance.*

*Development proposals which incorporate sustainable drainage techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible.'*

The site is within flood zone 1 and is at low fluvial flood risk although the site boundary is located approximately 30m from an area of Flood Zone 3, at high risk of fluvial flooding. Most of the site is shown to have a very low surface water flood risk although the access to the site from London Road is also shown to have an increased surface water flood risk.

The site has a high infiltration potential so permeable paving or soakaways may be possible on site, particularly as the application form states the development shall utilise sustainable drainage systems and main sewers to manage surface water drainage.

The application form states that the development will discharge foul water drainage to the main foul sewer.

The council's Drainage Engineer has raised no objection to this proposal, subject to conditions. Accordingly, the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood Plan.

### **Land contamination**

The NPPF Glossary defines Site investigation information as:

*'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.'*

Given the site's former use as a garden nursery, the Council's Contaminated Land Officer has recommended three conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

### **Air quality**

Policy 8 of the Neighbourhood Plan states:

*'Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area.'*

It is recognised that this development will generate additional traffic at the Stonepound Crossroads, which is an Air Quality Management Area.

Air quality is a material consideration when a development is planned. The Local Planning Authority requires an Air Quality assessment (AQA) in cases where it deems air quality impacts from the development may be detrimental to people's health. This is a complex issue which is interrelated to the issue of traffic congestion at the Stonepound Crossroads. The Air Quality Action Plan for Stonepound Crossroads is a long-term strategy for improving air quality and will involve

partnership working to ensure its delivery; it is not a reason to resist new development within the locality and each scheme must be assessed on its own merits against the NPPF and Local Development Plan policies.

Given that this application is for only 3 additional dwellings, it is not considered that it would result in a noticeable impact in this regard and hence the council would not be able to sustain an objection to this proposal on this ground, and accordingly the proposal would comply with this policy.

## **Archaeology**

Paragraph 189 of the NPPF states:

*'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

The Glossary to the National Planning Policy Framework defines Archaeological interest as follows:

*'There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point.'*

The site lies in an area of archaeological interest, wholly within the boundaries of 'Archaeological Notification Area - Multi-Period features, Hassocks' (DWS8193) and partly within a short distance to the west of the boundaries of 'Archaeological Notification Area - Route of the Roman Road through Mid Sussex' (DWS8680; north-south orientation).

An Archaeological Desk Based Assessment (Heritage Assessment), December 2018 was submitted in support of the previous application and has been re-submitted. The Council's Archaeological consultant commented on the previous application as follows:

'A Heritage Statement (Parker Dann 2018) was submitted with the (previous) planning application and whilst its findings were of use it was recommended that an archaeological Desk Based Assessment which fully considered all available resources, including historic maps as well as plans and details of the proposed development, was required.

A Desk Based Assessment has now been submitted in support of the planning application (ASE 2018) and has concluded that:

The Site has a hypothetical moderate to high potential for archaeological deposits of Bronze Age and Romano-British date, a low to moderate potential for deposits of early medieval date, and a low potential for deposits of post-medieval date, based on discoveries elsewhere in the wider Study Area including fields immediately adjacent;

The Site has been exposed to some truncation from arable and horticultural cultivation, notably tree planting, and construction activity associated with the nursery and the brick buildings. However, much of this impact is likely to have been limited in depth;

The proposed works are likely to have a significant impact upon surviving archaeological deposits within the Site, particularly on the eastern side of the site where the houses are projected' (ASE 2018)

The archaeological desk-based assessment has adequately assessed the archaeological potential of the planning application site and indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case it is considered a condition could provide an acceptable safeguard. If planning permission is granted, the archaeological interest should be conserved by attaching a condition as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works. It is also recommended that any geotechnical works to be undertaken by the applicant at the site should be observed under archaeological watching brief conditions. The results of the trial trench evaluation and, if applicable, watching brief on geotechnical works will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope of field evaluation should be agreed with our office and carried out by a developer appointed archaeological practice. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.'

Therefore, subject to the imposition of the suggested condition, the proposal is acceptable in respect of the archaeological implications so therefore accords with paragraph 189 of the NPPF.

## **Sustainability**

Policy DP39 of the Mid Sussex District Plan states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*

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

Policy 5 of the Neighbourhood Plan states:

*'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.*

*Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.*

*Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'*

The applicant's Design and Access Statement sets out some sustainability measures to be incorporated into the scheme, as follows:

*'Sustainable drainage techniques will be used where practical to fully disperse surface water (SUDS), including permeable paving below block paved areas/washed gravel areas.*

*Refuse and recycling bins are to be accommodated for each dwelling within their rear gardens.*

*The proposed landscaping set within the garden areas and to the open spaces will be used to encourage and improve ecological diversity.*

*Boilers and appliances will be energy efficient with low NOx levels and all dwellings will undergo a full SAP assessment to ensure energy efficiency within the building envelope.*

*Water consumption in all dwellings will be reduced through the use of practical and hygienic water saving measures such as flow restrictors, reduced bath volumes, water efficient white goods and dual flush toilets*

*The orientation of buildings and aspect of the main habitable rooms allows for good levels of daylight within the dwellings, with natural ventilation to all habitable rooms.*

*High quality materials are proposed that will age gracefully and require the minimum of maintenance. Materials will be specified where possible to minimise their travel*

*distance to site, ensuring where relevant that materials are specified from recognised sustainable sources with the appropriate certification.'*

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan, Policy 5 of the Neighbourhood Plan and paragraphs 153 and 154 of the NPPF.

## **Impact on trees**

Policy DP37 of the Mid Sussex District Plan states:

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

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

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

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

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

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

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

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

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

An Arboricultural Report has been submitted showing that 13 trees are to be removed and 4 trees to be crown lifted to leave a 5m clearance. All but 1 are Category C, the other being a Category B Birch tree. Tree Protection Plans are also included, showing how the retained trees will be protected during construction.

Comments are awaited from the council's Tree Officer, but following extensive pre-application work, it is unlikely that an objection will be raised to the proposal on arboricultural grounds and hence, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

## **Biodiversity**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

*'Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*

- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

*Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'*

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

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

The application has been accompanied by the following reports:

- Preliminary Ecological Appraisal
- Reptile Survey Report
- Bat Roost Assessment
- Badger and Heron Survey Report

Whilst comments are awaited from the council's Ecological Consultant, no objection was raised to the previous applications on ecological grounds, and again it is likely that such matters can be addressed by way of suitable condition, in order to comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

### **Impact on 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 the 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.

## **Standard of accommodation**

Policy DP27 of the Mid Sussex District Plan states:

*'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'*

Excluding garages, the proposal provides the following internal floor space, exceeding the standard of 124 sq m for 4-bed, 8-person units:

Plot 1 - 189 sq m  
Plot 2 - 225 sq m  
Plot 3 - 185 sq m  
Plot 4 - 260 sq m

Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

### **Accessibility**

Policy DP28 of the Mid Sussex District Plan states (in part):

*'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'*

*'This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'*

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

### **CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle of development, the site is located outside the built-up area of Hassocks or Burgess Hill. The new dwellings do not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, although the replacement dwelling does accord with Policy DP15. In accordance with the law, it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Although dismissed, it is considered that the most recent appeal decision should be afforded significant weight which outweighs this policy conflict, given that the Inspector determined that the site was suitably located for development.

Also weighing in favour of the scheme is that the development will provide 3 additional residential units in a relatively sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. 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. In addition, there will be a material visual benefit arising from this development, given the dilapidated state of the buildings, which constitutes a blight in this area.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and this means that the proposal for new dwellings conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan (although the replacement dwelling is in accordance with DP15). However, due to the revised design of this proposal, the scheme will respect the rural character of this area and will not result in a coalescence of settlements.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, land contamination, archaeology, trees and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

It is considered that given the Inspector's comments on the most recent scheme and that the proposed development would not harm the rural landscape character, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP13, DP15 (in part), DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies 1, 4, 5, 8 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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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.

### **Pre-commencement conditions**

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Hassocks Neighbourhood Plan.

4. The development hereby permitted shall not commence until a Flood Risk Assessment has been submitted and approved in writing by the Local Planning Authority. No building shall be occupied until any approved flood management measures have been carried out in accordance with the approved details.

Reason: To ensure flood risk has been appropriately considered and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood Plan.

5. 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 DP41 of the Mid Sussex District Plan and Policy 4 of the Hassocks Neighbourhood Plan.

6. Demolition / construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be operated at all times during the demolition / construction phases of the development.

Reason: To safeguard the amenities of surrounding residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

7. 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

8. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with Policy DP26 of the Mid Sussex District Plan and in accordance with The Fire and Rescue Service Act 2004.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

### **Construction phase**

10. Works of demolition/construction, including the use of plant and machinery necessary for implementation of this development, and deliveries of plant and materials to and from the site 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 Policies DP26 and DP29 of the Mid Sussex District Plan.

### **Pre-occupation conditions**

11. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

12. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details 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. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

13. 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 plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

14. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained for their designated use.

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

15. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to comply with Policies DP21, DP26, DP29 and DP39 of the Mid Sussex District Plan.

16. 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 in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

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

17. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

18. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy 5 of the Hassocks Neighbourhood Plan.

19. 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Policy DP26 of the Mid Sussex District Plan and in accordance with The Fire and Rescue Service Act 2004.

#### **Post-occupation monitoring / management conditions**

21. 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 and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

22. The recommendations set out in the Preliminary Ecological Appraisal, Reptile Survey Report, Bat Roost Assessment, and Badger and Heron Survey Report shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements, Policy DP38 of the Mid Sussex District Plan and Policy 8 of the Hassocks Neighbourhood Plan.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. 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.

5. 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 widening works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license 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-orcrossoversfordriveways-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-orcrossoversfordriveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

The applicant is also advised to contact the highway authority to arrange for cutting back of overgrown vegetation within the highway verge to improve visibility splays upon exiting the site.

### **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>
Location Plan	6793-101	-	13.01.2021
Block Plan	6793-102	-	13.01.2021
Site Plan	6793-103	-	13.01.2021
Proposed Roof Plan	6793-104	-	13.01.2021
Site Plan	6793-105	-	13.01.2021
Proposed Floor and Elevations Plan	6793-106	-	13.01.2021
Street Scene	6793-107	-	13.01.2021
Proposed Floor Plans	6793-PL-110	-	13.01.2021
Proposed Elevations	6793-PL-111	-	13.01.2021
Proposed Floor Plans	6793-PL-112	-	13.01.2021
Proposed Elevations	6793-PL-113	-	13.01.2021
Proposed Floor Plans	6793-PL-114	-	13.01.2021
Proposed Elevations	6793-PL-115	-	13.01.2021
Proposed Floor Plans	6793-PL-116	-	13.01.2021

Proposed Elevations	6793-PL-117	-	13.01.2021
Visibility Plans	6973/101	P2	13.01.2021

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

RECOMMEND REFUSAL. The Parish Council maintains its response as submitted for the previous application DM/19/3716 for this site. The proposed application would be located within the Burgess Hill gap as defined in Policy 1 of the Hassocks Neighbourhood Plan (HNP). In addition, the application is for the replacement of one dwelling, previously associated with a rural business, with four new dwellings to create a small development within the countryside. Therefore it is considered by the Parish Council that this proposal is contrary to Policies 1 ' Burgess Hill Gap and 9 ' Character and Design of the Hassocks Neighbourhood Plan. Additionally it is, in our opinion, also contrary to Policies DP12 - Protection and Enhancement of Countryside, DP13 ' Preventing Coalescence, DP14 ' Sustainable Rural Development and the Rural Economy and DP15 ' New Homes in the Countryside of the District Plan.

Furthermore, the application provides insufficient information to be certain of compliance with HNP Policy 5 ' Enabling Zero Carbon: there is no SAP assessment provided (nor indication of the provision for electric vehicle charging). Therefore HPC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan ' Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. Full compliance with HNP Policy 5 should be proven prior to granting any Planning Permission.

### **MSDC Contaminated Land Officer**

The application looks to demolish the existing buildings and erect 4 residential dwellings. The site has been identified as land that may be contaminated due to previous use as a garden nursery. Given the sensitivities of the proposed end use for this application, a phased contaminated land condition should be attached to ensure the site is safely developed for use as residential units.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommended conditions:

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.

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

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

### **MSDC Drainage Engineer**

#### **FLOOD RISK**

The site is over 3 ha in size and under the National Planning Policy Framework (NPPF) the application should be supported by a Flood Risk Assessment considering all sources of flooding on site. No such report has been provided as part of the application.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The redline boundary of the site is however located approximately 30m from an area of Flood Zone 3, at high risk of fluvial flooding. Therefore, areas of the site may be impacted by fluvial flooding during the lifetime of the development.

Most of the site is shown to have a very low surface water (pluvial) flood risk. However, there is an isolated area of low surface water flood risk on the site. The access to the site from London Road is also shown to have an increased surface water flood risk.

There are not any historic records of flooding occurring on this site. However, there are records of flooding occurring on London Road in proximity to the site access.

No records of flooding occurring on the site does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

## SURFACE WATER DRAINAGE

The BGS infiltration potential map shows most of the site, where development is proposed, to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site. These infiltration tests should be undertaken at, or very close to the locations proposed for infiltration drainage devices.

Very little information has been provided in relation to how the development shall manage surface water drainage. The application form states the development shall utilise sustainable drainage systems and main sewers to manage surface water drainage.

We would advise the applicant that surface water drainage should follow the drainage hierarchy, with sustainable drainage options taking priority over discharge to a sewer. All four proposed dwellings are considered new build in terms of drainage potential. As such, all surface water drainage systems should be designed to cater for the 1 in 100-year storm event with 40% allowance for climate change. Infiltration drainage should have a half drain time of 24 hours or less, and any discharge rates to a watercourse should be limited to the Greenfield QBar runoff rate for the drained area.

If a shared drainage system is proposed, then a maintenance and management plan will be required. We would also advise that any shared drainage features such as shared soakaways or attenuation features should be located within public realm.

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

## FOUL WATER DRAINAGE

Very little information has been provided in relation to how foul water drainage shall be managed on site. However, the application form states that the development will discharge foul water drainage to the main foul sewer.

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

## SUGGESTED CONDITIONS

### FLOOD RISK ASSESSMENT

The development hereby permitted shall not commence until a Flood Risk Assessment has been submitted and approved in writing by the local planning authority. No building shall be occupied until any approved flood management measures have been carried out in accordance with the approved details.

Reason: To ensure flood risk has been appropriately considered and to accord with the NPPF requirements.

## C18F - MULTIPLE DWELLINGS/UNITS - DRAINAGE

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.

### **MSDC Environmental Protection Officer**

I have no objections to this development. However, I make the following comments to address the potential adverse impacts of the development.

The main adverse impacts on local amenity will be encountered during the site preparation, demolition and construction phases. The impacts from noise and dust during this time will need to be controlled to minimise these impacts. I therefore recommend the following conditions for implementation phase:

Construction hours, including deliveries: Works of demolition/construction, including the use of plant and machinery necessary for implementation of this development, and deliveries of plant and materials to and from the site shall be limited to the following times:

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

Dust management: A dust management plan shall be submitted for approval and once approved shall be implemented and maintained while the development is being implemented.

Reason: to protect the amenity of local residents.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to a nuisance. Accordingly, you are requested that no burning of demolition/construction waste materials shall take place on site.

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

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

Informative (Info29)

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

Planning applications requiring SNN informative

DM/21/0165

### **West Sussex Fire and Rescue Service**

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

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

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

### **WSCC Highways**

West Sussex County Council was previously consulted on planning applications for this location with similar proposals. Planning application DM/19/3716 is of similar nature to the current proposal and sought approval for demolition of all existing buildings on site and the

erection of 3no three-bedroom dwellings and 1no four-bedroom dwelling, with associated parking and amenity space. This application was refused on non-highways grounds.

This proposal is for demolition of all existing buildings on site and the erection of 3no three-bedroom dwellings and 1no four-bedroom dwelling, with associated parking and amenity space. It is located and accessed via shared driveway which leads onto publicly maintainable London Road (A273) which is subject to 60mph speed restrictions at this point.

#### Access and visibility

The applicant has provided a transport report where trip generation data has been provided using the TRICS (Trip Rate Information Computer System) database. The total estimated daily trip rates for the existing use is 208. The proposed traffic generation data has shown a reduction of daily trips with the total number of 22 on average. Considering the reduction of daily movements, we do not have capacity issues.

The proposed dwellings will be utilised through the existing access onto London Road. In the design and access statement is stated that the existing access will be widened to enable vehicles to pass in opposite direction. Drawing no 6973 Rev P2 demonstrates that the widened access can facilitate refuse collection vehicle entering from London Road. This is considered as an improvement from the existing arrangements.

The widened access point has been shown as a main bellmouth junction with give way markings. It would be more appropriate for the existing vehicle crossover to be widened under a vehicle crossover (VCO) licence for the scale of the proposed works. Any vehicle access work must be implemented under licence to a specification obtained from WSCC Highways. The access plan should be representative of this type of access however details of this can be secured via condition.

Visibility splays at the access point with London Road have been demonstrated by the applicant. They appear to be sufficient for the anticipated speed limits; however site visit for DM/18/0581 was conducted where it was advised that the applicant should contact WSCC Highways to cut back vegetation and maintain the maximum achievable visibility in perpetuity. This informative is also advised for this application.

A data supplied to West Sussex County Council by Sussex Police reveals no recorded injury accidents within 5 years caused by the road layout. Therefore there is no evidence to suggest that the junction is operating unsafely or that the proposal would exacerbate an existing highway safety concern.

#### Parking and Turning

This development as stated in the application form will provide 15 parking spaces. Plot 1,2 and 3 have 3 allocated spaces, two each in the car port and one each opposite the car port. Plot 4 has four allocated parking spaces, of which two will be situated within the proposed garage. The remaining 2 spaces are allocated as visitor parking spaces. WSCC Car Parking Demand Calculator outlines 12 parking spaces to be provided for this development (at least 3 for each dwelling).

The proposed double garage for plot 4 meets the minimum requirements for double garage of 6 x 6 m as stated in Manual for Street (MfS). Under the revised WSCC parking guidance, each garage space (3 x 6m) counts as 0.5 of a parking space, and as such, each double garage (6 x 6m) counts as one parking space towards the expected provision.

The proposed car port is of adequate size to accommodate up to 6 vehicles. The hardstanding area that provides additional parking spaces for plot 1,2 and 3 and visitor also complies with the minimum requirements of 2.4 x 4.8 m per parking bay.

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.

### Sustainability

The closest bus stop that provides frequent services to Brighton, Burgess Hill and Kemp Town is Friars Oak bus stop which is approx. 10 minute walk. The closest train stations are Hassocks which is approx. 5 min cycling and Burgess Hill which is approximately 12min cycling. In order to promote the use of sustainable transport methods, secure and covered cycle storage should be provided for each dwelling.

The cycle storage can be secured via condition. There are also various liked footpaths that lead to Burgess Hill. Hassocks is approximately 18 minute walk.

### Conclusion

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

### Conditions

Access (details required, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

### Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained for their designated use.

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

### Cycle parking

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

#### Informative

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 widening works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license 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-orcrossoversfordriveways-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-orcrossoversfordriveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

The applicant is also advised to contact the highway authority to arrange for cutting back of overgrown vegetation within the highway verge to improve visibility splays upon exiting the site.