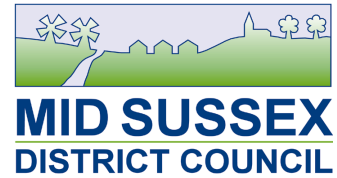


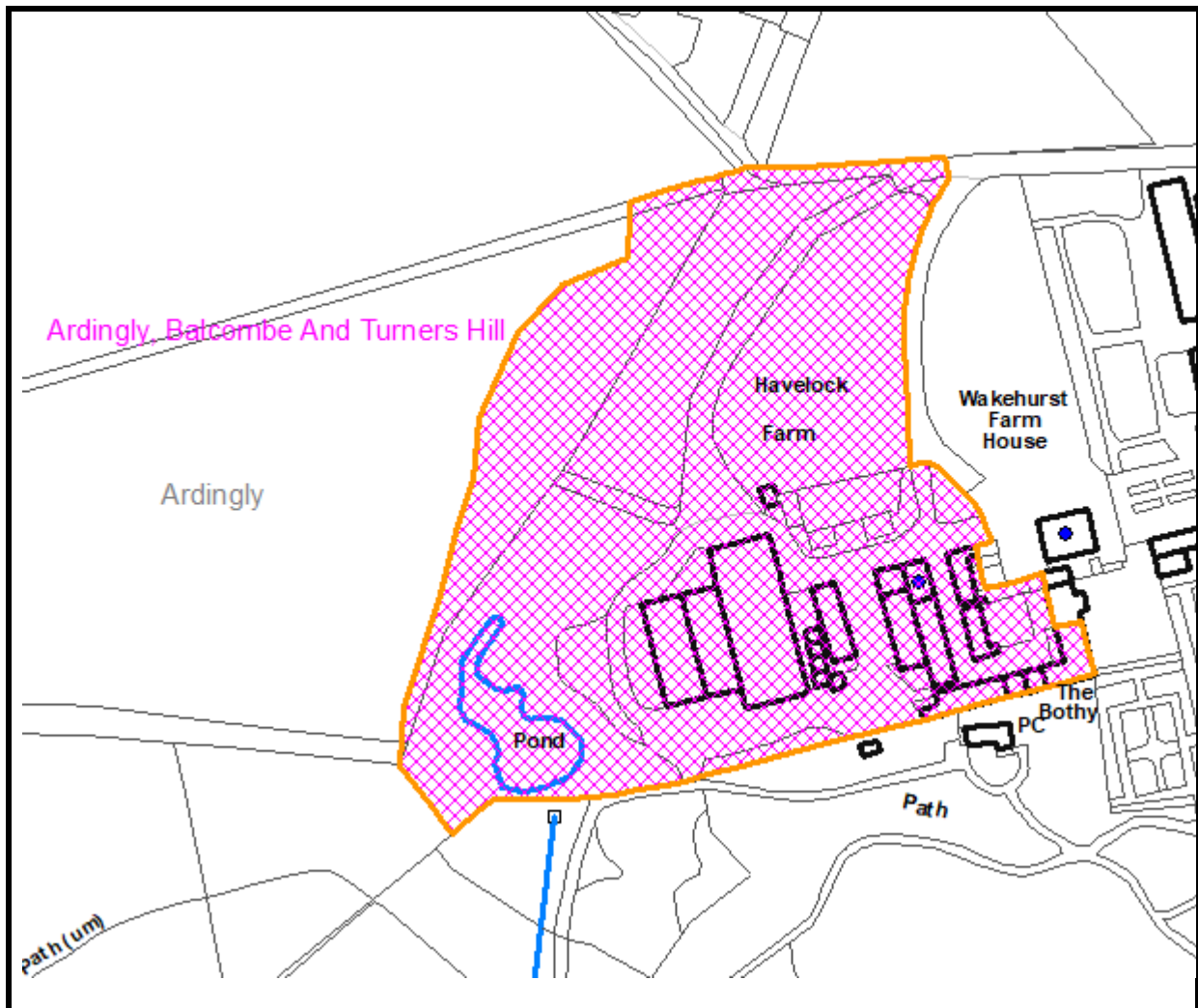
District Planning Committee



Recommended for Permission

1st June 2023

DM/22/1774



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Site:	Havelock Farm Wakehurst Place Selsfield Road Ardingly Haywards Heath
Proposal:	Demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new conservation and research nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, and associated hard and soft landscape works. (Amended plans received showing Wakehurst Farmhouse accurately and amended Certificate B received 26th July) (Amended plans and further supporting info received 4th October) (Ecological Impact Assessment received 16/02/23)

Applicant:	C/o Agent
Category:	Smallscale Major Other
Target Date:	28th April 2023
Parish:	Ardingly
Ward Members:	Cllr Jenny Edwards / Cllr Gary Marsh /
Case Officer:	Stuart Malcolm

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCT4QWKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 This application seeks full planning permission for the demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new conservation and research nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, and associated hard and soft landscape works.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Ardingly Neighbourhood Plan.
- 2.3 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.
- 2.4 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 2.5 It is considered that the principle of development is acceptable. The proposal will bring economic benefits and support an established venue that is important as a tourist attraction and as a leader in horticultural research. Furthermore, the Neighbourhood Plan will support development proposals which will enable Wakehurst Place and the Millennium Seed Bank to expand to meet new and changing needs as both a tourist destination and centre of research of international

importance, provided that the design is sympathetic to the heritage assets and the important landscape setting.

- 2.6 The detailed design and landscape impact are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as sympathetic to its surroundings as possible. Overall, the character and appearance of the High Weald Area of Outstanding Natural Beauty will be preserved.
- 2.7 Although the proposal will change the appearance of the site from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light, by being overbearing, noise or light pollution.
- 2.8 It is considered that the site could be satisfactorily drained and that there would be no adverse impact on trees or ecology that would warrant refusal of the application. It is considered that the vehicular access to the site will be satisfactory and that the proposal would not have a severe impact on the local highway network. There is no objection to the scheme based on the impact on the public right of way or the Ashdown Forest. Sustainable measures to be incorporated into the development can be secured via condition. As such these matters are neutral in the planning balance.
- 2.9 The application therefore complies with policies DP12, DP13, DP16, DP17, DP21, DP22, DP26, DP29, DP37, DP38, DP39 DP41 and DP42 of the District Plan, SA38 of the Site Allocations DPD, ARD 1, ARD 2, ARD 8 and ARD20 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.
- 2.10 A key consideration in this case is its impact on heritage assets. The proposed development is within the setting of nearby heritage assets that are affected by this application:
- Wakehurst Place (Grade I listed),
 - Wakehurst Stables (Grade II* listed),
 - Wakehurst Place Park and Gardens (Grade II* listed),
 - Wakehurst Farmhouse (regarded as a non-designated heritage asset), and
 - The farm courtyard directly to the west of the farmhouse (non-designated heritage asset)
- 2.11 It is considered that the development will lead to less than substantial harm of varying degrees on the scale to the heritage assets, both designated and non-designated. This means there is some conflict with Policies DP34 and DP36 of the District Plan and Policy ARD9 of the Neighbourhood Plan. In such cases, and as outlined above, para 202 and 203 of the NPPF are clear on how the local planning authority needs to assess the application:
- '202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated*

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 2.12 Therefore, were there to be significant public benefits that outweighed the harm to the designated and non-designated heritage assets, this would be a material planning consideration that could lead to an acceptance of the proposal, despite the harm to the heritage assets.
- 2.13 In this case, the applicant has set out in their submissions that the strategic objective for Wakehurst was to be a '*world-leading botanic garden*' and that '*through a physical and philosophical connection to Kew Science, Wakehurst can transcend its niche and shift from local to national, from attraction to exemplar*'. Furthermore, it is suggested that '*replacing these structures with energy efficient and controllable greenhouses the proposed replacement facility will enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research.*' Officers consider that the public benefits to the scientific and horticultural research that would be possible from this development will extend to the national level.
- 2.14 There would also be public benefits arising during the construction phase of the project and from the operational phase from the employment it provides.
- 2.15 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified harm to the heritage assets.

3.0 Recommendation

- 3.1 It is recommended that planning permission is approved subject to the conditions listed in Appendix A.

4.0 Summary of Representations

- 4.1 A total of 17 representations have been received raising the following issues:
- Applicant not taken on board concerns raised by neighbours,
 - Major development that will change appearance of area,
 - Will detract from historical setting and significance of buildings and their relationship with Wakehurst,
 - Overbearing and scale/mass too much,
 - Overdevelopment of rural area,
 - Harm to AONB,
 - Loss of outlook,
 - Could other more suitable sites within Wakehurst Estate be used,
 - Wakehurst has increased commercial activities and this will continue to detriment of neighbours, Increased noise and disturbance from use, machinery, plant, vehicles, staff etc.,
 - Loss of privacy and overlooking,
 - Security concerns as cctv proposed and public may visit,
 - Road user safety compromised,
 - Lighting will detract from area,
 - Increased flooding and drainage problems, construction impacts will be detrimental,
 - Some misleading/inaccurate statements in applicant's submissions,
 - Will impact upon longer range views within AONB,

- Amendments made to not allay fears of neighbours,
- Design of buildings out of keeping with surroundings,
- Buildings too prominent,
- Light reflection and glare,
- Dark skies area and will have adverse impact on local wildlife,
- Wind tunnel effects and greater noise,
- Valley works as sound bowl,
- Highways and footpath hazards increased for users,
- Will water supply to neighbours be affected,
- Might affect private covenants on lane access,
- Footprint much greater than existing buildings,
- Conflicts with District and Neighbourhood Plans,
- Buildings large enough to result in loss of light to neighbours,
- Loss of views and outlook from adjoining garden and home which shares a long front border with site,
- Visual impact from public right of way,
- Is the ecology information accurate?,
- Additional submissions do not change the objections,
- Historical permissions should be factored into the consideration here.

5.0 Summary of Consultees

5.1 MSDC Conservation

In heritage terms the further information received confirms a slight positive impact on the registered park and garden, but also confirms a continuing level of less than substantial harm in respect of both Wakehurst Place and Stables, and the non-designated heritage assets constituting the former home farmstead.

5.2 MSDC Urban Designer

No objection subject to conditions

5.3 MSDC Design Review Panel

The panel agreed this was a well-presented proposal that had positively addressed most of the previous panel's comments (from pre-app stage) and, overall, it is now a good scheme.

5.4 MSDC Ecological Consultant

No objection subject to conditions

5.6 MSDC Landscape Consultant

Supportive subject to recommendations and conditions

5.7 MSDC Trees

No objection subject to planting details being secured

5.8 **MSDC Drainage**

No objection subject to condition

5.9 **MSDC Environmental Protection**

No objection subject to conditions

5.10 **MSDC Land Contamination**

No objection subject to conditions

5.11 **WSCC Highways**

No objection

5.12 **WSCC Rights of way**

No objection

5.13 **WSCC Water and Access**

No objection subject to conditions

5.14 **Historic England**

Historic England has some concerns regarding the application on heritage grounds. In reaching a decision on this proposal, your Authority will need to decide whether you consider the level of harm caused by the proposal has been minimised, particularly taking into account our suggested changes to the layout of the glasshouses and polytunnels, and the extent to which there are public benefits before undertaking the weighing exercise as required by paragraph 202 of the NPPF.

5.15 **High Weald AONB Unit**

In summary, the High Weald AONB Unit supports the principle of the development but agrees with the comments of the Design Review Panel concerning the impact of the service road and the potential for further landscaping on the northern boundary. No objections raised and conditions recommended.

5.16 **Sussex Garden Trust**

Supports the application

6.0 Town/Parish Council Observations

6.1 No objection.

The Council would like to make the planning officer aware that they have been contacted by a number of the surrounding neighbours who have advised them they feel this application will mean a significant increase in noise and light pollution to the neighbouring properties

7.0 Introduction

7.1 This application (DM/22/1794) seeks full planning permission for the demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new conservation and research nursery consisting of four glasshouses of varying size, polytunnels, shade structures, stand-out area, mechanical plant building, and associated hard and soft landscape works.

8.0 Relevant Planning History

8.1 There is no directly relevant planning history.

9.0 Site and Surroundings

9.1 The application site, Havelock Farm, measures approximately 1.67 hectares (16,685m²) in area and is part of the wider Wakehurst site, sitting to its north west corner. Wakehurst itself measures around 40 hectares in area, comprising some 12ha of parkland, 9ha of ornamental gardens and 20ha of mixed native and ornamental woodland. Havelock Farm has not however been in operation as a farm since it was purchased by the Royal Botanic Gardens (RBG) Kew in 2012.

9.2 The application site partly comprises both open land and the disused farm buildings. The applicant states that since Havelock Farm was purchased by RBG Kew, the site has been used to support maintenance and logistics of the wider Wakehurst gardens with storage for goods and materials as well as for support vehicles such as tractors and trailers. Some of the existing buildings are in a somewhat dilapidated state whilst others on the site are more structurally sound.

9.3 There are nearby neighbouring properties in the vicinity that fall within private ownership. The nearest of these is Wakehurst Farmhouse that borders the site to the east. Slightly further to the north are 1-4 Pondfield Cottages.

9.4 These properties, as well as the application site, are served by an existing access road that is also a designated public right of way (PROW) - 3Ar (footpath) that runs in the west/east direction at this point.

9.5 The site has quite a significant slope, with the land falling away in a broadly west/northwest direction towards the Ardingly Valley.

9.6 There are a number of trees within the site, with the most significant specimens being the mature trees found along the southern boundary. There is a modest historic pond located in the south west corner of the site.

9.7 In terms of nearby heritage assets, these are described in more detail in the 'Heritage' assessment section of the report. The nearby heritage assets that affected by this application are considered to be:

- Wakehurst Place (Grade I listed),
- Wakehurst Stables (Grade II* listed),
- Wakehurst Place Park and Gardens (Grade II* listed),
- Wakehurst Farmhouse (regarded as a non-designated heritage asset (ndha), and
- The farm courtyard directly to the west of the farmhouse (ndha)

9.8 In policy designation terms, the site is located within the Countryside as well as the High Weald Area of Outstanding Natural Beauty.

10.0 Application Details

10.1 The application seeks consent to construct a new conservation and research nursery at Havelock Farm.

10.2 The existing dilapidated structures and buildings on the site are to be removed to accommodate the new development, with those buildings considered to be of some heritage value to be retained. The proposed Nursery would replace existing facilities primarily located within the Walled Garden at Wakehurst and will be purpose built to provide a range of environs required for the various research and horticultural projects being undertaken by RBG Kew. This will include four large span glasshouses as well as a series of support spaces such as areas for logistics and deliveries, potting, outdoor growing spaces, support offices and staff welfare facilities.

10.3 An explanation into the work of RBG Kew and the need for the new facilities is provided by the Executive Summary to the Design and Access Statement:

'In 2018 the RBG Kew's strategic objective for Wakehurst was to be a 'world-leading botanic garden' which requires purpose and ambition beyond a local leisure market - an approach epitomised by the transformative and celebrated Millennium Seed Bank, constructed in 2000.

Extending upon this strategic vision Wakehurst intends to position itself amongst the larger RGB Kew offer (including the Richmond site) with a focus on 'Science and Education' at the heart of Wakehurst's purpose. Through physical and philosophical connection to Kew Science, Wakehurst can transcend its niche and shift from local to national, from attraction to exemplar.

To enable this vision, investment into Kew's science and horticultural facilities is required. While the Millennium Seed Bank represents a modern and strategic investment in science at Wakehurst - the aging greenhouses and plant nursery must be modernised as a core part of the capabilities of Kew.

Located within the historic Hortus Conclusus (walled garden) the existing structures, dating back to the 1970s, are beyond their end of life and require vast amounts of energy and water use during the yearly cycle to support the plant growth inside. Replacing these structures with energy efficient and controllable greenhouses the proposed replacement facility will enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research.'

10.4 The existing buildings on the site measure some 2300 m² of gross internal floorspace and the new development will result in floorspace of 4035 m² equating to an increase of 1735 m².

10.5 Glasshouse 1 (Temperate growing): Is in the southern, central section of the site and is the largest of the glasshouses measuring 48.4m by 25.6m. The eaves height is a little over 6m and the ridge height is just over 7m. In addition to the glass, there is an area of timber cladding wrapping round the northern/western corner and extending down much of the western elevation. The growing areas of the

glasshouse are split into four primary areas, each with different environmental conditions, that are all accessed from a central corridor that links both externally to the other glasshouses and to the auxiliary support facilities and staff accommodation (these latter areas where the external cladding is)

- 10.6 Glasshouse 2 (Mediterranean and tropical growing), Is located immediately to the north and measures 34.9m by 16.4m. This glasshouse, that does not include any timber cladding, measures 4m to the eaves and approximately 5m to the ridge height.
- 10.7 Glasshouse 3 (science), Is located to the north of Glasshouse 2 and measures 32.3m by 30.4m. The eaves measure 4.25 m and the ridge height is approximately 5.2m . Similar to Glasshouse 1, timber cladding is employed on the northern façade that wraps partly round the corners on both the western and eastern sides. As with Glasshouse 1 the compartments are accessed via a central circulation spine that connects the growing spaces to the auxiliary support area (that are again behind the clad elements).
- 10.8 Glasshouse 4 (quarantine), Is in the south west corner and measures 12.3m by 27.3m. The eaves measure 4.25m and the ridge height is approximately 5.2m. This glasshouse includes timber cladding on its eastern end, wrapping around the northern and southern corners.
- 10.9 Polytunnels, are immediately to east of the Glasshouse 1 and to the west of Wakehurst Farmhouse. The two polytunnels together measure 26m by 16m and have a height of 4m.
- 10.10 Water Storage Building, is located to the north of Glasshouse 3 in close proximity to the public right of way. This timber clad, metal roofed building measures 4.3m by 8.3m with an eaves height of 3.2m and ridge height of 3.7m.
- 10.11 Other elements, include the shade structures which are 3 m high timber posts with green netting in between. The Plant and adjoining Air Source Heat Pump timber clad buildings are to the south of Glasshouse 1 and measure 13.2m by 8.8m and 9.7m by 8.4m respectively. They have a metal roof with an eaves height of 3.2m and ridge height of 4.35m. There is a standing out area for plants to the north of the polytunnels near the boundary with Wakehurst Farmhouse.
- 10.12 Existing buildings retained, are those in the far south east corner of the site to the immediate side and part of the rear of Wakehurst Farmhouse.
- 10.13 The glasshouses will adopt a specialist glazing system (Venlo) that will be 'precisely controlled (for temperature, lighting and humidity), highly contained growing environments capable of replicating temperate, alpine and tropical conditions.' In respect of the other materials, the applicant has commented and sought to justify the use of them as follows:

'Aside from the glasshouses, there are two primary materials, timber and metal. The timber is proposed to be allowed to weather to a silver/ grey colour. This will give it a natural patina that will help it to become a background material in the landscape setting. It is proposed to use a variety of spacing and depths of vertical battens to give it a contemporary appearance. The roofs of auxiliary buildings will be a metal standing seam, similar to at the Millennium Seed Bank. The metal will have a colour (PVDF) finish rather than a natural one, which will help it longevity, but more importantly will enable the reflectivity to be reduced with a matt surface, and the

colour will be darker so that it is more recessive in the landscape than a natural metal finish would be.'

The applicant has stated that 'topography has been considered to:

- Utilise the natural contours of the site to protect views and mitigate visual impact from wider surrounding,*
- Determine building placement on the site, locating structures of greater height further down the natural slope,*
- Mitigate excavation by balancing cut and fill.*

The primary and largest structures of the facility are the four Glasshouses which also need to be located on flat areas of land. While the topography of the site slopes down towards the valley to the west there are areas of less gradient which can be utilised. The glasshouses have been arrayed as close as possible along a topographic line. Through detailed design, this has been refined so there are slight changes in finished floor level between the four glasshouses, which respond to the existing site levels. All glasshouses are accessed via gentle slopes and DDA routes. This approach will reduce the overall earthworks, and reduces the requirement for retaining structures across the site. Other areas within the WCRN facility such as the plant stand out space, can accommodate variation in level and have been placed around the proposed Glasshouses at appropriate levels to accommodate circulation and existing heights.'

10.14 The applicant has described the overall landscape strategy in the DAS as follows:

'The glasshouse complex is broken into three primary buildings to allow vista through the complex, spaces which have been designed to accommodate staff break-out spaces with associated native planting. To the south the significant trees which form the boundary of the RPG are retained, along with the existing C18th farm pond which will be desilted and enhanced with adjacent trees crown lifted to allow more light in.

To the west the existing swale will be moved and extended to accommodate surface water run-off and connected to the existing farm pond. Tree planting along the north and west site boundaries will mitigate the visual impact of the proposal, which reintroducing locally indigenous hedges with hedgerow trees.'

10.15 Hard landscaping is proposed around the buildings and the new access routes. In terms of soft landscaping the applicant has described their strategy as follows:

'Native hedging plants and shrubs will be planted along boundaries, and these can be coppiced including hazel, hawthorn, guelder rose, dogwood, and field maple. More structural hedgerow and specimen trees such as oak, hornbeam, and field maple are to be used.....

The meadow area will reinforce the local planting character and habitats of the High Weald, using locally indigenous wildflowers which are an integral part of the area's ecosystem, and embedding a sense of place to the new development. The wildflower seed mix in open spaces will be sourced from suppliers using products of local provenance, as was used when the Coronation Meadow was established in 2015 in the adjacent field.

The swale and existing historic farm pond will be planted with a range of indigenous marginal and aquatic plants to boost the sites existing biodiversity.'

- 10.16 Access will be from the existing access road that is also designated as a public right of way where the nearby residential properties all have a right of way. The new vehicular access from the public right of way will be slightly further west from where it is provided to the site currently.
- 10.17 The applicant has confirmed that both vehicular and pedestrian access to the site is required. The primary vehicular access on a day-to-day basis would be smaller electric vehicles but there will however be deliveries and other occasional traffic from larger logistic vehicles, in addition to farm and parkland tractors. There is a turning area in front of Glasshouse 1 to cater for these vehicles.
- 10.18 Parking for staff members would be provided within the main staff parking area at Wakehurst although a disabled parking bay is to be provided next to one of the glasshouses. The applicant has indicated that there will be a total of ten new staff members.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations DPD and the Ardingly Neighbourhood Plan.
- 11.3 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

- 11.4 The District Plan was adopted in 2018. Relevant policies specific to this application include:

DP12 - Protection and Enhancement of the Countryside
DP13 - Coalescence
DP16 - High Weald AONB
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP22 - Rights of Way and other Recreational Routes
DP26 - Character and Design
DP29 - Noise and Light Pollution
DP34 - Listed Buildings and Other Heritage Assets
DP36 - Historic Parks and Gardens
DP37 - Trees, Woodland, Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

- 11.5 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.
- 11.6 There are no relevant allocation policies but SA38 (air quality) is relevant as it replaces District Plan Policy DP29 in relation to air quality.

The Neighbourhood Plan

- 11.7 The Ardingly Neighbourhood Plan was adopted in 2015. Relevant policies include:
- ARD 1 - The Presumption in Favour of Sustainable Development
ARD 2 - A Spatial Plan for the Parish
ARD 8 - Biodiversity
ARD9 - Heritage Assets
ARD20 - Wakehurst Place and Millennium Seed Bank

Mid Sussex District Plan 2021-2039 Consultation Draft

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

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

- 11.10 The NPPF is a material consideration. Paragraphs 8 and 11 are considered to be particularly relevant to this application as are Chapters 5, 15 and 16 generally.

Listed Building and Conservation Area (LBCA) Act 1990

The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

12.0 Assessment

- 12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows,
- Principle of Development
 - Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty
 - Impact on heritage assets

- Highways, Access and Parking
- Public Rights of Way
- Residential Amenity and Pollution
- Trees
- Ecology
- Ashdown Forest
- Flood Risk and Drainage
- Sustainability
- Water Supply
- Other Issues

Principle of Development

- 12.2 As the proposed development is located within the countryside, Policy DP12 of the District Plan applies. This states that:

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

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

- 12.3 Whilst Policy DP14 of the District Plan refers to sustainable rural development and the rural economy, it is important to note this policy does not apply in the AONB:

'This policy will not apply within the High Weald Area of Outstanding Natural Beauty, where a more restrictive policy approach, Policy DP16: High Weald Area of Outstanding Natural Beauty, will be adopted'

- 12.4 Policy DP16 is discussed in more detail in the visual impact sub-section of this report but the relevant part in respect of the principle of this proposal reads:

'Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.'

- 12.5 Given the floorspace increase of 1735 m², it is not reasonable to describe the proposal as 'small scale'. The proposal will though have economic benefits, both during the construction period and post occupation from the jobs it will provide. The wider AONB impacts are assessed in the following sub-section of the report.

- 12.6 There is support for the principle in the Ardingly Neighbourhood Plan, with ARD20 applying:

'Policy ARD 20: Wakehurst Place and Millennium Seed Bank

The Neighbourhood Plan will support development proposals which will enable Wakehurst Place and the Millennium Seed Bank to expand to meet new and changing needs as both a tourist destination and centre of research of international importance, provided that the design is sympathetic to the heritage assets and the important landscape setting.'

12.7 This policy offers clear support in principle for the proposals, subject to the impact on the landscape and heritage assets that are discussed in more detail in later sections of the report.

12.8 Whilst ARD1 applies 'The Presumption in Favour of Sustainable Development' stating that:

'Ardingly Parish Council will take a positive approach to its consideration of development proposals. The Parish Council will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved.'

12.9 At national Policy level, para 84 of the NPPF (Supporting a Prosperous Rural Economy) states that:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*
- b) the development and diversification of agricultural and other land-based rural businesses,*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside, and...'*

12.10 Based on the above, it can be concluded there is a broad level of support in principle for the development at both local and national level. It is also a material planning consideration that Wakehurst is an established venue, with importance as a tourist attraction and as a leader in horticultural research. Furthermore, the application site already contains a number of buildings associated with the wider estate so is not an undeveloped part of the countryside at present. In light of these material planning considerations, and the development plan context, the principle of the proposal can be supported.

Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty

12.11 There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. This is reflected in DP12 of the District Plan as noted in the previous sub-section. The aim of protecting the character of an area is also found in the NPPF at para 174 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

12.12 As indicated the site is within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

12.13 In this respect DP16 of the District Plan states that development within the High Weald Area of Outstanding Natural Beauty (AONB) will only be permitted where it

conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. The policy states in part that

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular,

- *the identified landscape features or components of natural beauty and to their setting,*
- *the traditional interaction of people with nature, and appropriate land management,*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the*
- *AONB, and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.'

12.14 Paragraph 176 of the NPPF states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

12.15 In more general design and visual amenity terms, Policy DP26 of the 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.,'*

12.16 Policy ARD2 of the Neighbourhood Plan states in part that:

'Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.'

12.17 The detailed design and visual impacts of the proposal have been subject to comments from the Urban Designer and the Council's Design Review Panel (DRP).

12.18 When the DRP commented on the proposal they agreed this was a well-presented proposal that had positively addressed most of the previous panel's comments (from pre-application stage) and, overall, it is now a good scheme. There were nevertheless a number of issues which still needed to be addressed and this position was supported by the Urban Design in his 'Original' comments (Appendix B).

12.19 The applicant sought to address these comments and presented further information during the planning process that was subject to re-consultation.

12.20 The Urban Designer assessed these submissions and provided his 'further' comments on the scheme (Appendix B). In these comments it is acknowledged that the site is prominent in the HWAONB and from the PROW, that the existing buildings on site occupy a smaller area and that the proposal is of 'commercial' scale through size and light issues.

12.21 The Urban Designer confirms however that:

'...significant improvements have been made since the pre app stage:

- *The buildings/glasshouses have been rotated 90 degrees allowing the more prominent west elevations to be broken up/articulated into a series of gabled bays, rather than exposing long uninterrupted glass walls. This reorientation benefits from southward facing roof pitches that will optimise the performance of the solar PV's and the arrangement will also be more in harmony with the radiating form of the layout. In addition, the gaps between the buildings have been marginally increased and they incorporate more soft landscaping.*
- *Tree and shrub planting is proposed in the buffer zone adjacent to the western boundary which should soften and screen the development when viewed from the High Weald to the west including the PROW. In their recent email (dated 16/1/23) the applicant has agreed to further amend their drawings with trees grouped in a series of bosques so they respond to the existing landscape with a soft boundary that features shrubs in between the bosque of trees and the adjacent attenuation basins redesigned to enable this to be achieved. They*

have also confirmed that no security fence will be needed and that a timber post and rail should be adequate. This will need to be delivered through the landscape condition. The service road has also been narrowed and will have less impact as it now features resin bound gravel that will also be used on all the hard surfacing within the site.

I agree with the DRP that the buildings benefit from a much-improved bespoke design but will need to be secured through the submission of detailed drawings (please note the DRP have advised that they would like to be consulted on these details).'

12.22 The Urban Designer concludes his comments by providing the following overall assessment:

'The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan, I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale elevation and section drawings (shown in context) of, (a) the front gabled entrance bay on the west elevation featuring the corner balcony of Glasshouse 1 and (b) the return north elevation of Glasshouse 1 including all windows, doors, bi-folding screen, the roof and solar panels, rainwater pipes and guttering, the façade details and the junction with the fully glazed part of the glasshouse.*
- Hard and soft landscaping details including boundary treatments.*
- Details of the facing materials.'*

12.23 The scheme therefore receives support from the Urban Designer and the DRP and the requested conditions are set out in Appendix A.

12.24 Regarding the wider landscape impact, both the Council's Landscape Consultant and the High Weald AONB Unit have commented on the proposals.

12.25 The Landscape Consultant has acknowledged in respect of visual amenity that: 'The site has areas of significant slope, sloping downwards towards the Ardingly Valley away from the Wakehurst Mansion and Farmstead meaning the site and any built form will be visibly prominent from the east, specifically Paddockhurst Lane and PRoW Ar3.'

12.26 Regarding the landscape character the consultant has confirmed that: 'Nonetheless, though the site and the surrounding landscape is designated at the national level (AONB), we would judge that the overall 'significance' of effect on the site and its immediate context as a landscape receptor would not be deemed significant and unlikely to be a determining issue.'

12.27 The Landscape Consultant concluded their 'original' comments (Appendix B) by making some recommendations that sought clarification on a number of landscape issues including the plot orientation, the service road and boundary treatments.

12.28 The applicant's resubmissions sought to address these comments as further information and amended plans were provided.

12.29 Upon re-consultation, the Council's Landscape Consultant has raised no objections and concluded that:

'As previous, a supporting LVA that is carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) would have been welcomed. That said, the applicant's response to our other comments is appreciated. For example, we questioned the western edge boundary treatment and the applicant confirmed that a low-lying post and rail fence will be adequate, which is supported.

12.30 We also previously raised concerns regarding the orientation of the plots and the service road and 'back of house', which sits on the western edge. We welcome the amendments that have been made to the service road width and surface treatment and appreciate the additional commentary that has been provided regarding traffic and deliveries. On this basis of these revised drawings, we are satisfied with the chosen layout.'

12.31 In their recommendations, the Landscape Consultant has suggested conditions securing:

- Soft Landscaping Scheme
- Hard Landscaping Scheme
- Advanced Planting
- Landscape Management Plan
- Arboricultural Method Statement

12.32 Specific reference was also made to the arrangements for the SuDs features. The planting here will be secured through the landscaping condition whilst the technical details of the swale would be covered by a drainage condition.

12.33 The High Weald AONB Unit has confirmed that they *'support the principle of the development but agrees with the comments of the Design Review Panel concerning the impact of the service road and the potential for further landscaping on the northern boundary.'*

12.34 As noted above, the applicant addressed the DRP comments through their additional submissions with other matters left reserved via condition. The HWAONB Unit has recommended a number of conditions as follows:

- Sustainability measures
- Methods to minimise soil disturbance
- Use of High weald Colour Study for materials
- Locally used/sourced materials
- Native planting
- Lighting controls

12.35 These matters are secured through the conditions listed in Appendix B.

12.36 When assessing the visual impact, it is important to make clear that planning officers do not consider this development to be 'major' for the purposes of para 177 of the NPPF. Para 177 of the NPPF states that:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development (60) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy,
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way, and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

12.37 Footnote (60) to the NPPF states that:

'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'

12.38 The reason for planning officers not considering this to be major development as per para 177 is because in this case the proposal is replacing existing facilities and is associated with the existing use of Wakehurst, it is replacing a number of existing buildings resulting in a net increase in floor space of some 1735m², and is sited adjoining a collection of existing buildings within the Wakehurst estate. In light of the nature, scale and setting of the proposal, it is not considered that the development will have a significant adverse impact on the High Weald AONB.

12.39 The location and scale of the proposal will also ensure that the coalescence of settlements does not occur as per the requirements of Policy DP13 of the District Plan.

12.40 Some of the objections have indicated that there has been no proper consideration of other sites for this development and that there are more suitable ones on land owned by Wakehurst. Members will be aware an assessment needs to be made on the planning merits of the application as submitted. Nevertheless, the applicant has provided some details about the consideration of alternative sites within the wider Wakehurst estate with this detail contained within the Design and Access Statement.

12.41 To conclude on the landscape issues, it is acknowledged that the site is sensitive and prominent but it is also considered that the scheme has been carefully designed to respond to the unique site characteristics. No objections have been raised by the Council's Urban Designer, the DRP, the Landscape Consultant nor the High Weald AONB Unit. A number of comprehensive conditions will give further control over the scheme to ensure that a number of detailed elements are wholly compatible with the site and surroundings. Officers consider that the character and appearance of the High Weald Area of Outstanding Natural Beauty will be preserved.

12.42 As such it is reasonable to conclude that the application complies with Policies DP12, DP13, DP16 and DP26 of the District Plan, Policy ARD2 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

Impact on Heritage Assets

12.43 As confirmed by the Council's Conservation Officer having assessed the Heritage Statement, it is considered that the site is within the setting of a number of heritage assets:

- Wakehurst Place - the Grade I listed 16th century mansion house at the heart of the estate and located a short distance to the south east of Havelock Farm.
- Wakehurst Stables- Grade II* listed 18th century stable block to the north east of the house.
- Wakehurst Place Park and Gardens - Grade II* registered early-mid 19th century plantsman's and collector's garden- the site is directly adjacent to the northern boundary of the registered garden.
- Wakehurst Farmhouse - the former home farmhouse to Wakehurst Place, which is regarded as a non-designated heritage asset (NDHA). Historical map regression suggests that the building dates from the mid-late 19th century or earlier.
- The farm courtyard directly to the west of the farmhouse- again these buildings appear to date originally from the mid-late 19th century or earlier and although altered will be regarded as NDHAs and as having group value with the farmhouse.

12.44 The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

12.45 Case law has stated that:

*'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

12.46 The Courts further stated on this point:

*'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not*

irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

12.47 The statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan.

12.48 Policy DP34 of the District Plan states in relation to the setting of listed buildings:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal,*
- *Special regard is given to protecting the setting of a listed building,'*

12.49 Similarly, at Neighbourhood Plan level, Policy ARD 9 (Heritage Assets) states:

'The Neighbourhood Plan requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly'

12.50 Regarding the status of Wakehurst as one of the nine Registered Parks and Gardens of Special Historic Interest within Mid Sussex, Policy DP36 (Historic Parks and Gardens) is relevant and this states that:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

12.51 The NPPF, Chapter 16 Conserving and enhancing the historic environment, also contains a number of relevant paragraphs:

'195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

199. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
202. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*
203. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*

12.52 Principle DG11 of the Mid Sussex Design Guide (Respond to the existing townscape, heritage assets and historic landscapes) states in part that:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'

12.53 To consider the impact of the development on the affected heritage assets, both the Council's Conservation Officer, Historic England and Sussex Garden Trust have been consulted on the proposals. Their assessment of the development impact on the heritage assets is considered as follows.

Wakehurst Place and Stables (Grade I and II*)

12.54 The MSDC Conservation Officer has stated that:

'The site is in fairly close proximity to these Grade I and II listed buildings, but due to the topography of the site, and intervening screening by planting and built form (including the older buildings within the farm courtyard, which it is now proposed to retain), the development will have limited or no impact on views from the mansion house or stables or their immediate settings. In their comments Historic England identify a degree of indirect harm to these assets due to what they regard as an adverse impact on Wakehurst Farmhouse and its former farm courtyard, and how this will affect the current appreciation of these buildings as the home farm previously supporting the economy and functioning of the wider estate including the mansion and stables. I would agree that the proposal will cause a degree of less than substantial harm to the appreciation of the estate group as a whole, due to the impact on the former home farm, but I would place the level of harm caused to Wakehurst Place itself and to the Stables as at the lower end of this scale, due to the lack of any direct intervisibility.'*

12.55 Although a rebuttal of this has been included with the applicant's responses, no significant alterations have been made to the form or layout of the development which would alter this conclusion.

- 12.56 As noted in these comments, Historic England consider the level of harm to be slightly greater than that identified by the Council's Conservation Officer due to the indirect impact. On the direct impact Historic England has commented that:

'The proposal will also cause some low-level harm to the significance of the Mansion House, Stables and to the Park and Garden. This is because it will interfere with the understanding of the historic and functional relationships between these heritage assets and Havelock Farm. These relationships illustrate how the Wakehurst Estate developed over the centuries and how it functioned.'

- 12.57 In light of these expert comments it is considered that less than substantial harm will occur.

Wakehurst Place Park and Gardens (Grade II*)

- 12.58 The MSDC Conservation Officer has commented that:

'Although the site is directly adjacent to the II registered park and garden, the heavy planting to the northern boundary of the garden will in general limit intervisibility between the two. Glimpsed views will be possible from several positions, and more open views in the location of an existing gateway between the existing modern farmyard to the western end of the site and the gardens. It should be noted however, that the glasshouses proposed have a horticultural character and that in this instance visibility will not therefore necessarily equate to harm, particularly as the glasshouses could be regarded as a further, and highly important, stage in the evolution of the gardens as a part of the horticultural and plant conservation work of Kew, which is in itself a considerable part of the gardens' history and significance. Furthermore, the existing views through the gateway at the western end of the site are of modern Atcost farm buildings which are unattractive and in a poor state of repair. The boundary treatment in this position is an unattractive modern blockwork wall. There is therefore, in my opinion, an overall scope for improvement in the relationship between the site and the registered garden, in particular if a more sympathetic boundary treatment and/or planted screening was proposed at and around the western gateway, details of which could be reserved by condition. In my opinion, subject to this, the proposal will have an overall neutral or slight positive impact on the setting of the registered park and garden. The applicant has submitted further information in relation to the treatment of the boundary between the gardens and the site, including a revised Landscape Masterplan and an additional verified view, to confirm the removal of the existing section of blockwork wall and its replacement with planting and a post and rail fence. In my opinion this confirms the slight positive impact of the proposal on the setting of the Registered Park and Garden'*

- 12.59 As noted above, Historic England consider that the proposal will cause some low level harm to the significance of the Park and Garden.

- 12.60 On this specific impact Sussex Garden Trust has commented that:

'The Trust agrees the impact on the Grade II Registered Park will be neutral, particularly because of the decision to retain some of the farm buildings, some of which provide a pleasing backdrop from areas of the Registered Park - for instance the view looking north from within the old walled garden. When viewed from within the Registered Park, the new structures will generally be well screened, although new evergreen planting in some areas would help screen the new buildings as well'*

as some less attractive parts of the retained buildings - e.g. to the rear of the public toilets.'

- 12.61 In light of these expert comments it is considered that at worst (as per the Historic England comments) less than substantial harm will occur.

Wakehurst Farmhouse and farm courtyard (NDHA)

- 12.62 The MSDC Conservation Officer has commented that:

'The current has been amended following pre-application discussion and now proposes the retention of the farm courtyard to the west of Wakehurst Farmhouse which it was originally proposed to demolish. Although these buildings have been altered and are not currently in a good state of repair they do date from the mid-late 19th century or earlier and will be regarded as NDHAs having group value with Wakehurst Farmhouse (also considered a NDHA) as part of the former home farm. The home farm also contributes positively to an understanding of the former functioning of the Wakehurst Estate as a whole, including the designate assets described above.

The existing rural setting of the former home farm, and the direct views it retains over the surrounding open countryside, make a strong positive contribution to the special interests of the NDHAs which constitute the farmstead.

The site as existing is partly developed with modern, functional farm buildings, which although unattractive do have an agricultural character. The current proposal envisages the demolition of these modern buildings, with the retention of the more traditional farm courtyard directly to the west of the farmhouse, and the construction to the west and northwest of the farmstead of a range of greenhouses, polytunnels, shade structures and associated plant buildings, stand out areas, and hard and soft landscaping including an access road running along the western side of the site from the existing track to the north (which also represents the line of the PROW mentioned above).

Historic England have raised concerns regarding the impact of the proposed works on the setting of the farmstead, including the manner in which the development encircles the western and north west sides of the farm courtyard, and the impact on views from the PROW. I would agree that the proposal will have a significant impact on the character of the settings of the farmhouse and farm buildings, and will tend to sever existing views between these buildings and the wider countryside beyond. Given the existing rather mixed quality of the agricultural buildings to the west of the farmhouse, the proposed screening/soft landscaping around the new buildings, and the character of the land adjacent to the PROW to the east of Wakehurst Farmhouse (which includes the existing Millenium Seedbank building and various existing 'back of house' buildings associated with the gardens), I would place the degree of harm caused at less than substantial, at the mid level of that scale.'

- 12.63 On the further submissions from the applicant, the Conservation Officer has commented that:

'...no substantial alterations have been made to the form or layout of the development which would significantly affect the impact on the farmhouse and farm courtyard, which have been identified as NDHAs. Some amendments are proposed to the associated landscaping, including a reduction in area of hardstanding, alterations to the proposed surfacing materials, and increased tree planting. These

alterations will have some affect on the character of the development, improving its relationship with the surrounding rural setting. However, I would consider that the proposal will continue to cause less than substantial harm to the NDHAs, at around the mid level of that scale, for the reasons previously identified.'

- 12.64 As highlighted in these comments, Historic England has identified a slightly higher level of harm and concluded that:

'Historic England appreciates that the new state of the art glasshouses are needed to enable Royal Botanic Gardens (RBG) Kew realise its vision for Wakehurst to become a 'world-leading botanic garden. However, while we do not object to the principle of some new development at this site, we consider that the proposed layout and arrangement of development will cause a high level of harm to Havelock Farm as the farmstead will become completely encircled by large scale development. This will result in the farmstead's functional and visual relationships with the landscape no longer being able to be appreciated as well as to its understanding as an historic farmstead and the former Home Farm to Wakehurst Place.'

- 12.65 In light of these expert comments it is considered that less than substantial harm will occur.

- 12.66 Historic England suggested that further work could be done for avoiding or minimising that harm, as required by paragraph 195 of the NPPF through changes to the layout and alignment of the glasshouses. On this point the applicant has responded that the glasshouses are uniquely laid out for a specific purpose:

'The glasshouses are sized according to operational needs, and grouped by environment (temperate, alpine and tropical). Their co-location creates efficiencies in operation, research and energy. The glasshouses need to be located on flat areas of land. As the topography slopes downward down the valley the glasshouses have been orientated around the natural contours of the site. Areas of lesser gradient have been utilised, locating the external planting areas or lightweight/ non-permanent structures on higher ground. This in turn reduce the required cut and fill and minimise the impact of their visual bulk.

The layout of the Glasshouses on the site is also based on a number of additional important factors that are required for and efficient and practical operation of the research nursery that have influenced the layout on the site:

- *Daylight requirements and orientation*
- *Overshadowing*
- *Easy access between glasshouses for collaborative and efficient working*
- *Deliveries and logistics*
- *Spatial and area requirements necessary for research'*

- 12.67 Options have therefore been explored for minimising any identified harm, but based on the applicant's submissions regarding the operational requirements coupled with the further details that will be secured through condition, it is considered that the level of harm caused has been minimised.

Conclusions

12.68 Planning officers agree with the overall conclusions being that the development will lead to less than substantial harm of varying degrees on the scale to the heritage assets, both designated and non-designated. This means there is some conflict with Policies DP34 and DP36 of the District Plan and Policy ARD9 of the Neighbourhood Plan. In such cases, and as outlined above, para 202 and 203 of the NPPF are clear on how the local planning authority needs to assess the application:

'202. Where a development proposal will lead to less than substantial harm to the significance of a **designated heritage asset**, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

203. The effect of an application on the significance of a **non-designated heritage asset** should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

12.69 Therefore, were there to be significant public benefits that outweighed the less than substantial harm to the designated and non-designated heritage assets, this would be a material planning consideration that could lead to an acceptance of the proposal, despite the less than substantial harm to the heritage assets.

12.70 In this case, the applicant has set out in their submissions that the strategic objective for Wakehurst was to be a '*world-leading botanic garden*' and that '*through a physical and philosophical connection to Kew Science, Wakehurst can transcend its niche and shift from local to national, from attraction to exemplar*'. Furthermore it is suggested that '*replacing these structures with energy efficient and controllable greenhouses the proposed replacement facility will enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research*.' Officers consider that the public benefits to the scientific and horticultural research that would be possible from this development will extend to the national level.

12.71 There would also be public benefits arising during the construction phase of the project and from the operational phase from the employment it provides.

12.72 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified less than substantial harm to the heritage assets.

Highways, Access and Parking

12.73 Policy DP21 in the District Plan states that:

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

- *A high quality transport network that promotes a competitive and prosperous economy,*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,*

- *Access to services, employment and housing, and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might*
- *be circumstances where development needs to be located in the countryside, such as*
- *rural economic uses (see policy DP14: Sustainable Rural Development and the Rural*
- *Economy),*
- *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.'

- 12.74 The site will be accessed via the existing priority junction of Wakehurst Place/Selsfield Road. The internal access comprises a 4.5m wide road connecting the site to the nearby Millennium Seed Bank and Walled Gardens. This route is currently for deliveries and is accessible only to staff and for deliveries and not for visitors although it also serves a number of residential properties in the immediate vicinity of the site.
- 12.75 There are no additional car parking places proposed because the applicant has stated that *'it is not anticipated that there will be an increase in visitor numbers as a result of the provision of the greenhouses and there is sufficient capacity on site to accommodate any minimal increase in staff vehicles.'*
- 12.76 West Sussex County Council as the highways authority were consulted on the merits of the application and their comments are set out in full within Appendix B. Regarding the access and trip generation, West Sussex has commented that:
- 'No alterations are proposed to the existing vehicular access arrangements. From inspection of local mapping, there are no apparent visibility issues with the existing points of access on to the B2028. Vehicular parking and turning arrangements will remain as existing.'*
- The Transport Statement states that the proposed glasshouses will be replacing existing buildings for use as a scientific facility within the background of the wider site. Given the proposed use, the proposed development is not anticipated to result in an increase in visitors to the site, but rather a small increase in movements associated with the hiring of ten new members of staff. Considering this, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.'*
- 12.77 West Sussex highways has concluded their comments by confirming that:
- 'In conclusion, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.'*
- 12.78 There are therefore no technical objections to the access or parking arrangements. No conditions have been requested by the highways authority but officers consider it prudent to secure the turning/access areas that form part of the application and further details of the cycle parking.
- 12.79 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policy DP21 of the District Plan and the NPPF.

Public Rights of Way

12.80 Policy DP22 of the District Plan states that:

'Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.'

Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to*
- *rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that*
- *contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users.'*

12.81 The West Sussex County Council Rights of Way Officer has been consulted and has raised no objection, but has pointed out a number of issues that are relevant for the applicant to be aware of:

'From the documents provided it seems there is no plan to obstruct or restrict public footpath 3Ar that runs adjacent to the development site therefore we have no objection to the proposals.'

Having said that it seems the footpath will be the route of access onto site for vehicles so there are some points to note. It should be clear that public rights take precedent over private rights of vehicular access therefore any vehicular use should give way to public pedestrian users. It is also important to note that any damage done to the footpath surface as part of the exercise of private vehicular rights is the responsibility of those exercising those rights to make good and any works must have a specification and method statement approved by WSCC as Highway Authority.'

Finally I should point out that there should be no positive drawings from the proposed development onto the public footpath and if there are proposals that may impact the public footpath these will require WSCC's PROW teams approval before works start.'

12.82 The development does not result in the loss of or does not adversely affect a right of way meaning the application complies with Policy DP22 of the District Plan.

Residential Amenity and Pollution

12.83 As noted elsewhere in this report, a number of concerns have been raised by local residents about the impacts on their amenity.

12.84 District Plan Policy DP26 is applicable and this states, where relevant, that:

'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).'

12.85 The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm. It is accepted that a number of existing neighbours will clearly be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute significant harm.

12.86 In addition to DP26, Policy DP29 applies in respect of noise and light pollution. This states that development will only be permitted where:

Noise pollution:

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

Light pollution:

- *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,*
- *The applicant can demonstrate good design including fittings to restrict emissions from*
- *proposed lighting schemes,*

12.87 The previous air pollution element of DP29 has been superseded by Policy SA38 from the site allocations DPD. This policy states in part that:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

12.88 The applicant has submitted a number of supporting documents that assess the application in the context of potential pollution and these include:

- Air Quality Constraints and Opportunities Appraisal Statement
- Plant Noise Assessment
- Lighting Report
- Ventilation and Extraction Statement
- Construction Management Plan

12.89 The Council's Environmental Protection team has been consulted to provide comments on the technical nature of these documents.

12.90 In respect of the noise impact, the Environmental Protection Officer has commented that:

'SRL [the noise report author] have taken background readings and recommended the maximum noise rating levels for combined plant noise based on these. Normally plant would be required to 5dB below the representative background level (L90), at the nearest noise sensitive receptor. However the background is so low at night, that SRL have suggested a rating level of 30dB be achieved, which is 2dB above the existing background.'

'Given the noise levels in homes, and the sound reduction that will be provided by an open window, this proposal is agreed, and conditions are suggested to ensure the levels recommended are achieved.'

12.91 Two conditions are suggested that seek to limit the noise from plant and machinery at the development between the hours of 07:00-23:00 and 23:00 - 07:00. Such a conditions will help ensure that significant harm to neighbouring amenity will not occur through excessive noise at whether that be day or night. In any event, in terms of operational noise, it is important to note that the current site is 'used to support maintenance and logistics of the wider Wakehurst gardens with storage for goods and materials as well as for support vehicles such as tractors and trailers.' The existing use therefore already has the potential to create noise which is a material planning consideration.

12.92 It is acknowledged by planning officers that there would be some degree of disruption during construction work but this would not merit a refusal of the application as they would be temporary in nature and are necessary to facilitate the development. The Environmental Protection Officer has suggested a Construction Management Plan condition that will be aimed at minimising construction impacts by securing details on matters such as site set up, contractor parking and other mitigation measures. Both a working hours and a construction delivery times condition will also be used.

12.93 Regarding the light impact on residents, the Environmental Protection Officer has confirmed that:

'I have viewed the external lighting plot by Pick Everard, ref: ROY007- PEV-XX-XX-DR-E-0011, dated 25/05/2020, which gives the horizontal lux plot from the proposed lighting,

'The document shows that the proposed lighting system will not impact on residents. I would therefore suggest that the design is conditioned.'

12.94 Although the details have been found acceptable from a residential amenity perspective and a compliance (with the submitted details) condition is recommended accordingly, other consultees have all suggested the need for a lighting condition to cover matters like dark skies and biodiversity- these being the Ecological consultant and the HWAONB. A condition will be used to secure the submission of a comprehensive lighting scheme that will need to satisfy all these consultees who will all be assessing the submissions from a slightly different technical perspective. But with a condition in place, securing lighting details, it can be concluded the proposal will not cause significant harm to neighbouring residential amenity.

- 12.95 Additionally, no objections have been raised by the Environmental Protection Officer to the contents of the Air Quality Plan that has concluded that the air quality effects of both the construction phase and the operational phase are 'not significant'. The application therefore complies with SA38 in this respect.
- 12.96 As noted above, it is accepted that the proposal will change the appearance of the site for those immediate neighbours who live right next to it and view it on a daily basis. But this does not constitute significant harm as per the DP26 test. Neither does the loss of private views.
- 12.97 The neighbour most directly affected by the scale of the development is the adjoining property at Wakehurst Farmhouse. There is undoubtedly a large amount of development being placed on the site but the applicant has used the sites contours to try and reduce the bulk of the main glasshouse buildings. Based on the applicant's submitted site sections, this results in the ridge height of Glasshouse 1 to the west (this is the largest of the glasshouses which itself measures approx. 7m in height) being 1.93 metres above the finished floor level (FFL) of Wakehurst Farmhouse. The separation distance is just over 60 metres. The same sections indicate the ridge height of Glasshouse 2 will be practically the same height as the Wakehurst Farmhouse FFL at a separation distance of around 65 metres. Whilst the Glasshouse 3 ridge height will be approximately 0.58m higher at a separation distance of some 66 metres. Although the polytunnels structure is closer, this is smaller in footprint than the main glasshouses and lower in height so will not have a significant impact on residential amenity despite being quite close to the boundary with Wakehurst Farmhouse.
- 12.97 The Pondfield Cottages are, at the nearest point, located some 46 metres away from the far northern corner of Glasshouse 3.
- 12.98 Given these relationships with the nearest neighbouring properties, both in terms of height differences coupled with the separation distances, planning officers do not consider that significant harm, through the scheme being overbearing or creating a sense of enclosure, could be demonstrated.
- 12.99 As indicated, the neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the site, but significant harm as per DP26 is a high bar and planning officers do not consider that threshold has been reached.
- 12.100 The application site is in use now as already for the purposes described and that could result in activities associated with agriculture or the maintenance of the estate taking place in areas in close proximity to the western boundary of Wakehurst Farmhouse. So whilst there may be some degree of intensification in use, there will not be a loss of privacy or overlooking from the new development that would constitute significant harm.
- 12.101 Some concerns have been expressed about security for nearby residents. The applicant is satisfied with the security arrangements with the low fence and any associated hedging proposed is adequate in terms wider site security coupled with locks, access control systems and CCTV. It is not considered that the site will pose a substantial risk in attracting anti-social behaviour that could lead to an impact on neighbouring residents. It is in any event unlikely anything too hard edged along the boundaries would be supported in this rural location

- 12.102 Some concerns have also been expressed about glare coming from the development given the extensive use of glazing and metal roofs. In such circumstances a condition is appropriate that will require the applicant to demonstrate what measures have been put in place to minimise the possibility of glare, whether that through the use of materials, finishes, landscaping or other means.
- 12.103 The proposal therefore complies with the District Plan in respect of the effects on neighbouring residential amenity issues as significant harm cannot be demonstrated.

Trees

- 12.104 Policy DP37 of the District Plan states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

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

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

- 12.105 The applicant's arboricultural submissions indicate that five trees will be removed, including two apples, a eucalyptus and a dead oak, all C and U category. The Council's tree officer has confirmed that:

'No objection is raised to the loss of these trees, as, ultimately, there will be great benefits with this proposal in terms of plant life, conservation and education.'

- 12.106 Planning officers agree that these trees are of limited value and can be adequately compensated for in a comprehensive landscaping schemes that could be secured via condition. The tree officer is also content that the landscaping details can be secured via condition.

12.107 With such a condition in place, that will secure policy compliant replanting and landscaping, the application accords with Policy DP37 of the District Plan.

Ecology

12.108 Policy DP38 of the 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.'

12.109 Policy ARD 8: Biodiversity of the Neighbourhood Plan states that:

'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'

12.110 At national level, the NPPF states at paragraph 180 that:

'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 reasons⁶³ 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.'*

12.111 The application was originally supported by a Preliminary Ecological Assessment with this subsequently supplemented by an Ecological Impact Assessment, a Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement and a Biodiversity Net Gain Assessment. These documents are all available in full on the planning file.

The Council's Ecological consultant has been consulted on all of these submissions and has recommended permission subject to conditions with their full comments set out in Appendix B.

Regarding the mitigation measures and enhancements, the consultant has commented that:

'The mitigation and enhancement measures identified in the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023) and Ecological Impact Assessment (DeltaSimons, November 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity

Enhancement Layout and should be secured by a condition of any consent for discharge prior to beneficial use.

The proposed habitats, including the replacement Lowland Mixed Deciduous Woodland (Priority Habitat), creation of native species-rich hedgerows, neutral grassland and detention basin and reservoir, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver net gain for biodiversity. This LEMP should be secured by a condition of any consent and implemented in full.'

- 12.112 The consultant considers that Biodiversity Net Gain can be achieved, subject to details being secured through a strategy that will need to be agreed with the local planning authority: .

'We welcome the 9.96percent increase in habitat units, although we note that the Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023) and the Biodiversity Net Gain Defra Metric 3.1 Ecological Impact Assessment (DeltaSimons, November 2022) indicate that the trading rules have not been met as there is a 100percent loss of river units due to the removal of a ditch. We support the recommendation that either the wet ditches on site should be retained or a new wet ditch should be incorporated into the final design (Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023)). We expect compensation to be provided before any BNG is calculated.

We note that our concerns regarding compensation for the loss of Lowland Mixed Deciduous Woodland (Priority Habitat) have not yet been addressed. The Biodiversity Net Gain Defra Metric 3.1 (Delta Simmons November 22) indicates a loss of 0.38 units of this habitat. As in our response dated 20 March 2023, proportionate compensation for the loss of this habitat will be required and evidenced using Defra Metric calculations to ensure it is sufficient and its delivery can be secured, if necessary by a legal agreement. We recommend this is included in the Biodiversity Compensation and Enhancement Strategy.'

- 12.113 The Ecological consultant has concluded their comments by confirming the ecological impacts will be minimised such that the proposal is acceptable and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim. A number of conditions are recommended, with these all found listed in Appendix A and summarised as follows:

- Ecological appraisal recommendations
- Construction environmental management plan for biodiversity
- Biodiversity compensation and enhancement strategy
- Landscape and ecological management plan
- Wildlife sensitive lighting design scheme

- 12.114 Given the comments from the Council's Ecological consultant, and because the mitigation and enhancement measures can be secured via condition, it can be concluded the application complies with Policy DP38 of the District Plan, Policy ARD8 of the Neighbourhood Plan and the NPPF.

Ashdown Forest

- 12.115 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).

- 12.116 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.117 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.118 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.
- 12.119 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.120 This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

- 12.121 Increased traffic emissions as a consequence of new development may result in additional 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.
- 12.122 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on 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

- 12.123 The Habitats Regulations 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.
- 12.124 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

- 12.125 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.

Flood Risk and Drainage

- 12.126 Policy DP41 of the 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.'

- 12.127 The Council's drainage officer has been consulted on the merits of this application and assessed the submitted Flood Risk Assessment (FRA), Sustainable Drainage Strategy and other supporting submissions. Regarding the flood risk, the drainage officer has recommended the use of a flood management condition to ensure all recommendations within the flood risk assessment are utilised within the development.

- 12.128 The FRA concludes there is a low flood risk on site and this conclusion is not disputed. Regarding the Sustainable Drainage Strategy, the drainage officer has commented that:

'This report states that soakaway tests undertaken on site show that conventional soakaway drainage is unfeasible on site.'

It is proposed that surface water drainage from the development shall be attenuated within a new detention basin before discharging at a controlled rate into an existing culvert located to the southwest of the site.

The drainage strategy has been designed to cater for the 1 in 100-year storm event, plus 30percent allowance for climate change and is based on the drained area's Greenfield 1 in 1-year runoff rate. Rainwater harvesting is also proposed as part of the development, however, the drainage system has been sized to accommodate all surface water from the developed area to account for the harvesting system being full.

The proposed surface water drainage system is considered acceptable in principle. The flood risk and drainage team would advise the applicant that the detailed drainage design should utilise the recently updated climate change allowances.'

- 12.129 It is proposed that the development will manage foul water drainage via its own septic tank and this is considered acceptable in principle by the Drainage Officer.
- 12.130 The Drainage officer concludes their comments by requesting a condition securing the detailed design of the foul and surface water drainage as is standard when the principles are deemed acceptable.
- 12.131 With such a condition in place as recommended by the Council's drainage officer, it can be concluded that the application therefore accords with Policy DP41 of the District Plan.

Sustainability

- 12.132 Policy DP39 (Sustainable Design and Construction) states that:

'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.'*

- 12.133 The applicant has confirmed that *'Royal Botanic Gardens (RGB) Kew has committed within its wider Sustainability Strategy to Reaching Climate Positive across all sites and operations by 2030. RGB Kew is currently developing a site-*

wide energy strategy to identify how to deliver net zero carbon systems across the sites.'

12.134 It is within this corporate context that the application has been submitted. In terms of how that relates to the details of this application, a Sustainability and Energy Statement has been submitted with the application and is available to see in full on the planning file. This sets out various energy reduction measures that would be incorporated into the development that can be summarised as follows:

'A range of passive measures will be implemented to reduce the demand for energy throughout the site. These will include consideration and integration of the following measures:

- *Good levels of natural daylighting where possible within occupied Glasshouses and ancillary areas, both to provide occupants with views to the outside and reduce the demand for artificial lighting internally.*
- *Passive Solar Design - Extensive design has been undertaken to maximise passive solar gains in wintertime where possible. The Glasshouse façades and layout of the buildings have been designed to take advantage of solar gains in wintertime as much as possible within the context and orientation of the site, whilst also minimising excessive solar heat penetration in summertime to the ancillary/offices through design orientation and passive solar shading measures.*
- *A proposal for excellent Fabric Performance of thermal elements and openings, to control heat losses/gains as required for the specific operational areas of each site building.*
- *Increased level of air tightness to achieve a maximum air permeability rate of no worse than 5m³/m²/hr @ 50Pa, an air tightness test will be carried out on completion (For Building Regulations Part L regulated areas)*
- *Natural Ventilation Potential - Optimising natural ventilation opportunity, with the use of actuated natural ventilation openings both in the Glasshouse environments and within ancillary spaces that have window and rooflight provisions. These are proposed to operate in a hybrid strategy of operation, that favours natural ventilation to dissipate the CO₂ and raising temperatures within internal spaces, prior to switching to mechanical ventilation and temperature conditioning. The hybrid proposals shall interlink natural vent actuated systems with the mechanical HVAC systems, to ensure optimum internal space conditioning.*
- *Heat Recovery Technology - Where mechanical ventilation is essential for the operational space, Heat recovery will be implemented from extract air on the ventilation systems, to pre-heat the fresh air supplies serving occupied building areas.*

To build on the passive energy reduction measures above, it will be endeavoured to ensure the energy consumption of the development is as efficient as reasonably possible, employing the use of energy efficient technologies to further reduce the energy demands:

- *Air Source Heat Pump (ASHP) site heating system, centralised dedicated plant compound for high efficiency two stage electric air to water hybrid heat pumps, providing an efficient and low carbon method of supplying heating to meet the internal conditions of Glasshouse environments and the heating needs of ancillary spaces.*
- *Mechanical Cooling Services to meet the operational requirements of specific Glasshouse and operations environments and densely populated ancillary*

spaces, with the use of high efficiency low carbon VRF refrigerant systems. These systems will also promote hybrid operation with interlink to natural ventilation opportunity as described above, wherever feasible and not detrimental to the operation of the particular space.

- *Energy efficient LED internal and external lighting and controls for lighting linked to occupancy and daylight sensors where possible, to ensure spaces maximise the opportunities of natural light.*
- *Provision of robust energy meter strategy and clear user displays to allow the energy consumption to be easily monitored by the site owner.*
- *Energy efficient pumps and fans with variable speed control to allow energy to be saved when demand is less than 100percent.*

12.135 In addition to the low carbon air source heat pump hybrid (air to water) technology and VRF cooling services proposed for efficient heating and cooling of operational areas of the building, renewable technology is to be included in the development proposals in the form of Photovoltaic (PV) panel arrays.'

12.136 A condition will be used to ensure that the development proceeds in accordance with the details contained within the Sustainability and Energy Statement, with additional details of the PV arrays to be submitted. As such the proposal complies with Policy DP39 of the District Plan.

Water Supply

12.137 Policy DP42 of the District Plan states in part that:

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

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

12.138 In response to meeting this policy requirement the applicant has explained:

'Regarding further information on water supply, it is noted that the part of Policy DP42 on the matter is relevant to development proposals 'which increase the demand for off-site service infrastructure...'. Wakehurst's plan for the Conservation Research Nursery is to implement a system of rainwater harvesting, water recycling and storage which will ideally eliminate the glasshouse use of mains water. There is currently significant demand for mains water irrigation across the current Wakehurst Garden including from existing Glasshouses which the new Nursery will replace. However, there are also significant opportunities to enact rainwater harvesting for irrigation across the entire garden. Therefore, Wakehurst's aim is to implement a holistic solution across the entire garden which will lead to a significant reduction in their current mains water use.

Whilst Wakehurst and the design team have a very high level of confidence that they can reduce demand below current levels, even after the Conservation Research Nursery is complete, they need to go through a process of detailed assessment and design before they can confirm this reduction - the completion of this work will come in the detailed design phase (i.e. post planning consent and

once final funding for the scheme is secured to enable the design process to enter the next stage).

Therefore, at this time and for these reasons the applicant and design team are not able to 100percent confirm a reduction in demand. Conversely, notwithstanding the design intentions set out above, even if it were the case that there would be an increase in demand, it would not yet be possible to estimate the potential increase and therefore the team are not yet able to seek advice from the water authority at this stage as to whether the required capacity is available.

Given the above, and the bespoke/unique nature of the development in this particular instance, it does not seem unreasonable in planning terms for this matter to form part of a planning condition. The applicant has confirmed that they would be happy for this to be a pre-commencement condition to ensure that the local authority are fully satisfied before any work can commence.'

- 12.139 In light of this response, and given that the proposals for water supply will tie in with minimising water use across the wider Wakehurst estate it is reasonable to secure further details on water supply through the use of a condition. The application therefore complies with Policy DP42 of the District Plan.

Other Issues

- 12.140 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.
- 12.141 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions to scheme to deal with the risks associated with contamination of the site. A further condition is suggested to legislate for the scenario in which any unexpected contamination is found on site.
- 12.142 The West Sussex Water and Access Officer has requested conditions to secure the provision of fire hydrants for the development.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Ardingly Neighbourhood Plan.
- 13.2 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.
- 13.3 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 13.4 It is considered that the principle of development is acceptable. The proposal will bring economic benefits and support an established venue that is important as a

tourist attraction and as a leader in horticultural research. Furthermore, the Neighbourhood Plan will support development proposals which will enable Wakehurst Place and the Millennium Seed Bank to expand to meet new and changing needs as both a tourist destination and centre of research of international importance, provided that the design is sympathetic to the heritage assets and the important landscape setting.

- 13.5 The detailed design and landscape impact are considered acceptable with a number of detailed elements being secured by condition to ensure the scheme is as sympathetic to its surroundings as possible. Overall the character and appearance of the High Weald Area of Outstanding Natural Beauty will be preserved.
- 13.6 Although the proposal will change the appearance of the site from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light, by being overbearing, noise or light pollution.
- 13.7 It is considered that the site could be satisfactorily drained and that there would be no adverse impact on trees or ecology that would warrant refusal of the application. It is considered that the vehicular access to the site will be satisfactory and that the proposal would not have a severe impact on the local highway network. There is no objection to the scheme based on the impact on the public right of way or the Ashdown Forest. Sustainable measures to be incorporated into the development can be secured via condition. As such these matters are neutral in the planning balance.
- 13.8 The application therefore complies with policies DP12, DP13, DP16, DP17, DP21, DP22, DP26, DP29, DP37, DP38, DP39 DP41 and DP42 of the District Plan, SA38 of the Site Allocations DPD, ARD 1, ARD 2, ARD 8 and ARD20 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.
- 13.9 A key consideration in this case is its impact on heritage assets. The proposed development is within the setting of nearby heritage assets that are affected by this application:
- Wakehurst Place (Grade I listed),
 - Wakehurst Stables (Grade II* listed),
 - Wakehurst Place Park and Gardens (Grade II* listed),
 - Wakehurst Farmhouse (regarded as a non-designated heritage asset), and
 - The farm courtyard directly to the west of the farmhouse (non-designated heritage asset)
- 13.10 It is considered that the development will lead to less than substantial harm of varying degrees on the scale to the heritage assets, both designated and non-designated. This means there is some conflict with Policies DP34 and DP36 of the District Plan and Policy ARD9 of the Neighbourhood Plan. In such cases, and as outlined above, para 202 and 203 of the NPPF are clear on how the local planning authority needs to assess the application:
- '202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 13.11 Therefore, were there to be significant public benefits that outweighed the harm to the designated and non-designated heritage assets, this would be a material planning consideration that could lead to an acceptance of the proposal, despite the harm to the heritage assets.
- 13.12 In this case, the applicant has set out in their submissions that the strategic objective for Wakehurst was to be a 'world-leading botanic garden' and that 'through a physical and philosophical connection to Kew Science, Wakehurst can transcend its niche and shift from local to national, from attraction to exemplar'. Furthermore it is suggested that 'replacing these structures with energy efficient and controllable greenhouses the proposed replacement facility will enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research.' Officers consider that the public benefits to the scientific and horticultural research that would be possible from this development will extend to the national level.
- 13.13 There would also be public benefits arising during the construction phase of the project and from the operational phase from the employment it provides.
- 13.14 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified harm to the heritage assets.
- 13.15 It is therefore recommended that planning permission is granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. Time Limit

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

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

2. Pre-development

No development shall be carried out unless and until plans have been submitted to and approved in writing by the local planning authority of detailed 1:20 section and elevation drawings showing the following elements in context:

- (a) the front gabled entrance bay on the west elevation featuring the corner balcony of Glasshouse 1, and
- (b) the return north elevation of Glasshouse 1 including all windows, doors, bi-folding screen, the roof and solar panels, rainwater pipes and guttering, the façade details and the junction with the fully glazed part of the glasshouse.

The development shall be carried out in accordance with these approved details.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the District Plan and the NPPF.

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external facings of the proposed buildings have been submitted to and approved by the Local Planning Authority. The materials should be based on the High Weald Colour Study, should reflect those used in the local area and be locally sourced where possible. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

4. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths,
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

5. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans using native species, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

6. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, finished floor levels, contours showing earthworks and mounding (where appropriate), details of how soil disturbance and changes to landform have been minimised and how the movement of soil and its treatment during construction is in compliance with Defra's Code of practice for the sustainable use of soils on construction sites, surfacing materials, means of enclosure and other boundary treatments including the replacement wall between the site and the gardens to the south, car parking layouts, other vehicle and pedestrian access and circulations areas, hard surfacing materials, minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features, benches), proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features), retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To achieve a development of visual quality in the AONB, to protect neighbouring residential amenity and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

7. No development shall be carried out, including demolition work, unless and until a programme of detailed measurement and recording of the existing farmstead buildings (G) and (H) has been undertaken with the resulting historic building surveys to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the special interest of the heritage assets and to accord with Policy DP34 of the Mid Sussex District Plan.

8. No development shall be carried out, including demolition work, unless and until a detailed schedule of works, including plans and elevations as appropriate, relating to the remaining historic farmstead buildings including works of demolition and making good has been submitted to and approved in writing by the local planning authority. All buildings to be retained should be left in a structurally sound and weathertight condition.

Reason: In the interests of the special interest of the heritage assets and to accord with Policy DP34 of the Mid Sussex District Plan.

9. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building/area shall be occupied or brought into use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan and the NPPF.

10. Before any works commence on site, details of advance planting to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

11. No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy ARD2 of the Neighbourhood Plan.

12. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working, delivery times, measures to control noise affecting nearby residents, wheel cleaning/chassis cleaning facilities, dust control measures, pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect neighbouring residential amenity and to accord with Policy DP26 of the District Plan.

13. The development hereby permitted shall not commence unless and until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include reference to the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the District Plan.

14. The development hereby permitted shall not commence unless and until a Biodiversity Compensation and Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

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

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

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the District Plan.

15. The development hereby permitted shall not commence unless and until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set

out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the District Plan..

16. 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, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

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

and, unless otherwise agreed in writing by the LPA,

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

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

17. Prior to the commencement of the development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Service Act 2004.

18. No development shall be carried out unless and until a Water Supply Plan has been submitted to and approved in writing by the local planning authority. The Plan shall set out details about how the proposal accords with Policy DP42 of the District Plan in respect of the water supply that will serve the development. The development shall proceed in accordance with the approved details.

Reason: To ensure that there is adequate water supply to serve the development and to accord with Policy DP42 of the District Plan.

19. No development shall be carried out unless and until a Glare Mitigation Plan has been submitted to and approved in writing by the local planning authority. The Plan shall set out details about how the proposal will minimise potential lighting glare adversely affecting neighbouring residential properties and how this will be

managed in the long term. The development shall proceed in accordance with the approved details.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan

20. Construction

Construction work on the site, including the use of plant and machinery, necessary for implementation of this consent shall, unless otherwise agreed in writing, be limited to the following times:

Monday -Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan.

21. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023), Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023) and Ecological Impact Assessment (DeltaSimons, March November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to accord with Policy DP38 of the District Plan.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

23. Pre-Occupation/Use of buildings

No part of the development shall be first occupied until the vehicular turning area has been provided in accordance with the approved plans and such space not thereafter be used other than for the purposes for which it is provided.

Reason: In the interests of protecting users of the public right of way and to accord with Policies DP21 and DP22 of the District Plan.

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

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

25. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging, and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting scheme shall also be designed to protect the intrinsically dark night skies of the High Weald and neighbouring residential amenity.

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 and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species), to protect neighbouring residential amenity and the AONB and to accord with Policies DP16, DP26 and DP38 of the District Plan.

26. 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 under condition 16 has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

27. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) approved under the terms of condition 17 in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

Reason: In the interests of amenity and in accordance with The Fire and Rescue Service Act 2004.

28. The development shall be constructed in accordance with the applicant's Sustainability and Energy Statement (Pick Everard 25/05/2022). No part of the development shall be first occupied unless or until the details of the PV arrays (siting and design) have been submitted to and approved in writing by the local planning authority with the development proceeding only in accordance with these approved details.

Reason: In the interests of sustainability and to accord with Policy DP39 of the District Plan.

29. Post-occupation / management

Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To protect neighbouring residential amenity and to accord with Policy DP26 of the District Plan.

30. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To protect neighbouring residential amenity and to accord with Policy DP26 of the District Plan.

31. Approved Plans

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

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

3. Your attention is drawn to the comments from the West Sussex County Council Public Rights of Way team:

"From the documents provided it seems there is no plan to obstruct or restrict public footpath 3Ar that runs adjacent to the development site therefore we have no objection to the proposals.

Having said that it seems the footpath will be the route of access onto site for vehicles so there are some points to note. It should be clear that public rights take precedent over private rights of vehicular access therefore any vehicular use should give way to public pedestrian users. It is also important to note that any damage done to the footpath surface as part of the exercise of private vehicular rights is the responsibility of those exercising those rights to make good and any works must have a specification and method statement approved by WSCC as Highway Authority.

Finally I should point out that there should be no positive drawings from the proposed development onto the public footpath and if there are proposals that may impact the public footpath these will require WSCC's PROW teams approval before works start."

4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of

sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

MSDC Conservation - Further

Further comments on the above planning application following the receipt of further information and amended plans. Please read these in conjunction with my previous comments on the proposal, repeated below.

To review the impact on each of the affected Heritage Assets in turn:

Wakehurst Place and Stables

A low level of less than substantial harm was identified to Wakehurst Place itself and to the Stables due to the impact on the home farm, and the affect this would have on the current appreciation of the estate group as a whole. Although a rebuttal of this has been included with the applicant's most recent submission, no significant alterations have been made to the form or layout of the development which would alter this conclusion.

Wakehurst Place Park and Gardens

The applicant has submitted further information in relation to the treatment of the boundary between the gardens and the site, including a revised Landscape Masterplan and an additional verified view, to confirm the removal of the existing section of blockwork wall and its replacement with planting and a post and rail fence. In my opinion this confirms the slight positive impact of the proposal on the setting of the Registered Park and Garden.

Wakehurst Farmhouse and farm courtyard

As above, no substantial alterations have been made to the form or layout of the development which would significantly affect the impact on the farmhouse and farm courtyard, which have been identified as NDHAs. Some amendments are proposed to the associated landscaping, including a reduction in area of hardstanding, alterations to the proposed surfacing materials, and increased tree planting. These alterations will have some affect on the character of the development, improving its relationship with the surrounding rural setting. However, I would consider that the proposal will continue to cause less than substantial harm to the NDHAs, at around the mid level of that scale, for the reasons previously identified.

I note that the applicant has provided a draft sketch relating to the potential restoration of the hortus conclusion, which I understand is part of the longer term masterplan for the development of the gardens. Whilst the restoration of this area would potentially constitute a heritage benefit, as this does not form part of the current proposal we cannot attach any weight to this in respect of the consideration of the current application.

Similarly, we have no detail before us in relation to a continuing beneficial use for the retained farm courtyard buildings. The further information submitted suggests that these buildings would be maintained as part of the cyclical maintenance programme of the broader estate, however with no specific proposal in front of us for restoration and use of the

buildings we can afford this little weight in the consideration of the current planning application.

In summary, in heritage terms the further information received confirms a slight positive impact on the registered park and garden, but also confirms a continuing level of less than substantial harm in respect of both Wakehurst Place and Stables, and the NDHAs constituting the former home farmstead.

If, as a result of the balancing exercise identified in paragraphs 202 and 203 of the NPPF, the application is recommended for approval, I would be grateful if you could advise me so that I can suggest some appropriate heritage related conditions.

Suggested conditions

I am assuming that you will be including conditions on materials and detailing as appropriate to the new buildings, and on hard and soft landscaping including materials and new or altered boundary treatments? I would assume that Anna and/or Irene have advised on these but please let me know if you need anything from me. The landscaping condition should include details of the replacement wall between the site and the gardens to the south, where the blockwork wall is currently located.

I would suggest the following conditions in respect of the existing historic farmstead:

- Prior to their demolition a programme of detailed measurement and recording of the existing farmstead buildings (G) and (H) should be undertaken and the resulting historic building surveys submitted to the Council.
- A detailed schedule of works, including plans and elevations as appropriate, relating to the remaining historic farmstead buildings including works of demolition and making good shall be provided to and agreed by the Council. All buildings to be retained should be left in a structurally sound and weathertight condition.

MSDC Conservation - Original

The proposed development site, now known as Havelock Farm, is an area of land to the west and south west of Wakehurst Farmhouse, the former home farmhouse of Wakehurst Place, which is located a short distance to the south east. The land is partly open and partly occupied by a range of buildings including the former farm courtyard to the home farm, as well as modern barn buildings. Immediately to the south is the boundary of Wakehurst Place gardens. A public right of way (PROW) runs east-west a short distance to the north. Due to position of the site on a hilltop above the valley of Ardingly Brook, which curves around Wakehurst to the west and north, there are far reaching view to and from the surrounding countryside.

The current proposal, which follows on from pre-application discussions, is for the demolition of some of the existing farm buildings on the site (with the retention of the earlier buildings forming the farm courtyard) and the construction of a range of greenhouses, support facilities, offices, outdoor growing areas and staff welfare areas, to create a new nursery facility for the various research and horticultural projects being undertaken by Kew Gardens at Wakehurst.

The proposal will potentially affect a number of heritage assets both directly and through impact on their settings. The proposal is accompanied by a comprehensive Heritage Statement.

On the basis of the further information (following on from the pre-application discussions) contained within this Heritage Statement, the heritage assets potentially affected by the proposal are considered to be:

- Wakehurst Place - the Grade I listed 16th century mansion house at the heart of the estate and located a short distance to the south east of Havelock Farm.
- Wakehurst Stables- Grade II* listed 18th century stable block to the north east of the house.
- Wakehurst Place Park and Gardens - Grade II* registered early-mid 19th century plantsman's and collector's garden- the site is directly adjacent to the northern boundary of the registered garden.
- Wakehurst Farmhouse - the former home farmhouse to Wakehurst Place, which is regarded as a non-designated heritage asset. Historical map regression suggests that the building dates from the mid-late 19th century or earlier.
- The farm courtyard directly to the west of the farmhouse- again these buildings appear to date originally from the mid-late 19th century or earlier and although altered will be regarded as NDHAs and as having group value with the farmhouse.

Wakehurst Place and Stables

The site is in fairly close proximity to these Grade I and II* listed buildings, but due to the topography of the site, and intervening screening by planting and built form (including the older buildings within the farm courtyard, which it is now proposed to retain), the development will have limited or no impact on views from the mansion house or stables or their immediate settings. In their comments Historic England identify a degree of indirect harm to these assets due to what they regard as an adverse impact on Wakehurst Farmhouse and its former farm courtyard, and how this will affect the current appreciation of these buildings as the home farm previously supporting the economy and functioning of the wider estate including the mansion and stables. I would agree that the proposal will cause a degree of less than substantial harm to the appreciation of the estate group as a whole, due to the impact on the former home farm, but I would place the level of harm caused to Wakehurst Place itself and to the Stables as at the lower end of this scale, due to the lack of any direct intervisibility.

Wakehurst Place Park and Gardens

Although the site is directly adjacent to the II* registered park and garden, the heavy planting to the northern boundary of the garden will in general limit intervisibility between the two. Glimpsed views will be possible from several positions, and more open views in the location of an existing gateway between the existing modern farmyard to the western end of the site and the gardens. It should be noted however, that the glasshouses proposed have a horticultural character and that in this instance visibility will not therefore necessarily equate to harm, particularly as the glasshouses could be regarded as a further, and highly important, stage in the evolution of the gardens as a part of the horticultural and plant conservation work of Kew, which is in itself a considerable part of the gardens' history and significance. Furthermore, the existing views through the gateway at the western end of the site are of modern Atcost farm buildings which are unattractive and in a poor state of repair. The boundary treatment in this position is an unattractive modern blockwork wall. There is therefore, in my opinion, an overall scope for improvement in the relationship between the site and the registered garden, in particular if a more sympathetic boundary treatment and/or planted screening was proposed at and around the western gateway, details of which could be reserved by condition. In my opinion, subject to this, the proposal will have an overall neutral or slight positive impact on the setting of the registered park and garden.

Wakehurst Farmhouse and farm courtyard

The current has been amended following pre-application discussion and now proposes the retention of the farm courtyard to the west of Wakehurst Farmhouse which it was originally proposed to demolish. Although these buildings have been altered and are not currently in a good state of repair they do date from the mid-late 19th century or earlier and will be regarded as NDHAs having group value with Wakehurst Farmhouse (also considered a NDHA) as part of the former home farm. The home farm also contributes positively to an understanding of the former functioning of the Wakehurst Estate as a whole, including the designate assets described above.

The existing rural setting of the former home farm, and the direct views it retains over the surrounding open countryside, make a strong positive contribution to the special interests of the NDHAs which constitute the farmstead.

The site as existing is partly developed with modern, functional farm buildings, which although unattractive do have an agricultural character. The current proposal envisages the demolition of these modern buildings, with the retention of the more traditional farm courtyard directly to the west of the farmhouse, and the construction to the west and northwest of the farmstead of a range of greenhouses, polytunnels, shade structures and associated plant buildings, stand out areas, and hard and soft landscaping including an access road running along the western side of the site from the existing track to the north (which also represents the line of the PROW mentioned above).

Historic England have raised concerns regarding the impact of the proposed works on the setting of the farmstead, including the manner in which the development encircles the western and north west sides of the farm courtyard, and the impact on views from the PROW. I would agree that the proposal will have a significant impact on the character of the settings of the farmhouse and farm buildings, and will tend to sever existing views between these buildings and the wider countryside beyond. Given the existing rather mixed quality of the agricultural buildings to the west of the farmhouse, the proposed screening/soft landscaping around the new buildings, and the character of the land adjacent to the PROW to the east of Wakehurst Farmhouse (which includes the existing Millennium Seedbank building and various existing 'back of house' buildings associated with the gardens), I would place the degree of harm caused at less than substantial, at the mid level of that scale.

I would echo Historic England's comments that it is somewhat unfortunate that the proposal does not include fully worked up plans for the preservation and re-use of the retained farm courtyard buildings and/or the restoration of the walled garden ('hortus conclusus') which are understood to be part of the longer term masterplan for the development of Wakehurst, as these would represent potentially significant heritage benefits which could, if forming part of the scheme, been weighed against the less than substantial harms identified above, in addition to the potential slight positive impact identified in respect of the registered gardens.

Where less than substantial harm is identified in respect of a designated heritage asset, paragraph 202 of the NPPF will apply. In respect of the NDHAs, paragraph 203 will apply, which states that: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' In this instance I would suggest, as above, a mid level of less than substantial harm will be caused to NDHAs of a moderate level of significance within the local context.

MSDC Urban Designer - Further

The site's position on a west facing slope makes it prominent from the surrounding High Weald AONB and the adjacent public right of way (especially when approached from the west).

While there are existing structures on the site which this proposal will replace, they occupy a much smaller part of the site than the current proposal, and because they are old agricultural buildings they sit more naturally within the landscape. To the east of the site, there are also existing large structures such as the Seed Bank and the existing glasshouses that serve it, however, these also do not impose unduly upon the landscape because they are mostly well screened by existing tree belts/mature hedgerows.

The commercial scale of this proposal risks having a significant urbanising effect upon the landscape. This is not only because of the size of the proposed glasshouses but also the potential glare from the large amount of exposed glass on sunny days, while at night-time a substantial array of artificial light could be revealed.

Nevertheless, significant improvements have been made since the pre app stage:

- The buildings/glasshouses have been rotated 90 degrees allowing the more prominent west elevations to be broken up/articulated into a series of gabled bays, rather than exposing long uninterrupted glass walls. This reorientation benefits from southward facing roof pitches that will optimise the performance of the solar PV's and the arrangement will also be more in harmony with the radiating form of the layout. In addition, the gaps between the buildings have been marginally increased and they incorporate more soft landscaping.
- Tree and shrub planting is proposed in the buffer zone adjacent to the western boundary which should soften and screen the development when viewed from the High Weald to the west including the PRow. In their recent email (dated 16/1/23) the applicant has agreed to further amend their drawings with trees grouped in a series of bosques so they respond to the existing landscape with a soft boundary that features shrubs in between the bosque of trees and the adjacent attenuation basins redesigned to enable this to be achieved. They have also confirmed that no security fence will be needed and that a timber post and rail should be adequate. This will need to be delivered through the landscape condition. The service road has also been narrowed and will have less impact as it now features resin bound gravel that will also be used on all the hard surfacing within the site.

I agree with the DRP that the buildings benefit from a much-improved bespoke design but will need to be secured through the submission of detailed drawings (please note the DRP have advised that they would like to be consulted on these details).

Overall Assessment

The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan, I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale elevation and section drawings (shown in context) of, (a) the front gabled entrance bay on the west elevation featuring the corner balcony of Glasshouse 1 and

(b) the return north elevation of Glasshouse 1 including all windows, doors, bi-folding screen, the roof and solar panels, rainwater pipes and guttering, the façade details and the junction with the fully glazed part of the glasshouse.

- Hard and soft landscaping details including boundary treatments.
- Details of the facing materials.

MSDC Urban Designer - Original

I agree with all of the DRP's comments. I think it is also important that our landscape consultant assesses the scheme as its position on a west facing slope makes it prominent from the surrounding High Weald AONB and the adjacent public right of way when approached from the west (while there are existing structures on the site which this proposal will replace, they occupy a much smaller part of the site than the current proposal, and because they are agricultural buildings of some age they have a more natural relationship with the landscape).

On the plus side, the red line boundary has been extended since the pre app to provide a landscaped buffer on the west side and an attenuation pond. However, I feel that denser tree planting on this west boundary would be beneficial in lessening the urbanising effect of the development upon the AONB especially as the service road is still located on this side, and as glasshouse 2+3 still have their glazed facades facing this way. I am also not convinced that enough space has been allocated for trees along this boundary given the size of the attenuation basins.

The revised elevations are an improvement, but as the DRP have advised more detail would be helpful to secure its quality, including detail of the interface between the solid and glazed facades.

MSDC Design Review Panel

The Panel's Comments

The panel agreed this was a well-presented proposal that had positively addressed most of the previous panel's comments and, overall, it is now a good scheme. There were nevertheless a number of issues which still need addressing:

The photomontages show a low fence on the western boundary suggesting an open arrangement with the wider countryside. It was questioned whether this would provide the site with adequate security, if a high fence and security gate were required this would significantly change its appearance and relationship with the surrounds. It also raises the question of how this edge will be suitably softened.

The service road is still an unfortunate urbanising feature on the west boundary which needs addressing. Locating the road behind/east of the glasshouses would free up this boundary for soft landscaping around the ponds. If the level differences prohibit this, then drop off options could be considered, for instance, HGV's could be limited to the existing car park with the deliveries to the glasshouses served by trolley runs.

If these options are unworkable a different/softer surface material (eg. grasscrete or a modern equivalent) should at least be employed as the infrequent deliveries (every fortnight) should not necessitate tarmac. The width of the road could also be significantly reduced as it only needs to be a single-track width (ie. it could be halved).

The scheme also needs to demonstrate how it has been informed by the High Weald AONB objectives (in addition to the colour chart) and how this is reflected in the management plan. For instance, historic field boundaries could be re-established.

The cut and fill requirements were difficult to judge from the presentation and there was still some concern about the implications. Further information is needed to show how this can be achieved sympathetically.

The Energy Statement could be more comprehensive. For instance, there is an opportunity to re-use the heat from the glasshouses in the habitable spaces. A life cycle strategy for the re-use of the building could also be considered. The air source heat pump plant room appears to be too far from glasshouse 3 to efficiently serve it.

The solid fronted part of the buildings benefit from a much-improved bespoke design. However, the quality of the architecture will be dependent on the detailing. Detailed elevations and sections will therefore need to be submitted showing junctions and juxtaposition of materials either as part of the application or required through condition, and the panel would like to be consulted on this. The bi-folding screens are an interesting feature that should help provide shade, however the ones serving the balconies/outdoor rooms look impractically large and are less necessary as the inset balconies should provide adequate shading. There was also a concern about the gutter detail.

The application would benefit from the inclusion of a masterplan that would provide necessary context that shows the intention for the retained buildings and the re-establishment of the walled garden (the applicant explained it was intended that they would be part of a learning and wellbeing programme with the garden returned to its original use and publicly accessible).

Overall Assessment

The panel support the application proposal subject to changes that address the above issues.

MSDC Ecological Consultant - Further

Summary

We have reviewed the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023), Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023), Biodiversity Net Gain Defra Metric 3.1 (Delta Simmons November 22), Ecological Impact Assessment (DeltaSimons, March November 2022) and Preliminary Ecological Appraisal (DeltaSimons, November 2021), supplied by the applicant, relating to the likely impacts of development on protected and Priority species and habitats, and identification of proportionate mitigation.

We support the implementation of the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023) which have now been submitted to the LPA and agree that no further information is required for bats or Hazel Dormice (both European Protected Species).

We also agree that the negative eDNA results suggest that Great Crested Newt are likely absent from the site and therefore no further surveys are required (Ecological Impact Assessment (DeltaSimons, November 2022)).

We are now satisfied that there is sufficient ecological information available for determination.

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

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023) and Ecological Impact Assessment (DeltaSimons, November 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to beneficial use.

The proposed habitats, including the replacement Lowland Mixed Deciduous Woodland (Priority Habitat), creation of native species-rich hedgerows, neutral grassland and detention basin and reservoir, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver net gain for biodiversity. This LEMP should be secured by a condition of any consent and implemented in full.

We welcome the 9.96percent increase in habitat units, although we note that the Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023) and the Biodiversity Net Gain Defra Metric 3.1 Ecological Impact Assessment (DeltaSimons, November 2022) indicate that the trading rules have not been met as there is a 100percent loss of river units due to the removal of a ditch. We support the recommendation that either the wet ditches on site should be retained or a new wet ditch should be incorporated into the final design (Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023)). We expect compensation to be provided before any BNG is calculated.

We note that our concerns regarding compensation for the loss of Lowland Mixed Deciduous Woodland (Priority Habitat) have not yet been addressed. The Biodiversity Net Gain Defra Metric 3.1 (Delta Simmons November 22) indicates a loss of 0.38 units of this habitat. As in our response dated 20 March 2023, proportionate compensation for the loss of this habitat will be required and evidenced using Defra Metric calculations to ensure it is sufficient and its delivery can be secured, if necessary by a legal agreement. We recommend this is included in the Biodiversity Compensation and Enhancement Strategy.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)). 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 will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- 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.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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.

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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

'All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023), Biodiversity Net Gain Assessment (Surrey Wildlife Trust, March 2023) and Ecological Impact Assessment (DeltaSimons, March November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.'

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

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

'A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method

statements). This should include reference to the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority'

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

3. PRIOR TO BENEFICIAL USE: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY

'A Biodiversity Compensation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority.

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

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

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

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

4. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

'A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.'

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

5. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

'A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging, and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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 and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

MSDC Ecological Consultant - Original

Summary

We have reviewed the Preliminary Ecological Appraisal (DeltaSimons, November 2022) and the Ecological Impact Assessment (DeltaSimons, November 2022), supplied by the applicant, relating to the likely impacts of development on protected and Priority species and habitats, and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination.

Bats (European Protected Species)

We note that the Ecological Impact Assessment (DeltaSimons, November 2022) concluded that a European Protected Species Mitigation Licence (EPSML) or a Bat Mitigation Class licence will be required. This is because an occasional or transitional roost for a single Long-eared bat was recorded in Building 2.

If the applicant intends to apply for an EPSML, details of the mitigation measures must be submitted to the LPA prior to determination. If the applicant intends to apply for a Bat Mitigation Class Licence, a method statement will be required prior to determination and, post consent, the site would need to be registered under a Bat Mitigation Class Licence for Bats. For both types of licence, details of the mitigation measures to be included in the

method statement under the licence are needed prior to determination so that the LPA has certainty of likely impacts on protected species.

Hazel Dormouse (European Protected Species)

We note from the Ecological Impact Assessment (DeltaSimons, November 2022) that Hazel Dormouse may be present on site, although no individuals were recorded during survey. We agree that sufficient survey effort has been provided and completed by a licenced ecologist in line with best practice methodology (Dormouse Handbook, Bright et al. 2006). Therefore, although dormice are still likely to be present, a European Protected Species Mitigation Licence cannot be secured as up to date survey effort has ruled a likely absence.

We therefore recommend that a Hazel Dormouse mitigation strategy should be submitted to the LPA, containing details of the non-licensed method statement as well as compensation measures for the loss of scrub habitat suitable for Hazel Dormouse. The Hazel Dormouse mitigation strategy needs to be submitted to the LPA prior to determination so that the LPA has certainty of likely impacts on protected species and its implementation can be secured by a condition of any consent.

The mitigation measures for bats and the Hazel Dormouse Mitigation Strategy are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' If there is a reasonable likelihood of protected species being present and affected by the development, any necessary measures to protect the species should be identified before the permission is granted.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

Deciduous Woodland Priority habitat

In addition, as all the habitats on site will be lost and the woodland has been listed as a Priority habitat (Lowland Mixed Deciduous Woodland) (Ecological Impact Assessment (DeltaSimons, November 2022)), proportionate compensation for the loss of this habitat will be required and evidenced using Defra Metric calculations to ensure it is sufficient and its delivery can be secured, if necessary by a legal agreement.

MSDC Landscape Consultant - Further

The applicant has provided revised drawings and a supporting report in response to our previous comments. Though we are satisfied with the amended layout, if minded for approval, we would recommend a number of conditions are considered.

Context

As part of this re-consultation, we have reviewed the following documents:

- Design and Access Statement
- Response to Technical Consultees Comments Report
- Amended Landscape General Arrangement Plan
- Amended Illustrative Landscape Masterplan

The site and surrounding area lie within the High Weald AONB. The application site is located within the Royal Botanic Gardens Kew Wakehurst, which is located in the Ardingly Parish, just to the north of the village. The site lies on the west side of the B2028, 1.5km north of Ardingly village and 3.5km south of Turners Hill.

Local Planning Policy

The development plan consists of the Mid Sussex District Plan (adopted 2018) and the Ardingly Neighbourhood Plan 2013 - 2031 (adopted 2014). The site is also allocated as part of the MSDC Site Allocations DPD - Main Modifications 2021 under allocation SA25. Details of policies can be found in our previous response dated 19/08/2022.

Review of submitted information

As previous, a supporting LVA that is carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) would have been welcomed. That said, the applicant's response to our other comments is appreciated. For example, we questioned the western edge boundary treatment and the applicant confirmed that a low-lying post and rail fence will be adequate, which is supported.

We also previously raised concerns regarding the orientation of the plots and the service road and 'back of house', which sits on the western edge. We welcome the amendments that have been made to the service road width and surface treatment and appreciate the additional commentary that has been provided regarding traffic and deliveries. On this basis of these revised drawings, we are satisfied with the chosen layout.

Recommendations

If minded for approval, the follow landscape matters should be addressed as part of the design development. These include:

The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within the open space and wider landscape setting. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland.

Concurrent with this application or as part of a planning condition, the following information should be provided:

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.
No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within

five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME.

No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate), surfacing materials, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulations areas, hard surfacing materials, minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features), proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features), retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: ADVANCED PLANTING.

Before any works commence on site, details of advance planting to the western boundary shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

5. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT

Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

MSDC Landscape Consultant - Original

The application site is part of the Royal Botanic Gardens Kew Wakehurst, which is located within the High Weald Area of Outstanding Natural Beauty (AONB). The application has been supported by a range of documents and plans that have provided us with a great understanding of how the site will be perceived within the wider landscape. That said, there is a limited assessment of landscape character and visual amenity, which would have been preferable. Generally, we have no concerns regarding the principle of development within this location, however, there are a number of design and layout recommendations that we believe should be considered prior to determination to ensure compliance with policy.

Site Context

As part of this consultation, we have reviewed the following documents:

- Planning Statement
- Design and Access Statement
- Landscape Masterplan
- Visual Impact Study
- Arboricultural Impact Assessment
- External Light Strategy
- Proposed elevations and sections

The site and surrounding area lie within the High Weald AONB. The application site is located within the Royal Botanic Gardens Kew Wakehurst, which is located in the Ardingly Parish, just to the north of the village. The site lies on the west side of the B2028, 1.5km north of Ardingly village and 3.5km south of Turners Hill.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government (MHCLG) and last updated in July 2021. The NPPF includes for the conservation and enhancement of the natural environment by protecting and enhancing 'valued landscapes' and sites of biodiversity or geological value / soils. Recognise the intrinsic character and beauty of the countryside, and the wider benefits of natural capital and other ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Local Planning Policy

The development plan consists of the Mid Sussex District Plan (adopted 2018) and the Ardingly Neighbourhood Plan 2013 - 2031 (adopted 2014). The site is also allocated as part of the MSDC Site Allocations DPD - Main Modifications 2021 under allocation SA25.

Mid Sussex District Plan (MSDP)

As the site is located within the AONB, the application must have consideration for Policy DP16: High Weald Area of Outstanding Natural Beauty, which states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular,

- the identified landscape features or components of natural beauty and to their setting,
- the traditional interaction of people with nature, and appropriate land management,

- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB, and
- the conservation of wildlife and cultural heritage.'

Other policies of considered relevance include Policy DP12: Protection and Enhancement of Countryside and Policy DP37: Trees, Woodland and Hedgerows, and Policy DP38: Biodiversity.

Ardingly Neighbourhood Plan

Though there are no landscape specific policies within the Neighbourhood Plan, however the application should have consideration for Policy ARD 2: A Spatial Plan for the Parish, which states:

'The Neighbourhood Plan directs future housing, economic and community-related development within the parish to within the revised built -up area boundary shown on the Proposals Map of Ardingly village, to build and bolster its role as a resilient Parish community.

Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.'

Other policies of relevance include Policy ARD 8: Biodiversity.

The High Weald AONB

The AONB Management Plan covers the period 2019-2024. The Management Plan includes a commitment from the Joint Advisory Committee partners (including the Local Planning Authorities) that is used as a 'checklist' against which to assess the impact of policies and other activities on AONB purpose to fulfil the requirements of the Countryside and Rights of Way Act 2000, s85.

Key objectives include [but are not limited to]:

- S1 - To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- S3 - To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

Review of submitted information

The documentation is comprehensive and includes a number of sections and plans that are useful in interpreting the site, its topography and impacts on the surrounding landscape. The application has not been supported by a Landscape and Visual Appraisal (LVA) per se. but there is a Visual Impact Study included that provides photomontages from viewpoints within the surrounding landscape.

Preferably, the application would have been supported by a LVA that is carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA). That said, we

have assessed the impacts on landscape character and visual amenity based on professional judgement in the next section of this report.

Landscape character

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities and Local Government (MHCLG) and last updated in July 2021, which states that planning policies and decisions should contribute to the natural environment by: 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services'. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

As well as the AONB designation, the landscape baseline of the site includes the National Character Area (NCA) as defined by Natural England, the West Sussex Landscape Character (2003) Assessment, Strategy for the West Sussex Landscape (2005), The Sussex Historic Landscape Characterisation (2010), A Landscape Character Assessment for Mid Sussex (2005) and Ardingly Character Assessment (2012). Within these documents, the site and surrounding landscape is designated as different Landscape Character Areas (LCAs) or Landscape Character Types (LCTs). The application submission has failed to provide any reference to these documents, which could have helped inform the landscape design, by identifying characteristics or sensitivities within the local area. For example, within 'A Landscape Character Assessment for Mid Sussex' (2005) the site falls within the High Weald LCA. This landscape is a wooded, confined rural landscape of intimacy and complexity, which provides pockets of rich biodiversity concentrated in the valleys, heathland, and woodland. The LCA guidelines for management have a strong emphasis on woodland creation and regeneration and reinforcing existing, distinctive landscape patterns. On this basis, an increase in tree planting on site boundaries would not be unwelcomed.

Nonetheless, though the site and the surrounding landscape is designated at the national level (AONB), we would judge that the overall 'significance' of effect on the site and its immediate context as a landscape receptor would not be deemed significant and unlikely to be a determining issue.

Visual Amenity

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The site has areas of significant slope, sloping downwards towards the Ardingly Valley away from the Wakehurst Mansion and Farmstead meaning the site and any built form will be visibly prominent from the east, specifically Paddockhurst Lane and PRow Ar3.

The Visual Impact Study has provided photomontages within the surrounding area that are likely to have visibility of the Proposed Development. This includes Paddockhurst Lane and PRow Ar3, but predominately the viewpoints are located within the Kew Wakehurst site. Though these photomontages are very useful in depicting the layout, colours and tones of the proposed development. The photography was taken in summer when deciduous trees are in full leaf. Preference is always to have winter photography to represent the 'worst case scenario' and to enable the reader to fully understand the potential visual impacts the proposed development could have.

Furthermore, though the study has provided photomontages, there is no visual assessment of potential impacts. We have judged that on completion of the development there would be

some adverse visual effects, though these would not be deemed significant/substantial and therefore would not alter the overall stance on the principle of the proposed development. Given the sloping nature of the site the building mass has been broken up and only one glass house is two storeys, views through the site would be still obtainable, which is welcomed. We do however have concerns regarding the orientation of the plots and the service road and 'back of house', which sits on the western edge as these areas can often become cluttered with vehicles, stock and other paraphernalia that will increase the magnitude of change.

Recommendations

If minded for approval, the follow landscape matters should be addressed as part of the design development. These include:

- The photomontages show a low fence on the western boundary, which is supported. However, given the nature of the site, we question whether this would provide sufficient security. If a high wire / timber fencing was proposed, this would significantly change the appearance of the site and in turn increase the level of adverse visual and landscape impacts. We therefore seek clarification on the details of this boundary treatment.
- The service road is an urbanising feature on the west boundary which needs addressing. Locating the road behind/east of the glasshouses would free up this boundary for additional tree planting (akin to LCA Management Guidelines), whilst keeping the area free from additional paraphernalia and similar.
- A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, though the use of naturalised trees and shrubs, which are not necessarily native but are the correct tree for site conditions and would add landscape and arboricultural value could be used where appropriate and justified.
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the High Weald AONB landscape.
- The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within the open space and wider landscape setting. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland.

Concurrent with any future proposal or as part of a planning condition, the following information should also be provided:

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.
No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning

Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME.

No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate), surfacing materials, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulations areas, hard surfacing materials, minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features), proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features), retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: ADVANCED PLANTING.

Before any works commence on site, details of advance planting to the western boundary shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

5. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT

Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

MSDC Trees

I note the submission of tree report etc .

Five trees will be removed, including two apples, a eucalyptus and a dead oak, all C and U category

No objection is raised to the loss of these trees, as, ultimately, there will be great benefits with this proposal in terms of plant life, conservation and education.

I am happy for full details to be conditioned.

MSDC Drainage

FLOOD RISK

The application is supported by a flood risk assessment (Pick Everard, MC/EBE/201453/17-2/R002, Issue 01, 25/08/2021). The report includes an assessment of flood risk from all sources and has concluded flood risk on site is low.

SEWERS ON SITE

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

SURFACE WATER DRAINAGE

The application is supported by a sustainable drainage strategy (Pick Everard, Issue 01, 25/05/2022). This report states that soakaway tests undertaken on site show that conventional soakaway drainage is unfeasible on site.

It is proposed that surface water drainage from the development shall be attenuated within a new detention basin before discharging at a controlled rate into an existing culvert located to the southwest of the site.

The drainage strategy has been designed to cater for the 1 in 100-year storm event, plus 30percent allowance for climate change and is based on the drained area's Greenfield 1 in 1-year runoff rate. Rainwater harvesting is also proposed as part of the development, however, the drainage system has been sized to accommodate all surface water from the developed area to account for the harvesting system being full.

The proposed surface water drainage system is considered acceptable in principle. The flood risk and drainage team would advise the applicant that the detailed drainage design should utilise the recently updated climate change allowances.

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

FOUL WATER DRAINAGE

It is proposed that the development will utilise its own separate septic tank to manage foul water drainage. This is considered acceptable in principle.

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

CONDITION RECOMMENDATION

FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building/area shall be occupied or brought into use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

MSDC Environmental Protection

Comments: I have read the acoustic report by SRL, dated 16th November 2021, Report number 80316-SRL-RP-YA-001-S2-P1.

SRL have taken background readings and recommended the maximum noise rating levels for combined plant noise based on these. Normally plant would be required to 5dB below the representative background level (L90), at the nearest noise sensitive receptor. However the background is so low at night, that SRL have suggested a rating level of 30dB be achieved, which is 2dB above the existing background.

Given the noise levels in homes, and the sound reduction that will be provided by an open window, this proposal is agreed, and conditions are suggested to ensure the levels recommended are achieved.

I have viewed the external lighting plot by Pick Everard, ref: ROY007- PEV-XX-XX-DR-E-0011, dated 25/05/2020, which gives the horizontal lux plot from the proposed lighting,

The document shows that the proposed lighting system will not impact on residents. I would therefore suggest that the design is conditioned.

I have read the draft construction management plan by Pick Everard, issue number 1, dated May 2022. I agree with the times proposed, with communications with neighbours, and with the proposal for minimising nuisance. However, I am aware that this is draft plan, and that the contractors who will carry out the work have not been selected yet. As such, I would condition that further plan is submitted by the contractors, once they have been chosen, confirming how they will operate.

1. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

2. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise

sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

3. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working, measures to control noise affecting nearby residents, wheel cleaning/chassis cleaning facilities, dust control measures, pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

4. The lighting system shall be installed in line with the proposed lighting plans contained within the lighting plot by Pick Everard, ref: ROY007- PEV-XX-XX-DR-E-0011, dated 25/05/2020, unless otherwise agreed in writing with the LPA.

MSDC Land Contamination:

I have read the ground investigation report perfect circle, MC/EBE/210453/17-2 R002 - Issue Number 02, dated 30th May 2022.

In terms of soil contamination, the reports show that testing found no exceedances Pick Everard Tier 1 Soil Screening Values (TSVs), adopted from the Suitable 4 Use Levels (S4ULs) published by the LQM/CIEH. It is noted that a single sample found Asbestos (chrysotile fibres), at TP01, 1m below ground level. Subsequent quantification testing identified the concentration was below 0.001percent. I agree with the author of the report, that given the single detection, at low quantification, and 0.1m below ground level, the risk to future site users is low.

A single ground gas monitoring visit has been carried out at this stage. Further gas monitoring will be required before it can be confirmed what level of gas protection is required, if any, and this will need to be conditioned. Currently however, it does appear from the monitoring to date that the site would be classified as Characteristic Situation 1 (very low risk) in accordance with BS8485.

As such, I would recommend a phased condition. If further gas testing shows that the site is very low risk, then the entire condition can be approved at that stage.

I would also suggest that a discovery condition is attached, in case any contamination is found during the ground works.

Recommendation: Approve 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, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

WSCC Highways

This proposal is for the demolition of existing agricultural buildings and development of the site to provide four glasshouses for conservation and research, with associated works. The site is located on Selsfield Road, a B-classified road (B2028) subject to national speed limit in this location. This application is supported by a Transport Statement prepared by LUC.

No alterations are proposed to the existing vehicular access arrangements. From inspection of local mapping, there are no apparent visibility issues with the existing points of access on to the B2028. Vehicular parking and turning arrangements will remain as existing.

The Transport Statement states that the proposed glasshouses will be replacing existing buildings for use as a scientific facility within the background of the wider site. Given the proposed use, the proposed development is not anticipated to result in an increase in visitors to the site, but rather a small increase in movements associated with the hiring of ten new members of staff. Considering this, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing accesses are operating unsafely, or that the proposed development would exacerbate an existing safety concern.

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

Further comments:

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 05/07/2022, raising no objections. The applicant has submitted amended plans and further supporting information - as such, the LHA has been re-consulted.

From inspection of the amended plans, the proposed changes appear minor and do not significantly affect the LHAs previous comments, which remains valid. The LPA are advised to refer to the LHAs previous consultation response, dated 05/07/2022, for relevant comments.

WSCC Rights of Way

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

From the documents provided it seems there is no plan to obstruct or restrict public footpath 3Ar that runs adjacent to the development site therefore we have no objection to the proposals.

Having said that it seems the footpath will be the route of access onto site for vehicles so there are some points to note. It should be clear that public rights take precedent over private rights of vehicular access therefore any vehicular use should give way to public pedestrian users. It is also important to note that any damage done to the footpath surface as part of the exercise of private vehicular rights is the responsibility of those exercising those rights to make good and any works must have a specification and method statement approved by WSCC as Highway Authority.

Finally I should point out that there should be no positive drawings from the proposed development onto the public footpath and if there are proposals that may impact the public footpath these will require WSCC's PROW teams approval before works start.

(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

WSCC Water and Access

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

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

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

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

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

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

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

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

Historic England

Introduction

Thank you for your letter of 5 July 2022 regarding the above application for planning permission. The proposed development site, known as Havelock Farm, is an historic farmstead that was originally the Home Farm to Wakehurst Place Estate. It is located on an area of land to the north west of Wakehurst Place Mansion (a grade I listed building) and on the edge of the boundary of the Wakehurst Place Registered Park and Garden (grade II*).

Our advice primarily focuses on our statutory remit relating to impacts of the proposal on the grade I listed Mansion House, grade II* stables, the grade II* Registered Park and Garden. However, we also focus on Havelock Farm which has an historic relationship with these assets and where we consider there is the potential for the greatest level harm to a heritage asset. Your Council will need to consider impacts on grade II listed buildings and other undesignated heritage assets.

Historic England attended a site visit with representatives of Wakehurst Place and members of its Design Team on 30th June 2022. Our advice following this visit is set out below.

Summary

The proposed development site is Havelock Farm, an historic farmstead that was originally the Home Farm to the Wakehurst Place Estate. The farmstead is important as it helps to illustrate how country estates associated with significant houses historically functioned and, along with other features such as walled kitchen gardens, were essential to the maintenance of the estate economy. It is classed as a non-designated heritage asset.

Historic England appreciates that the new state of the art glasshouses are needed to enable Royal Botanic Gardens (RBG) Kew realise its vision for Wakehurst to become a 'world-leading botanic garden. However, while we do not object to the principle of some new development at this site, we consider that the proposed layout and arrangement of development will cause a high level of harm to Havelock Farm as the farmstead will become completely encircled by large scale development. This will result in the farmstead's functional and visual relationships with the landscape no longer being able to be appreciated as well as to its understanding as an historic farmstead and the former Home Farm to Wakehurst Place.

The proposal will also cause some low-level harm to the significance of the Mansion House, Stables and to the Park and Garden. This is because it will interfere with the understanding of the historic and functional relationships between these heritage assets and Havelock Farm. These relationships illustrate how the Wakehurst Estate developed over the centuries and how it functioned.

We consider that there is further scope for avoiding or minimising that harm, as required by paragraph 195 of the NPPF. This could be achieved by re-arranging the layout so that the glasshouses and polytunnels do not so completely encircle the farmstead and instead more closely align with the strong axial layout of farm buildings that has historically existed at this site. We urge your Authority to explore with the applicant whether improvements to the scheme from a heritage perspective can be achieved.

Historic England Advice

Significance of Wakehurst Place Mansion, Stables, Registered Park and Garden and Havelock Farm

Wakehurst Place (listed grade I) is a fine, multi phased, three-storey, E-shaped house built of sandstone ashlar with a Horsham slab roof. It originated as an Elizabethan gentry house originally built between 1571 and 1590 for Sir Edward Culpeper on the site of an earlier manor house. Further alterations were carried out over the centuries when the fortunes of the estate improved. In 1869, Caroline Frances, the Dowager Marchioness of Downshire embarked on a large programme of works primarily to the Mansion and Stables but which also included the creation of the Walled Gardens and Havelock Farm.

To the north-east of the house is the two-storey, ashlar stable block (listed grade II*), with an octagonal bell turret and cupola. Both the house and stable range form the centre piece of the highly popular visitor attraction Wakehurst Place Park and Gardens managed by the National Trust and RBG Kew.

The Park and Garden is registered at grade II* comprising some 12 hectares of parkland, 9 hectares of ornamental gardens and 20 hectares of mixed native and ornamental woodland. The significance of the Park and Garden is as an example of an early to mid 20th century plantsman's and collector's garden laid out by Gerald Loder, which has subsequently been enlarged and developed since 1965 as part of the Living Collections of the Royal Botanic Gardens, Kew. The involvement of RBG Kew has developed another layer of significance to

the Park and Garden as a nationally important botanical garden and centre of excellence for research and plant conservation.

Havelock Farm comprises a principal farmhouse and a series of traditional and modern farm buildings. The significance of Havelock Farm lies in the extant historic farmhouse and farm buildings which illustrate a regular courtyard type of historic Wealden farmstead. It is also of significance as the Home Farm to Wakehurst Place, serving as the estate 'engine' during the nineteenth century and illustrating how country estates of this status developed and operated.

The historic and current layout of the farmstead is along a strong axial alignment in the southern half of the site. None of the main farm buildings are positioned forward of the Farmhouse, indicating its primary importance within the farmstead group.

The Proposal and its impact

The scheme proposes to retain the farmhouse and historic farm buildings at Havelock Farm and demolish the more modern agricultural buildings. A Conservation and Research Nursery would be created at the farmstead consisting of four very large span glasshouses, polytunnels as well as a series of support spaces for logistics and deliveries, potting, outdoor growing spaces, support offices and staff welfare facilities.

While the glasshouses will not unduly interfere with views to and from the Mansion House, Stables and Registered Park and Garden, they will, as a result of their scale, form and layout, cause a high level of harm to the significance of Havelock Farm.

In our view, it is the proposed siting of the glasshouses further forward of the Farmhouse and farm buildings that causes the most harm as these will encircle the whole farmstead and blocks views of it from the adjacent public footpath. This will interfere with an appreciation of the farmstead's visual and functional relationship with surrounding landscape and its understanding as an historic farmstead and Home Farm to Wakehurst Place.

The proposal will also cause some low-level harm to the significance of the Mansion House and to the Park and Garden as it will interfere with the understanding of the historic and functional relationships between these heritage assets and Havelock Farm.

Policies and Guidance

Historic England is guided by the National Planning Policy Framework (NPPF) in consideration of proposals that have the potential to affect the significance of heritage assets.

It explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (Para. 199). Any harm to, or loss of, the significance of a designated heritage asset be avoided or minimised (Para. 195). The harm which remains should be then be clearly and convincingly justified, and then be weighed against the public benefits associated with the proposal (Paras. 200, 202).

As Havelock Farm is a non-designated heritage asset, the impact of the proposal on its significance of this will also need to be taken into account, as required by paragraph 203 of the NPPF.

We have produced Good Practice Advice Note 3 'The Setting of Heritage Assets', which provides a framework to help assess the impacts of development within the setting of heritage assets. It defines setting as 'the surroundings in which an asset is experienced'. This explains that impacts on heritage significance might result from changes to, among other things, visual and historic relationships, noise and activity.

We have also prepared a series of guidance documents relating to Traditional Farmsteads that includes: Farmstead Assessment Framework, Historic Farmsteads: Preliminary Character Statement - South East region, South East Farmsteads Character Statement and Adapting Traditional Buildings - Best Practice Guidelines for Adaptive Reuse. These documents can be used to assess the character and significance of Havelock Farm, its relationship to the wider landscape setting and its sensitivity to and capacity for change. These documents can therefore be used to inform the layout of the proposed new development to help reduce the level of harm caused.

Position

Historic England wishes to work with RBG Kew to help it achieve its vision for Wakehurst to become a 'world-leading botanic garden'. We appreciate that the new state of the art glasshouses are needed to realise this vision and to build on the current research and conservation successes created by the Millennium Seedbank.

However, the glasshouses, by virtue of their scale, form and layout within the farmstead will cause a high level of harm to the significance of Havelock Farm. This farm has an important historic relationship with the main Mansion House, Stables and Registered Park and Garden and contributes to the understanding of how the historic estate developed over the centuries and how it functioned. There is also concern regarding the risk that the proposal would result in the farmhouse no longer being desirable be used for residential purposes and its future uncertain.

We think that there is further scope for avoiding or minimising that harm, as required by paragraph 195 of the NPPF through changes to the layout and alignment of the glasshouses. We recommend exploration of whether the glasshouses could be re-sited so that they follow the historic alignment of farm buildings at this site which is east to west across the southern part of the site and so that they do not protrude further forward of the Farmhouse. We also advise that the polytunnels sited directly in front of the retained farm buildings are re-sited.

These changes would help to: preserve views of the farmhouse and farm buildings from the public footpath, retain some understanding of the historic farmstead arrangement as well with the appreciation of the farmstead's visual and functional relationship with surrounding landscape.

At the site visit, improvements to the appearance of the existing boundary along the southern boundary of the application site were also discussed as this is currently formed by a modern wall.

We also highlight the importance of new development being considered holistically and strategically at this highly significant site so that it does not occur in an incremental or uncoordinated way and that there is clear understanding of the rationale behind proposals.

We appreciate that the Masterplan for Wakehurst Place has informed this proposal. This identifies that the erection of new glasshouses at Havelock Farm will facilitate the removal of the existing greenhouses in the Walled Garden with the future intention of restoring this feature. We recognise that the restoration of this area would result in a clear heritage benefit however, as this does not form part of the current proposals it cannot therefore be weighed in the balancing exercise of harm versus benefits in relation to this application.

Unfortunately, the Masterplan does not include any future proposals for the retained farm buildings at Havelock Farm nor how these will be repaired and re-used. It could be argued that as the Home Farm was developed around the same period as the Walled Garden, and that as both features were essential to the working of the historic estate, that the Home farm should be treated with the same sensitivity as proposed in the Masterplan for the Walled Garden. These two areas are located in close proximity to one another and therefore there may be opportunities to include the farmstead as part of the new restoration proposals.

We will contact the applicant to say that we would welcome the involvement of Historic England in any further development of the Masterplan so that we can ensure that the heritage significance of the site is fully appreciated and that opportunities for enhancement to heritage assets can be realised.

Recommendation

Historic England has some concerns regarding the application on heritage grounds. In reaching a decision on this proposal, your Authority will need to decide whether you consider the level of harm caused by the proposal has been minimised, particularly taking into account our suggested changes to the layout of the glasshouses and polytunnels, and the extent to which there are public benefits before undertaking the weighing exercise as required by paragraph 202 of the NPPF.

Further comments (19/10/22):

Historic England provided detailed advice on the proposals for this site in our letter dated 25th July 2022. In that letter we advised that the proposed layout and arrangement of development would cause harm to Havelock Farmhouse and farmstead and that there was further scope for avoiding or minimising that harm, as required by paragraph 195 of the NPPF.

On the basis of the further information provided, we do not wish to offer any additional comments, but wish for our previous correspondence to be taken fully into account in consideration of this application.

If there are any further material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

High Weald AONB Unit

In summary, the High Weald AONB Unit supports the principle of the development but agrees with the comments of the Design Review Panel concerning the impact of the service road and the potential for further landscaping on the northern boundary.

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the

designated area. A summary of the national planning policy for AONBs is appended to this letter.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan includes a commitment from the Joint Advisory Committee partners (including the Local Planning Authorities) that they will use the Management Plan as a 'checklist' against which to assess the impact of policies and other activities on AONB purpose to fulfil the requirements of the Countryside and Rights of Way Act 2000, s85. A template to assist with this assessment is provided in the Legislation and Planning Advice Note.

Analysis Against the High Weald AONB Management Plan

The AONB Landscape Components represented on and around the application site can be viewed on the Parish Information maps available at <https://highweald.org/downloads/publications/parish-information.html> . The Management Plan key characteristics, objectives and proposed actions considered relevant to this proposal are in Appendix 1.

Recommended Requirements/Conditions

In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met:

- The development should incorporate climate change mitigation and adaptation measures through building design, water management, and retaining and enhancing natural habitats (Management Plan objective G3),
- The development should be designed to minimise soil disturbance and changes to landform and conditions should be applied to control the movement of soil and its treatment during construction in compliance with Defra's Code of practice for the sustainable use of soils on construction sites, (Management Plan objective G2)
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the High Weald AONB landscape,
- Materials should reflect those used in the local area and be locally sourced to support local distinctiveness and the management of AONB habitats such as woodland for timber production, (Management Plan objective S3),
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3), and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective QQ4).

The above comments are advisory and are the professional views of the AONB Unit's Planning Consultant on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Sussex Garden Trust

Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their

Register of Parks and Gardens as per the above application. The Sussex Gardens Trust (SGT) is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.

The site has been well known to SGT for many decades and experienced representatives of SGT have carefully reviewed the documentation submitted with the application and visited the site earlier this week.

The Trust welcomes the vision for the project, ie for Wakehurst 'to become a national centre of excellence in conservation science and practice, seed research and landscape ecology'. The documentation is comprehensive and includes an assessment of significance and the impact of the proposals on that significance. The Trust agrees the impact on the Grade II* Registered Park will be neutral, particularly because of the decision to retain some of the farm buildings, some of which provide a pleasing backdrop from areas of the Registered Park - for instance the view looking north from within the old walled garden. When viewed from within the Registered Park, the new structures will generally be well screened, although new evergreen planting in some areas would help screen the new buildings as well as some less attractive parts of the retained buildings - e.g. to the rear of the public toilets.

Facilitating the Hortus Conclusion

At page 27 of the Design and Access Statement there is a section describing the longer-term benefit for restoring the walled garden to its original purpose once the current proposals are completed. Depending on how and when such restoration is undertaken, such a development could provide a very great public benefit. Sussex Gardens Trust considers this potential benefit has not been fully drawn out in the application and if this were better described, it would further strengthen an already strong case for approval.

Conclusion

Sussex Gardens Trust supports the application.