

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                                                                                                                                                                                                            |                                        |                    |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------|
| <b>Ref. No:</b>                              | DM/25/0458                                                                                                                                                                                                                                                                                                                                 | <b>Case Officer:</b>                   | Katherine Williams |
| <b>Application Type:</b>                     | Full Application                                                                                                                                                                                                                                                                                                                           |                                        |                    |
| <b>Proposal:</b>                             | Proposed demolition of existing lean to stores at the rear of each house and erection of two storey rear and side extensions with recessed balconies in order to enlarge the existing 4x flats. Loft conversions and roof extensions that include front dormers and rooflights. New dropped kerb and parking area to the front for 6 cars. |                                        |                    |
| <b>Site:</b>                                 | 12 And 14 Eastern Road, Haywards Heath, West Sussex, RH16 3NN, , ,                                                                                                                                                                                                                                                                         |                                        |                    |
| <b>Validation Date</b>                       | 25 Feb 2025                                                                                                                                                                                                                                                                                                                                | <b>Overall Expiry Date:</b>            | 1 Dec 2025         |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                                                                                                                                                                                                            | <b>Pre-Com Conditions Date Agreed:</b> |                    |
| <b>Recommendation:</b>                       | Permission                                                                                                                                                                                                                                                                                                                                 | <b>Recommendation Date:</b>            | 2 Dec 2025         |
| <b>Target Date:</b>                          | 22 Apr 2025                                                                                                                                                                                                                                                                                                                                | <b>Recommending Officer Signature:</b> | Katherine Williams |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 7 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |            |
|------------------------------|-----------------|--------------|------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 3 Dec 2025 |
| <b>Comments:</b>             |                 |              |            |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/0458**

**12 And 14 Eastern Road, Haywards Heath, West Sussex, RH16 3NN, , ,**  
**Proposed demolition of existing lean to stores at the rear of each house and erection of two storey rear and side extensions with recessed balconies in order to enlarge the existing 4x flats. Loft conversions and roof extensions that include front dormers and rooflights. New dropped kerb and parking area to the front for 6 cars.**  
**Wobe Properties Ltd.**

### SUMMARY OF REPRESENTATIONS

8 letters of representation were received, which raised the following concerns:

- Include parking spaces from 4 to 10 spaces, impact on highway and pedestrian safety
- Full length drop kerb, out of keeping with the character of the area
- Other properties have one parking space with front planting
- Proposed parking would have an impact on outlook for No. 5 Eastern Road
- Parking would reduce on street parking space
- Increased number of residents would cause noise and disturbance
- No images of the front of the property are included, unable to know if the proposed dormers would be in keeping (*Officer Comments: Proposed elevation plans have been submitted with the application, and available to view online.*)
- Dormer windows are out of keeping with the character of the streetscene, no existing dormer windows in the locality at roof level and second floor
- Loss of privacy and overlooking from proposed first floor balconies, No.s 13 and 15 Dellney Avenue
- Contrary to Policy H9, would not safeguard neighbour amenities
- Tree screening could be removed and are not protected
- Dormer windows would cause overlooking
- Conversion of the properties to flats would be out of character of the area (*Officer Comments: The building already consists of 4 No. flats and the proposal seeks extensions to enlarge the flats*)]
- Out of proportion with the site
- No site notice was erected for the application (*Officer Comments: A site notice is not required for this application as letter of notification have been issued to all adjacent neighbouring properties, and the properties do not border open land. The application is therefore considered to be advertised correctly*)

### SUMMARY OF CONSULTEES

*MSDC Flood Risk and Drainage Team - No objection*

*WSCC Highways Authority - No objection, request informative*

*Southern Water - no objection*

*Ecologist - No objection, subject to conditions*

### TOWN COUNCIL OBSERVATIONS

*No comment*

### INTRODUCTION

*The application seeks planning permission for the demolition of existing lean to stores at the rear of each house and erection of two storey rear and side extensions with recessed balconies in order to enlarge the existing 4x flats. Loft conversions and roof extensions that include front dormers and rooflights. New dropped kerb and parking area to the front for 6 cars.*

## **RELEVANT PLANNING HISTORY**

CU/421/74 - (No. 14 Eastern Road) Conversion of existing dwelling into two flats. Granted  
CU/278/78 - (No. 14 Eastern Road) Conversion of private dwelling into two flats. Granted

## **SITE AND SURROUNDINGS**

*The site is located on the eastern side of the Eastern Road, within the built up area of Haywards Heath.*

*The site comprises of a semi-detached pair which have been subdivided into 4 No. 1-bed flats with amenity space and parking area located to the rear which is accessed along the southern side of the site. The building retains the appearance of a semi-detached pair, with the doors to the upper storey flats located along the side elevations.*

*The character of the locality predominantly consists of two storey semi-detached dwellings with a consistent front building line on both sides of the highway. The detailed designs of the properties vary along the highway, however, are consistent in traditional forms and appearances.*

*The majority of properties in the locality benefit from off street parking to the front of the properties, with some of the parking extending across the entire frontage of the properties.*

*The building is constructed in brick, pebble dash on the first floor, and timber framing within the front gable, plain roof tiles and white fenestration.*

## **APPLICATION DETAILS**

*The proposed rear extension would result in the demolition of the existing lean-to stores. The extension would be flush with the existing furthest rear and side elevations of the semi-detached pair. This extension would have a pitched gable roof, with a central flat roof portion, which would replace the existing roof form of the rear projection. The roof form would have an eaves height to match the existing building with an overall height of some 8.3 metres.*

*This extension would be constructed in materials to match the existing building with first floor recessed balconies, which would serve the kitchen/dining rooms of the first floor flats.*

*The proposal also includes the conversion of the existing loft of the buildings which would extend into the roof form of the proposed rear extension. This would be served by rooflights and front dormer windows, which would have pitched roof forms and a width and height of some 1.1 metres and 1.7 metres.*

*These works would be constructed in materials to match the existing building, and would create additional floor space for the existing*

*Parking is proposed across the frontage of the property to create 6 No. parking spaces, which would follow the removal of existing the rear parking area.*

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

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

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

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

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

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

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

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

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

*Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD, and Haywards Heath Neighbourhood Plan.*

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

### **Mid Sussex District Plan**

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

*Relevant policies:*

*DP21 - Transport*

*DP26 - Character and Design*

*DP29 - Noise, Air and Light Pollution*

*DP38 - Biodiversity*

*DP41 - Flood Risk and Drainage*

### **Site Allocations DPD**

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

*No relevant policies.*

### **Haywards Heath Neighbourhood Plan (made December 2016)**

*Relevant policies:*

*E7 - Flooding and Drainage*

*E9 - Design*

*T3 - Car Parking*

*H9 - Extensions*

### **Other Material Considerations**

### **Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)**

*The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1*

hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS5: Water Neutrality

DPN2: Biodiversity Net Gain

DPB1: Character and Design

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPH12: Accessibility

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

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

National Planning Policy Framework (NPPF) (December 2024)

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states 'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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 39 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 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

## *National Design Guide*

*Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.*

*Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.*

### *West Sussex County Council Guidance on Parking at New Developments*

#### **ASSESSMENT**

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

- Design and Character*
- Impact on the amenities of neighbouring properties*
- Highway Safety and Parking*
- Biodiversity*
- Flood Risk and Drainage*
- Biodiversity Net Gain*
- Planning Balance and Conclusion*

#### **Assessment**

##### **Design and Character**

*Policy DP26 of the Mid Sussex District Plan states:*

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

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

*Policy E9 of the Haywards Heath Neighbourhood Plan states:*

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- height, scale, spacing, layout, orientation, design and materials of buildings,
- the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,
- respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
- creates safe, accessible and well-connected environments that meet the needs of users,
- Will not result in unacceptable levels of light, noise, air or water pollution,
- Makes best use of the site to accommodate development,
- Car parking is designed and located so that it fits in with the character of the proposed development.

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'*

Paragraphs 131 and 135 of the NPPF state:

*'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

*135. Planning policies and decisions should ensure that developments:*

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

Policy E9 of the Haywards Heath Neighbourhood Plan states:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- height, scale, spacing, layout, orientation, design and materials of buildings,
- the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,
- respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
- creates safe, accessible and well-connected environments that meet the needs of users,
- Will not result in unacceptable levels of light, noise, air or water pollution,
- Makes best use of the site to accommodate development,
- Car parking is designed and located so that it fits in with the character of the proposed development.

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'*

*Policy H9 states:*

*'Policy H9 - Extensions to existing dwellings will be permitted where it meets the following criteria:*

- o The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- o Spacing between buildings would respect the character of the street scene.*
- o Gaps which provide views out to surrounding countryside are maintained.*
- o Materials are compatible with the materials of the existing building.*
- o The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

*Principle DG38 of the Mid Sussex Design Guide states 'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

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

*The proposed extensions and alterations would retain the 'semi-detach pair' appearance within the streetscene, with the extensions and alterations largely located to the rear. The scale and proportions of the rear extension is in proportion and appropriate to the existing building and the size of the site. It is noted that this extension would be visible from the highway from glimpsing views along the side elevations of the building. However, these extensions are not considered to cause harm to the character of the streetscene.*

*The proposal includes front dormer windows to the building on the existing roof slopes. These dormer windows would be modest in scale and vertical in proportions, which is in accordance with the relevant Mid Sussex Design Guide principles regarding dormer design. It is noted that there are no existing front dormer windows within the locality, however given the modest scale of these additions it is not considered that this would cause detrimental harm to the character of the area.*

*The proposed parking across the front of the property, to replace the existing rear parking, would change the existing verdant character and frontage of the building. However, off street to the front of the buildings form part of the established character of the area, and although the proposal would include parking across the entire frontage of the building, there are similar examples of this along the highway. It is therefore considered that the proposed parking would be in keeping with the character of the area.*

*The application is therefore considered to be in keeping with the character of the area and accords with policy DP26 of the Mid Sussex District Plan and policy E9 of the Haywards Heath Neighbourhood Plan.*

### ***Impact on the amenities of neighbouring properties***

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

*Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.*

*Policy DP29 of the Mid Sussex District Plan states:*

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;*

*...*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

*On the northern side of the site is No. 16 Eastern Road, which consists of a two-storey dwelling, and is positioned on a slightly lower ground level with a close boundary fence in between. The proposed rear extension would largely be seen against the existing form of the dwelling and would be set away from the boundary with this neighbour by some 2.4 metres. To the southern side is No. 10 Eastern Road, which is a two-storey dwelling. The proposed rear extension would be set away from the boundary with this neighbour by some 2.6 metres, with a boundary wall in between, along with the single detached garage of this neighbour. The extension would include first floor side windows which would serve landings and bathrooms, which would be obscurely glazed and conditioned accordingly. The proposal also includes side rooflights which would serve the staircases, ensuite bathrooms and secondary openings to bedrooms. Given the height of these openings above the internal floor level it is considered necessary to condition that these openings are obscurely glazed to ensure that overlooking is not caused. The proposed first floor balconies would be recessed and therefore not considered to cause overlooking and are not of a significant size which would create an amenity space that would result in noise and disturbance. It is therefore considered that the proposal would not result in significant harm to the amenities of these neighbouring properties.*

*The site backs onto No.s 13 and 15 Dellney Avenue, with a separation distance of some 46 metres, with existing boundary fencing and trees in between. The built form of the proposed extensions would be seen against the existing form of the building, and although visible from these properties, it is not considered to cause harm. The proposed extension would include first floor recessed balconies, which would face towards these neighbours. However, given the separation distance between the properties it*

*is not considered that the balconies would cause significant harm to the amenities of these neighbouring properties.*

*To the front of the site are No.s 5 and 7 Eastern Road, which are located to the western side of the highway and are some 25 metres from the application property. The proposed parking would be visible from these neighbours; however, this in itself is not considered to have an impact on outlook and is a typical relationship between buildings and parking, and part of the existing character of the area. The proposed dormer windows would also be visible, however would face in the same direction as the existing windows below and is not considered to cause harm to amenities.*

*Comments have also been raised regarding noise and disturbance caused by the increased in inhabitants of the flats. However, given the existing residential nature of the site and that the proposal would not increase the number of units it is not considered that the proposal would result in a material increase in noise and disturbance on the site and would not cause harm.*

*The application is therefore considered not to cause significant harm to the amenities of neighbouring properties and accords with policy DP26 of the Mid Sussex District Plan.*

### **Highway Safety and Parking**

*Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.*

*Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:*

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

*In addition, para 116 states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.*

*WSCC Highways Authority has been consulted on the application and has provided the following comments:*

*'Extensions will allow the existing 4 x flats to be extended (the two ground floor one-bedroom flats are proposed to become 2-bedroom flats; and the two first floor one-bedroom flats are proposed to become 3-bedroom maisonettes). A new crossover/dropped kerb across site is proposed to provide access to 6 x off-street parking spaces.*

*There are no parking restrictions on Eastern Road ('D' class subject to 30mph). neighbouring properties have a similar arrangement with direct accesses, some with no turn on site, without evidence of highway safety concern. Eastern Road has a straight alignment with good forward visibility meaning an emerging car could be spotted. Whilst on-street parking may obscure some parts of the visibility envelope, Manual for Streets 2 para. 10.7.1 states: "Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice...in some circumstances, where speeds are low, some encroachment may be acceptable".*

*Considering the road context, anticipated speeds and traffic, the LHA raise no concerns with the proposed dropped kerb and off-street parking arrangement. A crossover licence would be required from Highway AREA OFFICE as per attached informative.'*

*The proposal would maintain 6 No. parking spaces for the properties, which would meet the parking requirements for the number and size of the properties as set out within the WSCC Guidance on Parking at New Developments, which requires 5.6 parking spaces.*

*Given these comments it is considered that the proposal would meet the requirements of policy DP21 of the Mid Sussex District Plan.*

## **Ecology**

*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.'*

*Paragraph 193 of the NPPF states:*

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

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

*The Council's Ecologist has been consulted on the application and has provided the following comments:*

*'We have reviewed the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd., August 2025) and Preliminary Roost Assessment (Arbtech Consulting Ltd., May 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures.*

*We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Small Sites Metric (The Statutory Biodiversity Metric) (February 2025), Pre-Development and Post Development Plans (submitted 25th February 2025), Biodiversity Gain Plans (February 2025) and Biodiversity Net Gain Statement (February 2025).*

*We note from the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd., August 2025) that no bats were observed emerging from Buildings B1 (semi-detached house divided into two flats) and B2 (semi-detached house divided into two flats) during the surveys undertaken in June and July 2025. Therefore, we agree that no further surveys for bats are required.*

*We are now satisfied that there is sufficient ecological information available for determination. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.*

*This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.*

*The mitigation measures identified in the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd., August 2025) and Preliminary Roost Assessment (Arbtech Consulting Ltd., May 2025), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality, which includes bats.*

*We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd., August 2025), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:*

- o Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.*
- o All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.*
- o Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- o Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.*
- o Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.*
- o Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.*

*With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Small Sites Metric (The Statutory Biodiversity Metric) (February 2025), Pre-Development and Post Development Plans (submitted 25th February 2025), Biodiversity Gain Plans (February 2025) and Biodiversity Net Gain Statement (February 2025). Biodiversity net gains is a statutory requirement set*

out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, it is indicated that the LPAs position is that no significant on-site enhancements will be present for minor development. Therefore, we are satisfied that a HMMP or legal agreement will be required as part of the Biodiversity Gain Plan.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended within the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd., August 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'

Nature Space has not been consulted on the application, as the proposal does not meet the criteria for consultation.

Having regard to the above, it is considered that the proposal is acceptable on ecology terms subject to conditions. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

### **Flood Risk and Drainage**

The Flood Risk and Drainage Team have been consulted on the application and raise no objection. Due to the nature of the development drainage can be managed via Building Regulations. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Southern Water have commented on the application and raise no objection, however raise that any new connections to the public sewerage system will require a New Sewer Connection application to be submitted and approved by Southern Water.

### **Biodiversity Net Gain**

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

*The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:*

*'The condition is that the development may not be begun unless—*

*(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*

*(b) the planning authority has approved the plan (see paragraph 15)'.*

## **CONCLUSION**

*In conclusion, the proposal is considered to be appropriate in terms of the character and appearance of the area, would not cause significant harm to the amenities of neighbouring properties and acceptable in terms of parking, flood risk and drainage, and biodiversity. Therefore, the proposal complies with Mid Sussex District Plan policies DP21, DP26, DP29, DP38 and DP41, Haywards Heath Neighbourhood Plan policies E7, E9, T3 and H9, and the relevant provisions of the NPPF. The application is therefore recommended for approval.*

*Decision:       Permission*

*Case Officer: Katherine Williams*