

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0484	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Mixed use redevelopment of the site comprising of ground floor commercial/community use and 26 No. new residential units on upper floors alongside associated parking and public realm improvements.		
Site:	Site Of, 60 Keymer Road, Hassocks, West Sussex, BN6 8AR, , ,		
Validation Date	24 Mar 2025	Overall Expiry Date:	17 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	19 Sep 2025
Target Date:	23 Jun 2025	Recommending Officer Signature:	<i>Andrew Watt</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	77
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Signed and Agreed By:	<i>Steven King</i>	Date:	19 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0484

**Site Of, 60 Keymer Road, Hassocks, West Sussex, BN6 8AR, ,
Mixed use redevelopment of the site comprising of ground floor commercial/community use and
26 No. new residential units on upper floors alongside associated parking and public realm
improvements.**

Star Garages (Brighton) Ltd

SUMMARY OF REPRESENTATIONS

73 letters of objection:

- The building is a monolith
- Not sympathetic to the surrounding area
- Too tall
- Considerable overdevelopment
- Overpowering bulk
- Bad precedent
- Urbanising
- Dominate the skyline
- Gloomy
- Shading
- Dominating surrounding neighbours
- Loss of privacy
- Loss of light
- Overwhelming sense of enclosure
- Wind shear
- Insufficient parking
- Will increase traffic issues
- Highway safety issues
- Construction impact
- Pollution
- Increased noise levels
- Eyesore from balconies - e. g. washing hung out to dry
- Wastewater supply and capacity
- Strain on local amenities
- No provision for affordable or social homes

3 letters of comment:

- A library would be great on the site
- Residents would prefer only 3 storeys in height
- Parking problems
- Infrastructure overloaded
- Destroying our village
- Support new retail and homes but not at this imposing level
- Overdevelopment
- Congestion

3 letters of support:

- Public realm improvements
- Significant improvements to this long-standing eyesore
- Too imposing so height should be reduced

- Provision of further affordable homes
- Designed sympathetically

SUMMARY OF CONSULTEES

MSDC Consultant Archaeologist

No historic environment objections subject to attached conditions.

MSDC Consultant Ecologist

Recommend approval subject to attached conditions.

MSDC Contaminated Land Officer

Approve with conditions.

MSDC Design Review Panel

Support.

MSDC Environmental Health Housing Standards

Detailed comments in respect of room sizes, means of escape, heating, ventilation and lighting.

MSDC Environmental Protection Officer

No objection, subject to condition.

MSDC Housing Enabling Officer

Following an assessment of a viability report, a reduced affordable housing provision as a commuted sum will be payable towards the cost of off-site provision, together with an Advanced Stage Viability Review.

MSDC Community Facilities Project Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

WSCC Drainage Strategy Team

No objection, subject to conditions.

WSCC Highways

Further information requested in relation to off-site highway works and a Travel Plan Statement.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

NatureSpace Partnership - West Sussex Newt Officer

No comments to make.

TOWN / PARISH COUNCIL OBSERVATIONS

Recommend refusal. The committee accept the site is in need of development, and appreciate the ongoing communications with the developer, but the current design is detrimental to the existing streetscene, by being too high and imposing, it is an over development of the available site.

Contrary to:

DP26 - Character & Design

Policy 9 - Character & Design - Hassocks Neighbourhood plan.

INTRODUCTION

Full planning permission is sought for a mixed-use redevelopment of the site comprising of ground floor commercial/community use and 26 No. new residential units on upper floors alongside associated parking and public realm improvements.

RELEVANT PLANNING HISTORY

In April 2023, prior approval was granted for the proposed demolition of single-storey sui generis car workshop and auto retail centre (DM/23/0905).

SITE AND SURROUNDINGS

The site is a vacant commercial premises, last used as a National Tyres Service centre and with a lawful use as a sui generis car workshop and auto retail centre. It consists of a single-storey, flat-roofed building constructed of brick and timber, occupying most of the site but with generous hardstanding forecourts to the front (north) and side (east). The land ownership includes the cul-de-sac access road known as John Saxby Place, which terminates after the terrace of 4 houses alongside, set parallel behind Keymer Road. To the north, set back from Keymer Road, is a 2-storey terraced building occupied by commercial/retail units on the ground floor and residential units above. To the east are 2- and 3-storey buildings with retail units on the ground floor and residential above. To the south is Dale Terrace, a terrace of 4 dwellings, staggered back from the Dale Avenue frontage but forward of the application site building.

In policy terms, the site is located within the built-up area of Hassocks and within an Archaeological Notification Area. It lies within a surface water flood risk area and is designated as a Great Crested Newt - Impact Risk Zone (Green).

APPLICATION DETAILS

Full planning permission is sought for a mixed-use redevelopment of the site comprising of ground floor commercial/community use and 26 No. new residential units on upper floors alongside associated parking and public realm improvements.

Overall, the proposal will result in the loss of 580 sq m of sui-generis car workshop and auto retail centre usage, and be replaced with 190 sq m of Class E/F1 (flexible use) and covered car parking on the ground floor, with 26 flats on the upper floors. The building will occupy a larger footprint than currently, and will be arranged over 4-storeys, with a mansard roof.

The commercial/community floorspace will be along the Keymer Road frontage with separate residential entrance and covered ground floor car parking area accessed from Dale Avenue. Additionally, new raised planters and planting areas are proposed along both highway frontages and additional public realm and seating space on Keymer Road.

Materials will be Keymer handmade clay tiles for the upper-level walls and roof, and a combination of timber and concrete on the ground floor. Windows will be of timber/aluminium frames. The vehicular access and hardstanding will be tumbled grey limestone cobbles.

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 the 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, Site Allocations Development Plan Document (DPD) 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 DP3: Village and Neighbourhood Centre Development

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

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

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP31: Affordable Housing

Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

Policy DP42: Water Infrastructure and the Water Environment

Site Allocations DPD

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

There are no relevant policies.

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 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 9: Character And Design

Policy 14: Residential development within and adjoining the built-up area boundary of Hassocks

Policy 17: Affordable Housing

Policy 18: Village Centre

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 the Stage 1 hearings were concluded on 31 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

DPS4: Flood Risk and Sustainable Drainage

DPS6: Health and Wellbeing

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN2: Biodiversity Net Gain

DPN4: Trees, Woodland and Hedgerows

DPN6: Pollution

DPN7: Noise Impacts

DPN9: Air Quality

DPN10: Land Stability and Contaminated Land

DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design

DPT3: Active and Sustainable Travel

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPT5: Off-Airport Car Parking

DPE1: Sustainable Economic Development

DPE2: Existing Employment Sites

DPE4: Town and Village Centre Development
DPE5: Within Town and Village Centre Boundaries
DPH1: Housing
DPH3: Sustainable Development - Inside the BUA
DPH7: Housing Mix
DPH8: Affordable Housing
DPH9: First Homes
DPH11: Dwelling Space Standards
DPH12: Accessibility
DPI1: Infrastructure Provision
DPI2: Planning Obligations
DPI8: Viability

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 4 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 DG9: Reduce reliance on the private car
Principle DG13: Provide positive frontage to streets
Principle DG16: Create a positive development edge
Principle DG18: Integrate parking to support attractive streets and spaces
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 DG31: Focus development in sustainable locations
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 DG40: Design buildings that respond to and animate the street scene
Principle DG42: Consider the location and design of services and external pipes
Principle DG44: Design of commercial 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
Principle DG48: Design to minimise the impact of noise, air and light pollution

Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)

Affordable Housing Supplementary Planning Document (Jul 2018)

Development Viability Supplementary Planning Document (Jul 2018)

National Planning Policy Framework (NPPF) (Dec 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.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should:

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...'

In addition, paragraphs 48 (determining applications), 56 and 57 (planning conditions), 58 (planning obligations), 59 (viability), 64, 65 and 66 (affordable housing), 85 (building a strong, competitive economy), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 124 and 125 (making effective use of land), 129 and 130 (achieving appropriate densities), 131 and 135 (design), 139 (design guidance), 161 (transition to net zero by 2050), 163 (planning for climate change), 166, 167 and 168 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland), 196 and 197 (land instability and contamination), 198 (noise and light pollution), 200 and 201 (integration of new development with existing businesses and community facilities) are also considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government considers 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.

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

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

ASSESSMENT

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

- Principle
- Design and Visual Impact on the character and appearance of the area
- Archaeology
- Impact on Residential Amenity
- Highways
- Flood Risk and Drainage
- Land contamination
- Sustainability
- Ecology
- Biodiversity Net Gain
- Ashdown Forest
- Infrastructure
- Affordable Housing
- Housing Mix
- Housing Standards
- Accessibility
- Other Matters
- Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls within the built-up area of Hassocks as defined by the District Plan. Hassocks is defined under Policy DP6 of the Mid Sussex District Plan as a Category 2 settlement, i.e. 'Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.'

Policy DP3 of the District Plan states (in part):

'Village Centres

These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

To support the village centres, development, including for mixed uses, will be permitted providing it: o helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and

o is appropriate in scale and function to its location including the character and amenities of the surrounding area; and

o is in accordance with the relevant Neighbourhood Plan.'

Although the proposal will result in the net loss of commercial floorspace, it is recognised that the existing lawful use of the site is unlikely to be replicated in scale if that use were to be retained, and that it would likely be incompatible with residential uses above. It is further noted that the employment use has been lost since the former vehicle garage closed in 2023. The new commercial use on the ground floor, while smaller, allows sufficient flexibility (i.e. as 2 separate units or 1 larger unit) to ensure that it would be a complementary use with residential above. Accordingly, this proposed commercial use would comply with this policy.

Policy DP6 of the District Plan states in part that:

'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.'

In principle, the proposed residential development is supported by this policy; however, the detail is assessed under the Design and Visual Impact section.

Policy 14 of the Hassocks Neighbourhood Plan states (in part):

'Development proposals for residential development on unidentified sites within the defined built-up area of Hassocks will be supported where proposals:

- 1. Are of an appropriate nature and scale; and*
- 2. Positively respond to the character and function of the area.'*

Again, the detail is assessed under the Design and Visual Impact section.

Policy 18 of the Hassocks Neighbourhood Plan states:

'Development proposals which would enhance the character and sense of place of the central retail and commercial area of Hassocks will be supported.

Proposals to enhance parking facilities, traffic flow, pedestrian and cycling facilities, shop frontages, green spaces, public realm and signage will be particularly supported.'

Again, the detail is assessed under the Design and Visual Impact section, together with the Highways section.

It should be noted that the site has been identified for housing in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) (2023) (Site 375, with a potential yield of 20 dwellings). However, this document is an evidence-gathering exercise which identifies the location of potential housing and employment sites in the district to inform the plan-making process. It does not allocate land and therefore does not have any planning status, but indicates the first step in the process.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay;*
- or*
- d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*

- i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
- ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75% of) the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy 14 of the Hassocks Neighbourhood Plan is similar and therefore should be given limited weight.

Policy 18 of the Hassocks Neighbourhood Plan is considered to be consistent with the NPPF and can be given full weight.

Therefore the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF, in order to undertake the necessary tilted balance assessment outlined above.

Design and visual impact on the character and appearance 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 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.'*

Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design.

The Council's Design Review Panel considered the scheme at pre-application stage and made the following comments:

'The Panel commended a great presentation which comprehensively addressed initial concerns about the scale and massing of the building. It picks up on the architectural quality in the locality but with a contemporary style, skilfully executed. The simplicity of the building form works well and is a sensible solution to this corner site.

Care needs to be taken to co-ordinate the sustainability elements into the design at this early stage, and the initial drawings showing the solar panels and heat pumps were welcomed. Managing potential overheating of the flats remains unresolved but should be able to be satisfactorily addressed.

The design response should include details of external lighting and passive surveillance/overlooking along the western passageway between the car park and Keymer Road to make it more appealing and less claustrophobic. More should be made of the community and amenity space embedded in the scheme at the planning application stage. Similar attention should be given to the biodiversity embedded into the development.

The success of this scheme will be dependent on the detailing to ensure that the purity of the design is followed through from the presentational drawings. This is likely to include such matters as how tiles will be butted together, setbacks of windows and rainwater drainage solutions.

The scheme has the Panel's full support.'

It should be noted that these comments differed from the (earlier) overall pre-application advice, which stated:

'The existing building is not considered to be of any architectural merit and as such its demolition would not be resisted. Nonetheless, following my site visit and review of the proposed plans I do have some concerns in regards to the scale of the building. Even with the change in levels with Orion Parade to the east being set at a higher ground level the overall height of the proposal exceeds the height of Orion Parade, while also being much higher than the two storey dwellings of Dale Terrace to the South and the two storey property 58 Keymer Road to the west. It is not considered that the current proposal responds to the scale, massing and grain of the existing surrounding development.

Further to this the footprint of the proposal almost completely fills the plot, with only a small cut back on the northern side and the formation of a raised terrace to the southern and western sides. As a result the most prominent elevations are being built right up to the boundary with Dale Avenue and Keymer Road to 4 storeys in height. In addition, it does not appear that any consideration has been given to articulating the upper floors or vertically subdividing the street frontage. Consequently, the proposal has a fairly monolithic overall appearance, which is exacerbated by the increase in scale when compared to the surrounding properties.

From the plans, it is not really clear how the proposal would respond to the existing sense of place, in accordance with the Mid Sussex Design Guide the existing buildings within the locality should be the starting point to allow for a re-interpretation of key aspects of them to be demonstrated. Finally, in relation to the windows, at present, they appear inconsistently proportioned and positioned, creating an overly fussy appearance. Consideration should be given to banding them, as this can be used to actually help break up the scale of the building.'

There is no dispute that the demolition of the existing building is supported, and indeed the site benefits from such a permission (DM/23/0905).

However, officers remain concerned that the scale of the building (height and massing), combined with its footprint, will fail to respect its immediate surroundings, which are typical of a village context. Even on lower ground, it will rise above the height of the 3-storey building on Orion Parade. In context with Dale Terrace and 58 Keymer Road, it will be 2-storeys taller. The siting forward of 1-4 Dale Terrace will result in the building being over-dominant in the street scene. The use of a single material for the upper walls and roof, combined with the irregular placement of windows, means that the building will appear monolithic.

While it is appreciated that this assessment differs from that of the Design Review Panel, it is noted that the Panel are a consultee in the application process (at the pre-application stage in this case), and views are given without the benefit of a site inspection or of third-party comments.

Accordingly, it is considered that the proposal would fail to comply with Policy DP26 of the Mid Sussex District Plan, Policy 9 of the Neighbourhood Plan and Chapter 6 of the Mid Sussex Design Guide SPD.

The public planting along the highway and at the rear will, however, enhance the public realm and is supported in accordance with Policy DP37 of the District Plan.

Archaeology

Policy DP34 of the Mid Sussex District Plan states (in part):

'Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

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

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Paragraph 207 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 holds, evidence of past human activity worthy of expert investigation at some point.'

The council's Archaeological consultant has assessed the proposal and made the following comments:

'As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area potential for archaeological remains to survive, primarily those of a Roman or post-medieval date.

The proposed development lies to the east of a confluence of multiple Roman Roads running through Mid Sussex, as denoted by several Archaeological Notification Areas (HERs DWS8607, DWS8680 & DWS8725). The proposed development is located within the Archaeological Notification Area (DWS8725) encompassing the line of the Hardham to Barcombe Mills Roman Road (known as Greensand Way; HER MWS7476). The current projected line of this road, as shown on the HER, is aligned east-west and lies some 25m north of the proposed development site (HER MWS7476).

During archaeological investigations to the east, the road surface was shown to be between 4m-7m wide and to consist of flint nodules built up on a bed of flint and sandstone (HER MWS3786). As well as the road itself, associated features such as roadside ditches and Roman extramural activity, such as burials or industrial sites, are likely to survive within proximity to this historic routeway.

Additionally, historic nineteenth-century mapping shows the presence of a large building within the proposed development site, which was demolished prior to the construction of the current garage building. Later post-medieval archaeological remains relating to this building may also survive on the proposed development site.

Any archaeological remains that survive within the proposed development site are likely to be disturbed by the groundworks associated with the development.

The submitted desk-based assessment notes that the current use of the site as a garage is likely to have a negative below-ground impact on archaeological remains, particularly as relates to any below-ground fuel tanks. This is accepted, and it seems likely that some areas of the development site will have little in the way of archaeological survival due to modern disturbance.

However, as noted in the desk-based assessment, the exact location and extent of any fuel tanks is not fully ascertained, and there has been, to date, no below-ground investigations on the proposed development site that have ascertained the scale of modern disturbance.

Accordingly, I recommend that a programme of archaeological trial-trenching, secured by a condition, is undertaken after the demolition of the current buildings. This should aim to ascertain the extent of any modern disturbance and identify any areas with surviving archaeological remains, or the potential for archaeological remains to survive. Any subsequent archaeological mitigation (if required) could then be focused on these identified areas.

I therefore recommend that the following conditions are placed on any consent, in accordance with the National Planning Policy Framework, paragraph 218 and Mid Sussex District Plan policy D34:

RECOMMENDATION: Archaeological Trial-Trenching and Excavation

*(i)
No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.*

*(ii)
No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.*

*(iii)
The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.*

The work should be undertaken by an accredited and qualified archaeological contractor and will comprise a programme of archaeological trial trenching on the proposed development site, carried out after the demolition of the current buildings but in advance of the commencement of the development works. Based on the results of this trenching a subsequent phase of archaeological mitigation work may then be required.

A brief will be supplied from this office detailing the work required on request and should be acquired prior to the submission of a Written Scheme of Investigation.'

Therefore, subject to the imposition of these conditions, the proposal would comply with the above policy and guidance.

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)'

Policy DP29 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:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
o 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:

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

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;
o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes.'

Although the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, the Hassocks Neighbourhood Plan seeks to ensure that development does not cause unacceptable harm to the amenities of existing nearby residents and future occupants. As this is the later development plan document to be adopted, the Hassocks Neighbourhood Plan takes precedence.

The main properties affected by the proposal would be 1 Dale Terrace, 1 John Saxby Way and 58 Keymer Road. Properties opposite to the north and east will be less affected, due to the separating highway and greater distance.

The proposed building is sited up to the boundary with 1 Dale Terrace and to the edge of John Saxby Way over 1-storey and set back over the upper storeys but due to the oversailing of the ground floor, it will be forward of 1 Dale Terrace over all floors. The majority of the ground floor will be taken up with the covered car park and retail unit with a cut-out to the north-west corner, with a significant overhang along both Keymer Road and Dale Terrace. The raised terrace at first floor level will wrap around the building along John Saxby Place and adjacent to 1 Dale Terrace.

The height of the building, combined with its proximity to the southern and western boundaries, means that it will be overbearing and oppressive to its nearest neighbours. Whilst the raised terrace to 1 Dale Avenue will reduce the opportunity for overlooking to the neighbouring rear gardens, it serves a communal area associated with a communal lounge, and therefore the impact of gatherings of people at a higher level, virtually along the same boundary, is not considered to be a neighbourly form of development. The change of levels and communality of this area is very different to a traditional garden or private space at the same level. The mitigation proposed as part of this development is shown as being this solid privacy screen along the south and western boundaries (at first and part of second floor level), together with obscure glazing to the second and third floors. Again, this adds to the hardness of the structures close to neighbouring properties, which differs from soft landscaping, where such features would result in a dappled effect of screening, rather than the solid mass being proposed as a contrived feature on the building.

The DAS shows that the upper floor windows closest to 1 Dale Terrace will be coated in a 3M Lumisty Solar Shield view control film, applied up to 1.5m above internal finished floor level. However, it is not considered reasonable to apply this to primary bedroom windows in Apartments 2.5 and 3.5 and in any case, there would be a perception of overlooking and loss of privacy from a higher level from the rear gardens of Dale Terrace, and obliquely to rear windows, which this film is unlikely to mitigate.

In addition, the Council's Environmental Protection Officer has raised no objection to the proposal, but recommends a condition to assess and control environmental impacts during the implementation phase. A condition securing a Construction Environmental Management Plan which will restrict hours of work activities and deliveries, and control other matters, could be imposed on any permission were the Local Planning Authority recommending for approval.

However, for the reasons set out above, it is considered that the proposal would fail to comply with Policy 9 of the Hassocks Neighbourhood Plan.

Highways

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.'

The Highway Authority has assessed the application and raised no objection to the proposals in terms of the access (via Dale Avenue by modified crossover), achievable visibility splays, sustainability of the location, cycling provision, car parking provision and trip generation.

The Highway Authority has requested that accessibility is improved from the site to the Train Station by means of dropped kerbs and tactile paving (at the corner of Dale Avenue). A Travel Plan Statement should be provided and secured via a legal agreement, with monitoring fee of £1,695 + VAT. The off-site highways works can also be secured via a legal agreement.

However, on the basis that officers are not intending to support the application on other grounds, these measures and contributions have not been secured via a S106 agreement. Therefore a reason for refusal based on the failure of the scheme to mitigate its impact on the highway network is required. In the event of an appeal, the Local Planning Authority will withdraw this reason for refusal once an appropriate legal agreement has been secured.

Flood Risk and 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 Hassocks 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 County's Drainage Strategy team, which is also the Local Lead Flood Authority, has provided the following comments:

'The applicant has provided a Flood Risk Assessment and Surface Water Drainage Strategy Report to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and Mid Sussex local planning policy.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning and we would object until such time that the details below are submitted for review.

Condition 1

Upon the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drawings (Flood Risk Assessment and Drainage Strategy V1.3 01.05.25, HOP, May 2025, Drainage Details 16002-HOP-ZZ-XX-DR-C-9001 S2 P01, Drainage Design 16002-HOP-ZZ-XX-DR-C-9000 S2 P02) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies

Condition 2

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,

IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

Condition 3

Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.'

Accordingly, it is considered that the proposal would comply with the above policies.

Land contamination

Paragraphs 196 and 197 of the NPPF state:

'196. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

197. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'

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 Investigation of Potentially Contaminated Sites - Code of Practice).'

The Council's Contaminated Land Officer has made the following comments:

'I have read the Preliminary Contamination Risk Assessment, undertaken in March 2021 by Environmental Assessment Services Ltd, Ref: 423/StarGarages/60KeymerRd/PCRA.

The report indicates that while there is a risk the site may have been contaminated due to its previous use as a garage, the risk to future site users is low because the site will be based on hard standing.

However, there is still a risk of fuels, oils, and other chemicals being present and potentially entering the potable water supply.

Therefore, the report recommends that a thorough intrusive investigation should be undertaken. Additionally, it recommends that a discovery condition be put in place so that if any unexpected contamination, including the presence of fuel tanks or storage, is found during redevelopment, the council is notified and appropriate remediation is implemented.

On this basis, I recommend that the application be approved with the following conditions:

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the Preliminary Contamination Risk Assessment, undertaken in March 2021 by Environmental Assessment Services Ltd, Ref: 423/StarGarages/60KeymerRd/PCRA, 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 Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment 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.

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 Local Planning Authority 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.

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 Local Planning Authority.

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

Subject to imposition of these conditions on any planning permission, the NPPF requirements would therefore be met.

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 Hassocks 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.'

Paragraph 164 of the NPPF seeks to ensure new development helps *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications, paragraph 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The proposal sets out the following sustainability measures:

- Use of air-source heat pumps
- Solar photovoltaic panels
- Electric Vehicle charging facilities for each parking space

The submitted proposals are therefore considered acceptable in meeting the terms of the above policies and guidance. It should be noted that in respect of Policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

Having regard for all the above, and given the context of the application, it is considered that the application complies with Policy DP39 of the Mid Sussex District Plan, Policy 5 of the Hassocks Neighbourhood Plan, the Design Guide SPD and paragraphs 161 and 162 of the NPPF.

Ecology

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 193 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.'*

An Ecological Impact Statement has been submitted as part of this application. The Council's Ecology consultant has reviewed this report (which notes that the building has negligible Bat roost potential), and confirms that no further Bat surveys are required.

The Ecology consultant goes on to say:

'If external lighting is required, we recommend that a Wildlife Friendly Lighting Strategy is implemented for this application 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.'*

This matter can be addressed by condition of any planning permission. As such, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Green). The West Sussex Newt Officer has been consulted but did not have any comments to make. Accordingly there would be no conflict with the above legislation, policy and guidance.

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).'*

The Council's Ecology consultant has also reviewed the Biodiversity Net Gain report submitted with the application. Comments were made as follows:

'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 Biodiversity Net Gain report (Environmental Assessment Services Ltd., December 2024), which includes the Baseline and Proposed Habitat maps, BNG Statement and Statutory Biodiversity Metric (December 2024). We note that there are no condition sheets as the existing habitats comprise only developed land: sealed surface and ground level planters.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain report (Environmental Assessment Services Ltd., December 2024), which includes the Baseline and Proposed Habitat maps, BNG Statement and Statutory Biodiversity Metric (December 2024). 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 the submitted documents provide sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a)
The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b)
Pre and post development habitat plans.*
- c)
Legal agreement(s)*
- d)
Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e)
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, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1.
PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY
"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a)
Purpose and conservation objectives for the proposed enhancement measures;
- b)
detailed designs or product descriptions to achieve stated objectives;
- c)
locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d)
persons responsible for implementing the enhancement measures; and
- e)
details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

If external lighting is required:

2.
PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME
"Prior to occupation, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a)
identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b)
show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning

permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

"Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a)

a Biodiversity Gain Plan has been submitted to the planning authority, and

(b)

the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.'

Subject to imposition of these conditions and financial contributions secured through a S106 agreement in respect of BNG monitoring fees (£12,000 for a major development and £1,000 inspection fee for checking the initial BNG set up in Year 0), the above policies would be met. However, as the Council is not supporting the application in any event and has not secured a legal agreement, then the above biodiversity policies would not be met.

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.

Infrastructure provision

Policy DP20 of the Mid Sussex District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'
and:

'58 Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

A Section 106 Legal Agreement is required to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

Education - Primary	£45,156	(additional facilities at Hassocks Infant School and/or The Windmills Junior School, or another primary school in the planning area of Hassocks should this be more suitable at the time that the contribution is made)
Education - Secondary	£44,362	(additional facilities at Downlands School, or another secondary school in the planning area of Hassocks should this be more suitable at the time that the contribution is made)
Education - 6th Form	£0	
Libraries		£10,683 (additional facilities at Hassocks Library)
Waste		N/A
Fire & Rescue	N/A	
No. of Hydrants		Secured under condition
TAD		£51,954 (Active travel improvements within the parish of Hassocks which promote pedestrian and cycle movement between the development and local infrastructure)

District Council Contributions:

Equipped play Parklands Play Area)	£17,100	(improvements to play equipment at Adastra Park or Parklands Play Area)
Kickabout facilities Area)	£14,364	(kickabout provision at Adastra Park or Parklands Play Area)
Formal sport Recreation Ground or Padel tennis courts at Weald Squash and Tennis Club)	£25,242	(towards football facilities at Adastra Park or London Road Recreation Ground or Padel tennis courts at Weald Squash and Tennis Club)
Community Buildings Age Concern community building, Dale Avenue)	£14,477	(towards either the 1st Hassocks Scouts Group; Adastra Hall; or Age Concern community building, Dale Avenue)
Local Community Infrastructure		£16,430 (Project(s) to be confirmed)

On the basis that officers are not intending to support the application on other grounds, these contributions have not been secured via a S106 agreement. Therefore a reason for refusal based on the failure of the scheme to mitigate its impact on local and county-wide infrastructure is required. In the event of an appeal, the Local Planning Authority will withdraw this reason for refusal once an appropriate legal agreement has been secured.

Affordable housing

Policy DP31 of the Mid Sussex District Plan states:

'The Council will seek:

- *the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- *for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*

- on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;
- a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and
- free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including 'optional requirements' set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

Policy 17 of the Hassocks Neighbourhood Plan states:

'Residential development proposals should provide a mix of affordable housing sizes, types and tenures aligned to meet the needs of the Parish.'

The Council's Housing Enabling Officer has made the following comments:

'The applicant is proposing a mixed use redevelopment of a former garage site, including ground floor commercial use and 26 new residential units (comprising 8 x 1B, 15 x 2B and 3 x 3B flats) plus communal lounge and guest bedroom on the upper floors. This gives rise to a minimum onsite affordable housing requirement of 30% in accordance with District Plan Policy DP31 which equates to 8 affordable housing units since, in accordance with the Affordable Housing SPD, the number of affordable housing units is rounded up if not a whole number. The 8 affordable housing units required comprise 2 x 1B/2P flats @ a minimum of 50m² (30% in line with the mix stated in the Affordable Housing SPD) and 6 x 2B/4P flats at a minimum of 70m² (70% in line with the mix stated in the Affordable Housing SPD).

Although on site provision is always preferred, in this instance (due to the nature, design & proposed mix of the development) we would be prepared to accept a commuted sum of £488,000 towards the provision of off-site affordable housing units, rather than on site affordable housing. This sum has been calculated in accordance with the West Sussex Commuted Sum Review letter dated 11th March 2011 for a scheme in Band D as follows: 2 x 1 Bed flats @ £55,000 per unit plus 6 x 2 Bed flats @ £63,000 per unit = £488,000. It would be secured via the section 106 agreement and would be payable prior to Commencement of the Development.

A Viability Report & Appraisal was however submitted alongside the planning application to support the applicant's position that the scheme cannot currently viably sustain the provision of any affordable housing/commuted sum. Following an assessment of the information provided & assumptions used in the applicant's submitted Viability report & Appraisal by an independent viability consultant it has now been agreed that at the current time a reduced affordable housing contribution in the sum of £20,000, rather than the full £488,000, will be payable towards the cost of off-site affordable housing provision, together with the other s106 infrastructure contributions required. This sum will be payable prior to the Commencement of Development in line with the Affordable Housing SPD. In the event that the development is brought forward as an over-55's scheme (or similar), we would look to carry out an amended Viability Report & Appraisal.

In accordance with our Development Viability SPD the viability of the scheme will need to be reassessed at a later stage in the project, when accurate information about actual build costs and values will be able to be provided. This Advanced Stage Viability Review will be undertaken on the sale / letting of 75% of the units. It will determine whether or not any additional value has been generated since the current viability assessment was undertaken, which would enable a further contribution to be paid towards the cost of off-site affordable housing provision. The further contribution would be based on 60% of any additional value generated and would be capped at £468,000 (£488,000 due - £20,000 paid). Additional value would result from an increase in the Gross Development Value or a reduction in the Build Costs or from the Gross Development Value increasing by more than any increase in Build Costs. The relevant GDV and Build Cost figures, together with the Council's Standard Review Formula and viability clauses, will be included in the Section 106 agreement.'

Again, on the basis that officers are not intending to support the application on other grounds, these contributions and provisions have not been secured via a S106 agreement. Therefore a reason for refusal based on the failure of the scheme to provide the required level of affordable housing is required. In the event of an appeal, the Local Planning Authority will withdraw this reason for refusal once an appropriate legal agreement has been secured.

Housing mix

Policy DP30 of the Mid Sussex District Plan states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

The proposal will provide a mix of units as follows:

8 x 1-bed flats

15 x 2-bed flats

3 x 3-bed flats

Plus a guest bedroom (bookable to allow short-term hosting of visiting family or friends)

It is considered that the proposal would comply with this policy.

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.'

The proposed development sets out the following schedule of residential development:

- 8 x 1-bed/2-person - ranging from 50.6 sq m to 62.1 sq m
- 15 x 2-bed/4-person - ranging from 71.6 sq m to 86.2 sq m
- 3 x 3-bed/5-person - ranging from 90.9 sq m to 92.4 sq m

Each unit will benefit from a private outdoor amenity space, either in the form of an enclosed terrace or a balcony.

In addition, there is a communal lounge and terrace and guest suite available to all future residents.

All flats would therefore exceed the space standards of 50 sq m (for 1-bed, 2-person units), 70 sq m (for 2-bed, 4-person units) and 86 sq m (for 3-bed, 5-person units).

Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would comply with Policy DP27 of the Mid Sussex District Plan.

Accessibility

Policy DP28 of the Mid Sussex District Plan states:

'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.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- *Where new dwellings are created by a change of use;*
- *Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- *Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- *Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

The MHLG PPG says in part:

'What accessibility standards can local planning authorities require from new development? Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body...'

All the dwellings will be designed to meet Building Regulations M4(2) optional accessibility standards and 3 units will be designed to M4(3) standards and lift access is provided to all levels.

It is therefore considered that the proposal would comply with this policy, subject to condition.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

The proposed refuse storage will be sited along the Dale Avenue frontage and accessed directly off the street and within the building, adjacent to the residential entrance. This is an acceptable arrangement and the detailed implementation could otherwise be subject to a planning condition.

PLANNING BALANCE AND 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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Hassocks Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP3, DP17, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 and Neighbourhood Plan Policies 4, 5 and 18.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under Neighbourhood Plan Policy 14. In addition, it is considered that the proposal fails to comply with Policies DP20, DP21, DP26 and DP31 of the District Plan and Policies 9 and 17 of the Neighbourhood Plan.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.'*

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm can be demonstrated in respect of design and visual impact and neighbouring amenity.

In terms of the scheme's benefits, the proposal will provide 26 new dwellings in a sustainable location, which should be given significant weight, also in accordance with para 125 of the NPPF. A commuted sum of £20,000 will be secured towards off-site affordable housing provision (albeit this has not been secured via a legal agreement). Given that this was significantly reduced from £488,000 on viability grounds, the weight to be attached to this benefit is more limited. The development will also result in Biodiversity Net Gain, which should be afforded significant weight. The development will result in construction jobs over the life of the build. The development will also result in an increased population for the area, which will allow more spending on services in the surrounding area. These benefits would be considered as significant.

It is considered that the proposal would result in harm to the surrounding area in terms of its design and impact to neighbouring residents. Both harms are considered to be significant.

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

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Andrew Watt