

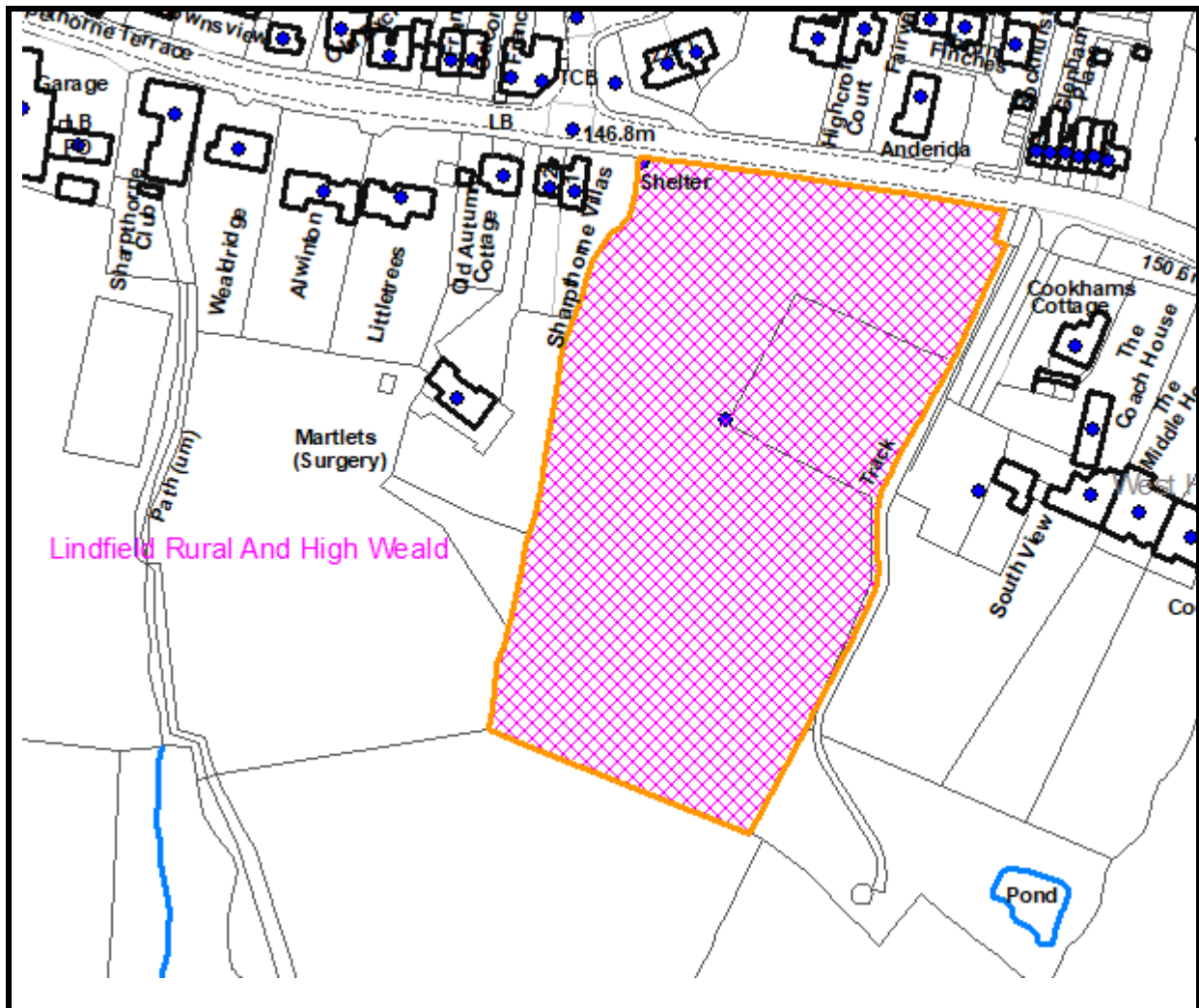
Planning Committee



Recommended for Permission

15th June 2023

DM/22/1384



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Site:	Land Adj. To Cookhams Top Road Sharpthorne West Sussex
Proposal:	Erection of 13 dwellings and associated new access and other works. (Amended plans received 15.11.2022 - amendments to layout and design)
Applicant:	C/o Agent
Category:	Smallscale Major Dwellings
Target Date:	6th June 2023

Parish:	West Hoathly
Ward Members:	Cllr Paul Brown / Cllr Lorraine Carvalho /
Case Officer:	Susan Dubberley

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RB3W19KT0D200>

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 13 dwellings on Land adjacent to Cookhams, Top Road, Sharpthorne and associated new access, including the creation of a community open space on the southern part of the site.

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.

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

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

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

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

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

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

2.5 In this part of Mid Sussex the development plan comprises the District Plan and the West Hoathly Neighbourhood Plan.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

- 2.6 As the proposed development is within the built up area of Sharpthorne, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan. The site is also allocated in the West Hoathly Neighbourhood Plan for a housing development of around 16 dwellings (WHP8).
- 2.7 The proposed scheme is considered to be of an appropriate design, size and scale that is in-keeping with the character of the wider street scene, while preserving the wider character of the High Weald Area of Outstanding Natural Beauty. It is not considered to cause a significant detrimental impact upon neighbouring amenities. The scheme would not cause harm in terms of parking or highway safety. The scheme is also acceptable impact in respect of landscaping, arboriculture, ecology and drainage subject to conditions.
- 2.8 The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 13 units which would be secured by a legal agreement, thereby complying with policy DP20 of the DP.
- 2.9 The proposal will provide minor but positive social and economic benefits through the delivery of 13 additional dwellings. The proposal would also result in an increase in population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.
- 2.10 The proposal is for new dwellings sited within the 7km Zone of Influence of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). The applicants have agreed to complete a S106 Unilateral Undertaking for the appropriate financial contributions towards the SAMM Strategy and the SANG Strategy. With this mitigation in place, the proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.11 In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP16, DP17, DP21, DP26, DP27, DP30, DP31, DP37, DP39, DP41 and DP42 of the District Plan, Policies WHP7 and WHP8 of the Neighbourhood Plan, The High Weald management plan, the Mid Sussex Design Guide SPD and the requirements of the NPPF. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval, subject to the completion of a S106 Obligation planning permission should be granted.

3.0 Recommendation

3.1 Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions, affordable housing and the conditions set in Appendix A.

3.2 Recommendation B

It is recommended that if the applicants have not completed a satisfactory signed planning obligation by the 15th October 2023, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

4.0 Summary of Representations

4.1 4 letters of objection received:

- Additional strain on Infrastructure: there are regular water supply issues and electricity power cuts in the local villages. Sharpthorne and West Hoathly.
- Increase in traffic on already busy road.
- Does estimate of additional vehicles include those from new developments in Marlpit Road and Station Road, Sharpthorne, those in Crawley Down and the large East Grinstead estate under construction have also been taken into consideration.
- Disturbance from constant noise and lights shining into homes opposite.
- Insufficient parking provided.
- In the neighbourhood plan 2013 it was identified that we needed additional housing but surely this been fulfilled with the Bluebell Lane development. It would be wonderful if this land could be returned to its original purpose as a community space.
- Sharpthorne is 7km from Ashdown Forest and as a result of the Bluebell Lane development, must have impacted the Forest's footfall. With this additional development there would be an increasing volume of people in an Area of Outstanding Beauty.
- Flood zone, in the proposal for site development in 2014, was categorized as Zone 1. However there have been excessive floods onto the road along this area, so with this new development where would the excess water go?
- Road Safety Audit is dated October 2018 and has been prepared for a different development. Numbers are inconsistent with this application.
- The traffic survey data used was collected in 2015. In 2018 (?) a National Speed Limit de-restriction sign was erected immediately to the east of this development, which may have increased the average speed. Accurate survey data is required to ensure the new junction is appropriately designed.
- The visibility splay of the new junction is not within the developer's control and is obstructed by a bus stop which will obscure the view of approaching traffic.
- Question whether visibility splays are appropriate for the speed of traffic.
- Significant increase in pedestrian traffic to Sharpthorne amenities and schools, on the existing substandard width footpath, will result in people walking on the road.
- Within a residential development, a peak hour estimated turning count of 10 vehicles appears inconsistent with a forecast 86 daily manoeuvres.
- The introduction of the new housing and the proposed public pathway through the woodland will introduce new pressure on the local dormice population in this area. Disturbance as a result of the introduction of people (and their pets) will result in pushing this localised population out and further increasing pressure on an already threatened species. It is considered that the proposed mitigation strategies presented with the planning application do not go far enough to address this issue.
- Can low level paling fencing be installed along the proposed public and woodland pathways. This and planting new hedgerow immediately behind the fence would serve to protect the lower layers of the woodland (and dormice) behind from wandering public and their pets.
- The creation of new hedgerow suitable for dormice should be part of the mitigation associated with this planning application.
- Regarding the Woodland Management Plan, there is no explanation or commitment of how or who will manage this woodland post-construction

4.2 **West Hoathly Parish Council:** The Parish Council had no objections.

5.0 **Summary of Consultees**

5.1 **WSCC Highways:** No transport grounds to resist the proposal

MSDC Housing : No objection.

Drainage Officer: No objections subject to conditions

Environmental Health- Protection: No objection subject to conditions.

Environmental Health-Contaminated Land : Having checked our records I have no comments to make in relation to the proposed application.

Street Naming and Numbering: Info 29

West Sussex Fire and Rescue: Confirmation required to show that all points inside all dwellings are within 45 metres of a fire appliance as it was unclear if a fire appliance could access plots 10 and 11 that do not have vehicular access.

WSCC Lead Local Flood Authority: No objection

WSCC - County Planning – Minerals & Waste: No objection

Southern Water: No objection. Requires a formal application for a connection to the public foul sewer.

Consultant Ecologist: No objection subject to conditions.

Planning Policy: In summary, the proposed development complies with the relevant policies of the Development Plan in principle.

Leisure: No objection subject to contributions.

Surrey County Council Archaeologist: No objection subject to conditions.

Natural England: No objection

Aboriculturist: No objection subject to conditions

Urban Designer: No objection subject to conditions

6.0 **Town/Parish Council Observations**

6.1 **West Hoathly Parish Council:** The Parish Council had no objections.

7.0 Introduction

- 7.1 This application seeks full planning permission for the erection of 13 dwellings on Land adjacent to Cookhams, Top Road, Sharpthorne and associated new access and the creation of a community open space on the southern part of the site.

8.0 Relevant Planning History

- 8.1 HO/034/80 Erection of four detached dwellinghouses and one disabled person's bungalow. Outline application. Refused 02/09/1980.
- 8.2 HO/034/80 Erection of four detached dwellinghouses and one disabled person's bungalow. Outline application .Refused 02/09/1980.
- 8.3 HO/017/79 - Outline application for erection of 6 two storey houses with double garages. Refused 24/07/1979.
- 8.4 HO/034/77 - Temporary permission required to site a caravan on this site pending completion of building works by applicant at Nos. 1 and 2 Blenham Cottages, for his occupation. Refused 18/10/1977.
- 8.5 HO/005/77- Outline application, four detached houses. Refused 22/03/1977.
- 8.6 HO/026/76 - Erection of nine single storey dwellings for retired people and young couples, with access off Top Road, Sharpthorne. Refused 06/10/1976
- 8.7 HO/013/74 Outline application for erection of seven detached dwellings with new road with provision of amenity area and layby. Refused 26/03/1974.
- 8.8 HO/029/74 Outline application, erection of 8 semi-detached and one single storey dwellings. Refused 21/06/1974.

9.0 Site and Surroundings

- 9.1 The site is located on the south side of Top Road and is about 1.43 hectares in size, comprising of a relatively flat rectangular parcel of undeveloped land. The site is wooded with several large trees, particularly along the western boundary. There is existing residential development to the east, west and north of the site. To the south of the site is open farmland and some woodland.
- 9.2 The site is located within the built up area boundary of Sharpthorne and is also situated within the High Weald AONB. Policy WHP8 of the WHNP allocates 3 sites for housing developments which includes the application site and states that around 16 dwellings should be developed on this site, with the southern area of the site, retained as amenity space accessible to the community.
- 9.3 The site lies within the 7km zone of influence of the Ashdown Forest Special Protection Area.

10.0 Application Details

- 10.1 This application seeks full planning permission for the erection of 13 dwellings on Land adjacent to Cookhams, Top Road, Sharpthorne and associated new access and the creation of a community open space on the southern part of the site.
- 10.2 The site is allocated in the West Hoathly Neighbourhood Plan (WHCS_06) for around 16 dwellings. The development area of the site as defined by the Neighbourhood Plan is about 0.68 hectare occupying the northern part of the site that fronts Top Road. Access to the proposed dwellings would be via a new access from Top Road, positioned centrally along the width of the site.
- 10.3 The houses would be arranged with 8 of the dwellings fronting Top Road, comprising a 2 storey terraced block of 4no. houses (plots 1 to 4) to the east of the new access and further terraced 2 storey block of 4no. houses (plots 10 to 13) to the west of the access.
- 10.4 To the rear of the site and separated from the houses fronting Top road by parking courts including car barns and a turning area, there would be a row of 5 houses (Plots 5 to 9), arranged as detached two storey dwellings, each separated by single storey garages.
- 10.5 The proposed 13 houses would be mix of 2-, 3- and 4 bedroom houses as follows:

Private Dwellings:

2 x 2-bedroom houses
4 x 3-bedroom houses
3 x 4-bedroom houses
= 9 in total

Affordable Housing Dwellings:

2 x 2-bedroom houses
2 x 3- bedroom houses
= 4 in total

The affordable units are identified as plots 1-4, located at the front of the site.

- 10.6 There would be a 29 allocated parking spaces and a further 5 visitor spaces within the development, giving a total of total of 34 spaces. Secure bicycle storage is provided within the garages of plots 5 to 9, whilst the remaining dwellings (Plots 1 to 4 and 10 to 13) would have a secure store located within the curtilage of each respective property.
- 10.7 In terms of design the proposed dwellings comprise of a range of traditional style house types, with a variation of roof styles. A mix of window style are proposed including bay windows included and traditional door canopies. The proposed materials for the elevations are a combination of brickwork and tile hanging with grey or red/brown plain tiles, with clay tiled roofs and Upvc windows.
- 10.8 Along the east and west boundaries, are generous landscape buffers with additional planting proposed. The southern section of the site would be retained as open space, in accordance with the site allocation and the plans show a new public footpath along the western boundary, linking the southern section of the site from Top Road with a circular path created through the wooded area.

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

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

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

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

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

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

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

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

11.7 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.

11.8 Mid Sussex District Plan

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

Relevant policies include;

- DP6: Settlement hierarchy
- DP16: High Weald AONB
- DP17: Ashdown Forest
- DP20: Securing Infrastructure
- DP21: Transport
- DP26: Character and Design

DP27: Dwellings Space Standards
DP30: Housing Mix
DP31: Affordable Housing
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage
DP42: Water Infrastructure and the Water Environment

11.9 **Mid Sussex Site Allocations Development Plan Document**

Adopted by Council on 29th June 2020. It allocates sufficient housing and employment land to meet identified needs to 2031.

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

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

There are no relevant policies.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.11 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.

11.12 **West Hoathly Neighbourhood Plan**

Relevant policies:

WHP7 Infill Housing
WHP8 (Sites for New Homes)

WHP10 (Alternative Green Space)

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

National Planning Policy Framework (NPPF) (July 2021)

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

- 11.14 Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is *{i 'significantly boosting the supply of homes.'}*
- 11.15 Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 11.16 Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 11.17 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.18 National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

12.0 Assessment

12.1 Principle

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

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

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

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

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

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

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

12.4 In this part of Mid Sussex the development plan comprises the District Plan, the Site Allocations DPD and the West Hoathly Neighbourhood Plan.

12.5 The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

12.6 As the proposed development is within the built up area of Sharpthorne, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

12.7 Also relevant in the determination of this application is Neighbourhood Policy WHP7 which refers to housing development within the built up area boundary of Sharpthorne. This policy also supports residential development in the built up area of Sharpthorne and states:

'Housing developments within the development boundaries of West Hoathly parish (as shown in Map C) will generally be permitted, provided they have a range of

dwelling sizes and in particular provide two and three bedroom dwellings that are suited to the needs of both young families and older residents'.

12.8 Following on from Policy WHP7, Policy WHP8 of the WHNP allocates 3 sites for housing development and states:

Housing development for a minimum of 10 dwellings will be permitted on the sites allocated on map C at:

WHCS_05 (Land North of Top Road)

WHCS_06 (Land adjacent to Cookhams)

WHCS_02 (Land known as Bluebell Woods)

provided that they meet the site specific conditions listed below:

12.9 In regard to Land adjacent to Cookhams the policy states:

WHP8b: WHCS_06 (Land adjacent to Cookhams)

- The design of the road frontages and vehicular entrance to the site should encourage traffic calming and support the parish initiative to introduce soft landscaping features along the C319 road.*
- The rear limit of development should be consistent with the adjacent properties along Top Road respecting the ribbon developments of the area.*
- The southern area of the site, as shown on Map C, should be set aside as an amenity space accessible to the community, to ensure that the development is appropriately screened and that the views of the ridge from the south are unspoiled. It should be gifted to West Hoathly Parish Council or other appropriate community body so that it is retained in perpetuity as a community asset.*
- A public right of way should be sought through the site to link with existing footpath WH11 (existing route as shown on Map C).*
- Around 16 dwellings should be developed on this site.*

The design and density of the development should reflect the rural character of the settlement and the surrounding countryside.

In view of the above it is considered that the principle of a residential development on the site would accord with the Development Plan.

Design and Character

12.10 DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*

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

12.11 A similar ethos is found within the Mid Sussex Design Guide SPD. The MSDC Design Guide has been adopted and is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

12.12 Policy WHP8b: WHCS_06 (Land adjacent to Cookhams) of the Neighbourhood plan sets out some design principles for this allocated site.

12.13 WHP8b: WHCS_06 (Land adjacent to Cookhams)

- *The design of the road frontages and vehicular entrance to the site should encourage traffic calming and support the parish initiative to introduce soft landscaping features along the C319 road.*
- *The rear limit of development should be consistent with the adjacent properties along Top Road respecting the ribbon developments of the area.*
- *The southern area of the site, as shown on Map C, should be set aside as an amenity space accessible to the community, to ensure that the development is appropriately screened and that the views of the ridge from the south are unspoiled. It should be gifted to West Hoathly Parish Council or other appropriate community body so that it is retained in perpetuity as a community asset.*
- *A public right of way should be sought through the site to link with existing footpath WH11 (existing route as shown on Map C).*
- *Around 16 dwellings should be developed on this site.*

- 12.14 *The design and density of the development should reflect the rural character of the settlement and the surrounding countryside.*
- 12.15 Policy WHNP4 of the Neighbourhood Plan requires a visualisation to be submitted for 1 or more new dwellings. This is not a validation requirement, nonetheless the applicants have submitted a street scene as part of the proposed plans.
- 12.16 The council's Urban Designer has considered the application and initially he raised objections to the design of the scheme with concerns including the layout and clarification of the boundary treatments.

12.17 *The proposed community open space and the housing development has unfortunately been organised as two distinct areas which are not directly linked to each other. There is just a single access to the open space via Top Road with most of the road frontage occupied by the proposed housing. The suggested link to the existing public right of way cannot be achieved as the red line boundary does not extend to it. Furthermore, the proposed housing has been organised so that it backs on to it and consequently offers little natural surveillance of the community o/s, and the only thing likely to be revealed from the community o/s are the rear boundaries and the paraphernalia associated with private gardens. This does not accord with the Mid Sussex Design Guide (MSDG); this includes principle DG16 which states:*

Developments should normally be designed with building frontages facing site boundaries served by new access roads that run adjacent to the site edge. This arrangement also enables existing tree-lined boundaries and hedgerows to be:

- *Revealed to the public realm; and*
- *Safeguarded by incorporating them outside the private realm and avoiding potential overshadowing of rear gardens.*

12.18 *Principle DG4 of the MSDG also states:*

- *The shape and form of open space should be positively planned at the outset and inform the layout of new development.*
- *The parking at the rear also dominates the street environment and together with the exposed rear boundaries of plots 1-4 and 10-13 presents a poor hard-edged public realm, as does the access road link, that is insufficiently alleviated by soft landscaping.*

12.19 In regard to the elevations the Urban Designer was also critical of these, including the pastiche design and the fact that the frontage of plots 9-12 appeared as if it has been broken in the middle which contrasted poorly with the more elegant continuous run of terraced houses on plots 1-4.

12.20 Following negotiations amended plans have been received and the Urban Designer has consequently withdrawn his objections. The amended drawings include the following changes to the scheme:

- A direct pedestrian access has been created to the proposed community space adjacent to the front of plot 9.

- The introduction of car barns and soft landscaping (including trees) in the rear courtyard parking area.
- The gable fronted house on plot 7 is now centred on the proposed vehicle access/axis..
- The parking in the front threshold area facing Top Road has been reduced and tree/shrub planting introduced.
- Plot 10-13 are now arranged as a terrace bookended by gable fronted houses that mirrors the arrangement of plots 1-4.
- The tile hanging where it features on plots 1,4, 7,10 and 13 is now more fully applied on all the elevations.
- Plots 1 and 13 now have both their front entrances facing onto the road.

12.21 The Urban designer has made the following comment in regard to the amended plans:

- *A direct pedestrian access has been created to the proposed community space adjacent to the front of plot 9. This connects the development with the COS and provides some surveillance over the space (from the rear courtyard area) which has been helped by the provision of a low timber post and rail fence on this boundary and additional windows on the west elevations of the adjacent houses on plots 9 and 10.*
- *The introduction of car barns and soft landscaping (including trees) has ensured that the parking in the rear courtyard area is no longer dominated by parking and large area of visible hardstanding. This has been further improved by a more attractive rear garden boundary (serving plots 1-4 and 10-13) featuring fencing articulated by brick piers (in place of straight runs of close boarded fencing).*
- *The gable fronted house on plot 7 is now centred on the proposed vehicle access/axis providing an attractive well overlooked approach to the rear courtyard.*
- *The parking in the front threshold area facing Top Road has been reduced and more neatly organised and more softened by proposed tree/shrub planting that hopefully will incorporate retained trees to preserve the sylvan character of the street frontage.*
- *Plot 10-13 now benefits from a conjoined frontage that is attractively bookended by gable fronted houses that echoes the arrangement of plots 1-4.*
- *The tile hanging where it features on plots 1,4, 7,10 and 13 is now more fully applied on carried all the elevations.*
- *Plots 1 and 13 successfully turn the corner by incorporating formal frontages on both elevations that face the public realm and they address the access road better by having the front entrances of both facing on to it.*

12.22 While the Urban Designer has removed his objection to the application, it is noted that the Urban Designer has also commented that the development is still organised in two distinct blocks divided by a physical boundary with the housing backing on to the community open space and therefore does not take the opportunity to fully overlook the open space, which does not accord with the Mid Sussex Design Guide (MSDG) principle DG16 which states:

Developments should normally be designed with building frontages facing site boundaries served by new access roads that run adjacent to the site edge. This arrangement also enables existing tree-lined boundaries and hedgerows to be:

- *Revealed to the public realm; and*
- *Safeguarded by incorporating them outside the private realm and avoiding potential overshadowing of rear gardens.*

12.23 The Urban Designer also does not consider that the application accords with principle DG4 of the MSDG which states:

The shape and form of open space should be positively planned at the outset and inform the layout of new development.

- 12.24 However, in making the above comments the Urban Designer acknowledges that the layout is restricted by the Neighbourhood Plan allocation that limits the southern extent of the housing development and negates the flexibility to allow the housing to be fully integrated with the community open space to the rear of the site. Therefore, overall, it is considered that due to the improvements that have been made the scheme now sufficiently addresses principles DG18, DG20, DG27, DG29, DG38 of the Council's Design Guide, such that the Urban Designer has withdrawn his original objection to the scheme.
- 12.25 Officers would agree with the above assessment, and it is therefore considered that following the amendments made to the scheme, the layout and design are now acceptable.
- 12.26 In terms of compliance with Policy WHP8b: WHCS_06 of the Neighbourhood Plan the policy also states that a public right of way should be sought through the site to link with existing footpath WH11. While this aim is noted it is clear that the suggested link to the existing public right of way cannot be achieved. The footpath is located to the west of the site some 75m away and the red line boundary of the site does not extend to it with private land in between. For these reasons non-compliance with this part of the NP policy is considered acceptable.

It is considered that given the above the scheme is acceptable and complies with policy DP26 of the District Plan, policy WHP8b: WHCS_06 of the Neighbourhood Plan and principles DG18, DG20, DG27, DG29, DG38 the Mid Sussex Design Guide SPD.

12.27 Impact on the High Weald AONB

The site is situated 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.

12.28 With respect to the AONB designation, policy DP16 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.*

- 12.29 *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.*
- 12.30 *Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*
- 12.31 Paragraph 176 of the NPPF states that great weight should be given to conserving 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 landscape and scenic beauty. A similar ethos is found within the High Weald AONB Management Plan.
- 12.32 While the site is located in the AONB, it is relevant that the whole of Sharpthorne lies within the AONB in term of visual impact, it is also relevant that the development is with the built up boundary and not isolated or in open countryside. The site is surrounded on three sides by existing residential development, to the north, east and west with open countryside to the south.
- 12.33 The proposed dwellings are considered to be of an appropriate design, size and scale that is in-keeping with the character of the area and street scene, while being viewed in context of the existing development adjoining the site, it is also considered to preserve the character of the AONB in accordance with the above mentioned policies.

12.34 Landscaping issues and trees

Policy DP37 of the Mid Sussex District Plan states that: *“The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.”*

- 12.35 All the trees within the northern development area would be removed where the houses are proposed, with the side boundary trees remaining. The remaining woodland outside the development area in the southern section of the site is retained. A public footpath is proposed from the road, that would run down the western band of trees, and then form a circular path in the southern part of the site. New tree planting is proposed on the site.
- 12.36 The Arboriculturist has reviewed the updated Arboricultural Survey and Planning Integration Report submitted with the application and has raised no objection subject to conditions regarding details of the replacement trees and landscaping.
- 12.37 In term of the proposed new footpath the report states that the pathway will follow a no dig method with 'just a surface scrape to remove the top humus horizon, which can be banked to each side'. The Arboriculturist has commented that while this is acceptable in principle, a method statement is required that is specific to this site and addresses how the construction method can be carried out whilst protecting the trees and the soil around them. Therefore, a further condition requiring a method statement also forms part of the recommendation.

12.38 In view of the above it is considered that subject to conditions the proposal would comply with policy DP37.

12.38 Ecology

Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 180 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

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;

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

12.39 Some of the objections received relate to ecology issues including the impact on dormice and the management of the woodland. The Consultant Ecologist reviewed the ecology reports that were submitted with the application and initially requested further information on the proposed habitat enhancement for the Hazel Dormouse and further details of compensation for the loss of habitat, as a result of the development in the northern part of the site and the creation of a public footpath into the southern section of the site. The Consultant Ecologist was also concerned that the Biodiversity Net Gain (BNG) had been calculated with the woodland referred to as 'Other woodland, mixed' and not Priority habitat category is used and therefore the amount of proportionate compensation for the loss of woodland would be greater, therefore it was recommended that the BNG was recalculated and an updated BNG report submitted.

12.40 Following the submission of further information, the Consultant Ecologist is now satisfied with the application in regard to ecology and supports the revised proposed mitigation measures in regard to the dormouse and agrees that the creation of the footpath will result in minimal loss of vegetation. It is also accepted that all trees to be removed have negligible bat roost potential and therefore agree that no further surveys for bats are required.

12.41 The revised Biodiversity Net Gain Assessment shows a gain of 15.81% which is welcomed by the Ecologist. The Consultant Ecologist therefore has no objections to the proposals subject to conditions to ensure that the mitigation and enhancement measures proposed are carried out in accordance with the details submitted; the submission of a construction environmental management plan and a Landscape and Ecological Management Plan for approval; and a lighting design scheme for biodiversity to be submitted for approval.

12.42 In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan of and the NPPF.

12.43 Residential Amenity

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

- 12.44 A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.
- 12.45 In terms of the impact on adjoining residential properties, plot 10 which is located at the front of the site to the west would be some 22.5m from the western boundary and some 34.6 to nearest residential property, no.1 Sharpthorne Villas. While plot 4 located nearest to the eastern boundary would be some 17m from the boundary and some 40m from Cookhams Cottage. To the rear of the site plot 9 would be some 22m from the western boundary and plot 5 would be located some 10 m from the eastern boundary and 34m from the nearest residential property. Given these distances it is not considered that there would be any significant impact on residential amenity arising from the development.
- 12.46 It is noted that one of the objections refers to noise and lights shining into homes opposite from cars using the new access. However, while there may be some impact, it is considered that this would not be uncommon in a residential area and would not warrant a reason for refusal.
- 12.47 In regard to the development itself it is considered that the proposed layout is such that there are acceptable separating distances between properties. The distances between the houses at the front of the site and those to the rear are between 25m to 29m, with the parking court and car barns also separating the two rows of houses. Surrounding existing trees are located at a sufficient distance from the houses to avoid being overshadowed.
- 12.48 Environmental health has commented that as the proposed development is located on a busy road, then conditions are recommended to protect future residents from traffic noise. In addition, as the proposal includes the provision of air source heat pumps for each dwelling and these can generate significant noise, a condition is also recommended to protect the amenity of future residents. Finally Environmental health has recommended a condition requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. These conditions all form part of the recommendation.
- 12.49 It is considered that the proposal would not cause a significant detrimental impact upon neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. It is therefore considered that the application complies with Policy DP26 of the Mid Sussex District Plan.

12.50 Standard of accommodation, Mix of unit sizes and affordable housing

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs. Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

- 12.51 Housing have considered the affordable housing proposals and are now satisfied in respect of the proposed mix, tenure splits and clustering, commenting:

The applicant is proposing a development of 13 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (4 units) in line with District Plan Policy DP31. The proposed affordable housing, plots 1-4, comprise 2 x 2B/4P houses (2 storey) @ 79m² and 2 x 3B/5P houses (2 storey) @ 100m² and 101.8m² respectively, and such a mix would be acceptable. 25% (1) of the total number of affordable dwellings, a 2B/4P house, will need to be provided as a First Home and 75% (3) of the total will need to be provided for social or affordable rent. Alternatively due to the small number of affordable housing units all 4 units could be provided for social or affordable rent.

- 12.52 The application is therefore considered acceptable in terms of mix of unit size and affordable housing provision. The proposed affordable units will be secured through the proposed s106 Legal Agreement.
- 12.53 Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.
- 12.54 The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.
- 12.55 The plans show that the proposed houses would achieve the required dwelling space standards and would be in excess of these standards.
- 12.56 Policy WHP7 of the NP states that development in the built up boundary will generally be permitted provided they have a range of dwelling sizes and in particular provide two and three bedroom dwellings that are suited to the needs of both young families and older residents. However, policy WHP8 which allocates the site for around 16 houses does not specify a mix. Given that the proposal would provide 6 x 3 bedroom units, 4 x 2 bedroom units and 3 x 4 bedroom units and the lack of specification of unit sizes in the allocation of the site for 16 dwelling it is considered that this aspect of the proposals is acceptable.

12.57 In view of the above it is considered that the application would comply with policies DP30, DP31 and DP27 of the District Plan and policy WHP7 of the Neighbourhood plan.

12.58 Water Infrastructure

Policy DP42 in the DP states in part

'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'*

12.59 South East water are the water supply company for this area. The applicant has submitted evidence from South East water in the form of a quotation for connection to the water supply should the application be approved and this considered sufficient to show that there is adequate water supply for the development in the case.

It is therefore considered that the application would comply with policy DP42.

12.60 Access, parking and impact on highway safety

Policy DP21 the Mid Sussex District Plan states:

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

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

12.61 *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.*

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

12.63 *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.*

12.64 Access to the proposed dwellings would be via a new access from Top Road, positioned centrally along the width of the site. The new access will be in the form of a T-junction using a simple priority arrangement and there would be 2m wide footways along both sides of the access road into the site. In addition, pedestrian crossing points are shown either side of the new access, along with an uncontrolled crossing point with dropped kerbs and tactile paving to the west of the development, close to the proposed public footpath into the rear wooded area of the site. This would facilitate pedestrians entering and leaving the site to cross Top Road, to and from the eastbound bus stop and to visit the shops/cafe.

12.65 The proposed access and internal road layout have been designed to accommodate the movements of all emergency service vehicles. A turning head at the southern end of the site allows for all vehicles to enter, manoeuvre and exit the site in a forward gear. West Sussex Fire and Rescue Fire requested evidence to show that all points inside all dwellings are within 45 metres of a fire appliance as it was unclear if a fire appliance could access plots 10 and 11 that do not have vehicular access. A swept path analysis plan has been submitted showing that a fire appliance could access both plots 10 and 11 from the rear and that the distances would be between 34 and 35 metres respectively.

12.66 A number of objections have been received relating to the increase in traffic that the development will generate, concerns regarding the safety of the new access and overspill parking from the site due to insufficient provision on the site. The Local Highway Authority (LHA) has reviewed the access and transport information

submitted with the application including the revisions. Initially additional information was requested, including a site Layout Plan showing the designated crossing points which has now been submitted and clarification of when the recent traffic survey was undertaken. WSCC have raised no objection to the development, including the new access and visibility splays following the submission of additional information subject to conditions and have commented in part:

12.67 Emergency Access and Servicing Arrangements

The internal layout has been designed to accommodate emergency vehicles and large refuse vehicles into the site. The turning head provided to the south of the site facilitates these vehicles to turn within the site and exit in forward gear. Refuse bin storage provision is made within the curtilage of each dwelling. On the day of collection, bins are wheeled to the nearest bin collection point for safe and easy collection.

12.68 Parking Arrangements

The site lies within Parking Behaviour Zone 1 (PBZ1). Therefore, in accordance with WSCC Parking Standards, the development will be provided with 29 car parking spaces, including the 5 nos. visitor spaces. Safe and secure cycle parking provision is made within garages or sheds in rear gardens.

12.69 Trip Generation and Highway Impact

TRICS database has been interrogated to estimate the likely number of trips generated by the proposed development. The calculation estimates the proposed development is likely to generate 10 vehicle trips in the AM peak hour, 8 vehicle trips in the PM peak hour and a total of 86 two-way vehicle trips during the total daily.

12.70 Sustainability

The development will be provided with footways along both sides of the site frontage which connects onto the existing footway network. This facilitates pedestrian connectivity to wider footway network and to access nearby shops and facilities on foot. Bus stops are located to the south of the site access, providing connectivity to nearby places.

12.71 In accordance with WSCC Highways comments and subject to the recommended condition and informative it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

12.72 Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

12.73 The applicant has submitted plans, details, calculations and a maintenance plan which the Drainage Engineer has considered and is satisfied that in this case there is sufficient information for approving the proposal without the requirement for further information to be submitted by condition.

12.74 In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

12.75 Archaeology

Policy DP34 of the District Plan seeks to protect heritage assets and states:

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

12.76 Surrey County Council archaeologist has considered the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER). The proposed development lies in close proximity to an extensive medieval and post-medieval iron extraction and production site, located to the north-east of the proposed development at West Hoathly Brickworks. The archaeologist has commented that evidence or remains associated with this extensive historic industrial site may expand into the proposed development area, and therefore has recommended a programme of archaeological evaluation is carried out prior to the commencement of development to ascertain the presence/survival of any archaeological remains. A condition to this effect forms part of the recommendation.

12.77 In view of the above it is considered that the proposal complies with Policy DP34 of the Mid Sussex District Plan.

12.78 Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

12.79 Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'

12.80 The application has been supported with the submission of a sustainability statement, which states that a primarily a fabric-first approach to the design has been taken to minimise energy consumption:

12.81 *The scheme has been designed to reduce energy demand and carbon dioxide emissions by exceeding Building Regulations requirements (Part L-2013) through demand reduction measures such as the building fabric. Overall, the reduction in emissions as a result of the fabric specification and proposed installation of air source heat pumps equates to a reduction of 43.11%.*

12.82 The following devices will be also incorporated within the houses:

- water efficient taps and toilets
- low output showers
- flow restrictors to manage water pressures to achieve optimum levels and
- a water meter.

12.83 In addition, the proposal for the houses includes the installation of an air source heat pump to meet the heating and hot water demand.

12.84 A condition also forms part of the recommendation requiring details to be submitted of Active' charging points for electric vehicles.

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

12.86 Ashdown Forest

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

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

recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

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

- 12.89 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.90 This planning application is within the 7km zone of influence and generates a net increase of 13 dwellings, and as such, mitigation is required.
- 12.91 An appropriate scale of SAMM mitigation for the proposed development is £15,210, and if the approved scheme provides for a strategic SANG contribution, this would be £68,289.
- 12.92 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.93 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.94 The financial contributions to SAMM and SANG would be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.95 The Planning Obligation securing the SAMM and SANG contributions is being prepared so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan. The recommendation of permission is subject to the satisfactory completion of this legal agreement.

12.96 Natural England has been consulted on the appropriate and raised no objections subject to securing mitigation.

12.97 Atmospheric pollution

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

12.98 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Neighbourhood Plan such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

12.99 Conclusion of the Habitats Regulations Assessment

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

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

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

12.101 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

12.102 Infrastructure

Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

c) A Development Viability SPD

12.104 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57. Respectively, these paragraphs state:

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

and:

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

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

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

West Sussex County Council Contributions:

Education- Primary £56,888
Education- Secondary £61,226
Education – 6th Form £14,342
Libraries: £5,620
TAD: £46,931

District Council Contributions:

Equipped play £13,488
Kickabout facilities £11,330
Formal sport £15,447
Community Buildings £8,860

Local Community Infrastructure £8,851

These contributions would need to be secured through an appropriately worded Section 106 planning obligation. The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

12.106 Other Issues

As the application site is located within the safeguarding area for Wadhurst Brick Clay, and is also considered to be located proximally to an active brickworks and Clay Extraction site (Ibstock brickworks), which operates on the north-eastern boundaries of the village of Sharpthorne, WSSCC were consulted on the application as the Minerals & Waste Planning Authority.

12.107 WSCC initially commented that the applicant had not submitted a Mineral Resource Assessment or a Minerals Infrastructure Assessment with the application. The applicant has now provided a Mineral Resource Assessment (MRA) following the consultation response from WSCC. The MRA concludes that the safeguarded Wadhurst Clay would not be suitable for prior extraction as a result of the limited developable area of the site (~0.5ha), the surrounding environmental constraints and the overriding need for the development as it is allocated for residential development within the West Hoathly Neighbourhood Plan (WHP8b:WHCS_06). WSCC have therefore raise no objection stating:

While the quality or quantity of the underlying resource remains unknown, it is not expected to be a significant amount given the small area of site to be developed. Given there is a demonstrated need for the proposal, subject to the LPA being satisfied that the overriding need for the development would outweigh the safeguarding of the mineral resource, the MWPA would offer no objection to the proposed development.

In view of the above it is considered that this aspect of the proposal is acceptable.

12.108 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 or are items that could be dealt with effectively by planning conditions or other legislation.

13.0 Planning Balance and Conclusion

13.1 This application seeks full planning permission for 13 dwellings on Land adjacent to Cookhams, Top Road, Sharpthorne and associated new access, including the creation of a community open space on the southern part of the site.

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

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

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

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

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

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

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

development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

- 13.6 In this part of Mid Sussex the development plan comprises the District Plan and the West Hoathly Neighbourhood Plan (HHNP).
- 13.7 In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.
- 13.8 As the proposed development is within the built up area of Sharpthorne, the principle of additional windfall housing development is also acceptable under Policy DP6 of the District Plan. The site is also allocated in the West Hoathly Neighbourhood Plan for a housing development of around 16 dwellings (WHP8).
- 13.9 The proposed scheme is considered to be of an appropriate design, size and scale that is in-keeping with the character of the wider street scene, while preserving the wider character of the High Weald Area of Outstanding Natural Beauty. It is not considered to cause a significant detrimental impact upon neighbouring amenities. The scheme would not cause harm in terms of parking or highway safety. The scheme is also acceptable impact in respect of landscaping, arboriculture, ecology and drainage subject to conditions,
- 13.10 The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 13 units which would be secured by a legal agreement, thereby complying with policy DP20 of the DP.
- 13.11 The proposal will provide minor but positive social and economic benefits through the delivery of 13 additional dwellings. The proposal would also result in an increase in population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.
- 13.12 The proposal is for new dwellings sited within the 7km Zone of Influence of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). The applicants have agreed to complete a S106 Unilateral Undertaking for the appropriate financial contributions towards the SAMM Strategy and the SANG Strategy. With this mitigation in place, the proposal will cause no likely significant effect on the Ashdown Forest SPA and SAC.
- 13.13 In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP16, DP17, DP21, DP26, DP27, DP30, DP31, DP37, DP39, DP41 and DP42 of the District Plan, Policies WHP7 and WHP8 of the Neighbourhood Plan, The High Weald management plan, the Mid Sussex Design Guide SPD and the requirements of the NPPF. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval, subject to the completion of a S106 Obligation planning permission should be granted.
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APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below:

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

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- Surface water during construction
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and 29 of the Mid Sussex District Plan.

4. Prior to the commencement of the development, a scheme to protect the existing neighbouring residents from dust shall be submitted to, and approved in writing by, the Local Planning Authority. The construction works shall thereafter be carried out in accordance with the approved Dust Management Plan unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

5. No demolition, development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy DP34 of the District Plan.

6. No demolition, development or preliminary ground works shall take place within the site until a construction environmental management plan (CEMP: Biodiversity) has been 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).
- 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 ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 180 of the NPPF.

7. No demolition, development or preliminary ground works shall take place within the site until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023), Woodland Management Plan (The Ecology Partnership, February 2023) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 180 of the NPPF.

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

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

9. No development shall commence until the details have been submitted to, and approved by, the local planning authority of active' charging points for electric vehicles to be provided at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

Reason: To provide alternative sustainable travel options in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

11. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations of the car barns. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

12. No development shall be carried out above ground slab level until, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the future occupants of the development regarding air quality and emissions and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

13. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with. These works shall be carried out as approved.

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

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

14. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority, a method statement to include a plan, setting out how the no dig areas around the new footpath that would run down the western band of trees, and then form a circular path in the southern part of the site, will be constructed whilst protecting the trees and the soil around them.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

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

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

16. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the plans and details 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 Mid Sussex District Plan.

17. Unless otherwise agreed, the air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_{Ar},Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the future occupants of the development regarding air quality and emissions and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

18. No development shall be carried out above ground slab level until a detailed scheme for protecting the residential units from noise generated by generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB L_{Aeq} 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

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

19. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

20. Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
Monday to Friday 08:00 - 18:00 hours
Saturday 09:00 - 13:00 hours
Sundays and Bank/Public Holidays: no work permitted.

Reason: to protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

21. Deliveries or collection of plant, equipment, or materials for use during the construction phase shall be limited to the following times:
Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 13:00 hrs
Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Prior to the submission of a scheme of mitigation measures to improve air quality (condition 12) relating to the development the applicant is strongly recommended to consult with the Council's Air Quality Officer in advance of any discharge of conditions application.

3. 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 demolition/construction waste materials shall take place on site.
If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

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

Urban Designer

Comments dated 12th December 2023

This site is allocated in the neighbourhood plan with the southern part of the site set aside as a community open space (COS) accessible to the community.

The revised drawings have made the following improvements that have addressed some of the issues that I raised in my original observations dated 9/6/22:

- A direct pedestrian access has been created to the proposed community space adjacent to the front of plot 9. This connects the development with the COS and provides some surveillance over the space (from the rear courtyard area) which has been helped by the provision of a low timber post and rail fence on this boundary and additional windows on the west elevations of the adjacent houses on plots 9 and 10.
- The introduction of car barns and soft landscaping (including trees) has ensured that the parking in the rear courtyard area is no longer dominated by parking and large area of visible hardstanding. This has been further improved by a more attractive rear garden boundary (serving plots 1-4 and 10-13) featuring fencing articulated by brick piers (in place of straight runs of close boarded fencing).
- The gable fronted house on plot 7 is now centred on the proposed vehicle access/axis providing an attractive well overlooked approach to the rear courtyard.
- The parking in the front threshold area facing Top Road has been reduced and more neatly organised and more softened by proposed tree/shrub planting that hopefully will incorporate retained trees to preserve the sylvan character of the street frontage.
- Plot 10-13 now benefits from a conjoined frontage that is attractively bookended by gable fronted houses that echoes the arrangement of plots 1-4.

- The tile hanging where it features on plots 1,4, 7,10 and 13 is now more fully applied on carried all the elevations.
- Plots 1 and 13 successfully turn the corner by incorporating formal frontages on both elevations that face the public realm and they address the access road better by having the front entrances of both facing on to it.

Despite these improvements, the development is still organised in two distinct blocks divided by a physical boundary with the housing backing on to the COS and therefore does not take the opportunity to fully overlook the open space; this arrangement also incongruously reveals the rear boundaries and the likely paraphernalia associated with private gardens. It also does not accord with the Mid Sussex Design Guide (MSDG) principle DG16 which states:

Developments should normally be designed with building frontages facing site boundaries served by new access roads that run adjacent to the site edge. This arrangement also enables existing tree-lined boundaries and hedgerows to be:

- *Revealed to the public realm; and*
- *Safeguarded by incorporating them outside the private realm and avoiding potential overshadowing of rear gardens.*

It also does not accord with principle DG4 of the MSDG also states:

The shape and form of open space should be positively planned at the outset and inform the layout of new development.

Only an illustrative plan of the COS layout has been provided. The Tree Survey states that all the trees within the red line area and outside the housing development will be retained, however the density of trees in some parts of the o/s are likely to significantly constrain access and sight lines as demonstrated by appendix B which shows the overlaid path in relation to the tree positions (and there would especially be benefit in removing the Leyland Cypress (G23) for ecological reasons as well as for sight lines). On the other hand, it may also be inappropriate for all the trees to be removed from the housing development area particularly the existing mature trees on the Top Road boundary; these could play a key role in helping to soften the development and retain the sylvan character of this part of the roadside and a full analysis of their quality needs to be provided (as it is for the COS).

Overall Assessment

The poor overall relationship of the proposed housing and the COS is largely a product of the Neighbourhood Plan allocation that limits the southern extent of the housing development and negates the flexibility to allow the housing to be fully integrated with the COS. For this reason and because of the improvements that have been made (that now sufficiently address principles DG18, DG20, DG27, DG29, DG38 of the Council's Design Guide), I withdraw my original objection to the scheme. However, to secure the quality of the design, I would recommend conditions requiring the following further drawings/information to be submitted for subsequent approval:

- Soft and hard landscaping details of both the housing development (including the specifications of the existing trees that are proposed to be removed and retained) and the community open space (including the trees that need to be removed/reduced to accommodate paths/clear sight lines).
- Details of facing materials.

- 1:100 scale elevations of the car barns.

A condition might also be included to ensure that the air source heat pumps are incorporated are satisfactorily incorporated within the development.

Comments dated 9th June 2023

Layout

This site is allocated in the neighbourhood plan with the southern part of the site set aside as a community open space accessible to the community.

The proposed community open space and the housing development has unfortunately been organised as two distinct areas which are not directly linked to each other. There is just a single access to the open space via Top Road with most of the road frontage occupied by the proposed housing. The suggested link to the existing public right of way cannot be achieved as the red line boundary does not extend to it. Furthermore, the proposed housing has been organised so that it backs on to it and consequently offers little natural surveillance of the community o/s, and the only thing likely to be revealed from the community o/s are the rear boundaries and the paraphernalia associated with private gardens. This does not accord with the Mid Sussex Design Guide (MSDG); this includes principle DG16 which states:

Developments should normally be designed with building frontages facing site boundaries served by new access roads that run adjacent to the site edge. This arrangement also enables existing tree-lined boundaries and hedgerows to be:

- *Revealed to the public realm; and*
- *Safeguarded by incorporating them outside the private realm and avoiding potential overshadowing of rear gardens.*

Principle DG4 of the MSDG also states:

The shape and form of open space should be positively planned at the outset and inform the layout of new development.

Only an illustrative plan of the layout of the o/s has been provided which does not appear to have fully considered the existing trees. The Tree Survey states that all the trees within the red line area and outside the housing development will be retained, however the density of trees in some parts of the o/s are likely to significantly constrain access and sight lines as demonstrated by appendix B which shows the overlaid path in relation to the tree positions (for instance, there would be benefit in removing the Leyland Cypress (G23) for the ecology as well as for sight lines).

It is also inappropriate for all the trees to be removed from the housing development area particularly as no analysis of the tree quality has been provided (as it needs to be for the whole site). The existing mature trees on the Top Road boundary should play a key role in helping to soften the development and retain the sylvan character of this part of the roadside that is also important as the east part of the Top Road frontage is unfortunately dominated by proposed car parking (which is contrary to principles DG18 and DG20 of the MSDG). The parking at the rear also dominates the street environment and together with the exposed rear boundaries of plots 1-4 and 10-13 presents a poor hard-edged public realm, as does the access road link, that is insufficiently alleviated by soft landscaping.

Insufficient consideration has been given to the spine road axis which incongruously terminates with garage/parking serving plot 7.

The boundary treatment is not clearly identified on the drawings; it is especially important that the site boundary and the boundary between the housing land and o/s are sympathetically designed avoiding close-boarded fencing and incorporating soft planting. Garden boundaries that abut the public realm should also follow this approach.

Elevations

The elevations are characterised by their ubiquitous pastiche design which includes unconvincing details such as fake chimneys, and I also suspect the glazing bars are also fake particularly if UPVC is employed. The clay hung tiles on plots 7-8 and 13 are also not fully integrated as they incongruously peel away at the side.

On the Top Road boundary, the frontage of plots 9-12 appears as if it has been broken in the middle that contrasts poorly with the more elegant continuous run of terraced houses on plots 1-4.

Sustainability

I am glad to see that air source heat pumps are proposed. However, it is not clear from the drawings where the units will be accommodated; this should not be anywhere that is visible from the public realm.

Overall Assessment

This is an unimaginative scheme which for the reasons stated above does not accord with design principles DG4, DG8, DG12, DG13, DG16, DG18, DG20, DG27, DG29, DG38 of the Council's Design Guide nor with policy DP26 of the Council's District Plan. I therefore object to this planning application.

Consultant Ecologist

Comments dated 11/04/2023

Summary

We have reviewed the revised Biodiversity Net Gain Assessment (The Ecology Partnership, March 2023), Biodiversity Metric 3.1 Issue 3 (The Ecology Partnership, February 2023), Ecology Response (The Ecology Partnership, March 2023), Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023), Woodland Management Plan (The Ecology Partnership, February 2023), Preliminary Ground Level Assessment (The Ecology Partnership, October 2022), Response to LPA_Issue 2 (The Ecology Partnership, July 2022) Ecology Update (The Ecology Partnership, July 2022), Biodiversity Net Gain letter (The Ecology Partnership, April 2022) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation.

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

We agree that sufficient survey effort has been provided for Hazel Dormouse and completed by a licenced ecologist in line with best practice methodology (Dormouse Handbook, Bright

et al. 2006). We support the revised proposed mitigation measures in the Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023) and Ecology Response (Ecology Partnership, March 2023)). We also accept that the creation of the footpath will result in minimal loss of vegetation (Ecology Response (Ecology Partnership, March 2023)). We accept that all trees to be removed have negligible bat roost potential (Preliminary Ground Level Assessment (The Ecology Partnership, October 2022)) and therefore agree that no further surveys for bats are required.

We accept that the Natural England Rapid Risk Assessment Calculator indicates that an offence is highly unlikely with regard to Great Crested Newt (GCN) (Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021)) and therefore agree that no further surveys for GCN are required.

We support the implementation of walkover surveys for Badger prior to the commencement of works (Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021)).

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 Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023), Woodland Management Plan (The Ecology Partnership, February 2023) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021) 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.

The proposed habitats, including native woodland wildflower areas, planting of native scrub and thorny understorey species, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023) and Woodland Management Plan (The Ecology Partnership, February 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.

We welcome the indicated BNG gain of 15.81% (revised Biodiversity Net Gain Assessment (The Ecology Partnership, March 2023) and Biodiversity Metric 3.1 Issue 3 (The Ecology Partnership, February 2023)).

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 slab level.

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 Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023), Woodland Management Plan (The Ecology Partnership, February 2023) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes a Non-Licensed Hazel Dormouse Method Statement in the Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023) which avoid impacts on European Protected Species. 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & 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).
- 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Dormouse Surveys and Mitigation Strategy (The Ecology Partnership, February 2023), Woodland Management Plan (The Ecology Partnership, February 2023) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: 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 & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

5. PRIOR TO OCCUPATION: 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Comments dated 02/02/2023

Summary

We have reviewed the Preliminary Ground Level Assessment (The Ecology Partnership, October 2022), Dormouse Survey 2022 (The Ecology Partnership, October 2022), Response to LPA_Issue 2 (The Ecology Partnership, July 2022) Ecology Update (The Ecology Partnership, July 2022), Woodland Management Plan (The Ecology Partnership, April 2022), Biodiversity Net Gain letter (The Ecology Partnership, April 2022), Biodiversity Metric 3.1 (The Ecology Partnership, undated) and the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation.

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

We agree that sufficient survey effort has been provided for dormice and completed by a licenced ecologist in line with best practice methodology (Dormouse Handbook, Bright *et al.* 2006), although a location plan for the nest tubes should have been included. 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 support the proposed mitigation measures, but still have concerns regarding the habitat enhancement for Hazel Dormouse. This is because just under half of the habitat will be lost and it is also proposed that a public footpath will include a 2.5 metre footpath, which will require further tree clearance.

The Dormouse Survey 2022 (The Ecology Partnership, October 2022) states that the mitigation strategy will result in '*offsite habitat enhancement*' (the last bullet point of section 5.5). In addition, Section 6.9 recommends that '*some offsite compensation is carried out*'. However, no offsite locations have been identified in the submitted documents. The proposed scheme will include access by the public (Woodland Management Plan (The Ecology Partnership, April 2022)), which will impact negatively on dormice. Therefore, we recommend that a private offsite area with no public access should be identified in the Dormouse mitigation strategy.

As the mitigation includes the provision of Dormouse boxes, we recommend that the strategy should specify that boxes are provided prior to commencement, so that if a Dormouse is found, there is somewhere suitable and safe to move the Dormouse to should it be required.

We also recommend that the work should be overseen by a Hazel Dormouse licensed ecologist.

Therefore, our recommendation for an updated compensation strategy for Hazel Dormouse to be submitted to the LPA still stands which needs to be provided to support determination.

As mentioned in our previous response (December 2022), the woodland on site is listed as Priority habitat (Lowland Mixed Deciduous Woodland) in the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021). However, the Biodiversity Net Gain (BNG) Metric 3.1 has been completed incorrectly as it refers to 'Other woodland, mixed'. Therefore the amount of proportionate compensation for the loss of woodland will be greater if the Priority habitat category is used. We recommend that the BNG is recalculated and an updated BNG report is submitted to the LPA. Please note that there should be no net loss of BNG, before Biodiversity Net Gain can be achieved.

The Hazel Dormouse updated compensation strategy is required by the Local Planning Authority (LPA) before determination under paragraph 99 of the ODPM Circular 06/2005 which 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.*" This means that the LPA must be certain that the full details of the survey results **and full details of the mitigation measures** are known prior to determination of a planning decision in order to have certainty of impacts on legally protected species.

This information is required prior to determination because the LPA must consider the guidance under paragraph 99 of the ODPM Circular 06/2005, as above. 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 in place before the permission is granted. This further information is 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.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Comments dated 22/12/2022

Summary

We have reviewed the Response to LPA_Issue 2 (The Ecology Partnership, July 2022) Ecology Update (The Ecology Partnership, July 2022), the Preliminary Ecological Appraisal Update (The Ecology Partnership, September 2021) and the Dormouse Survey (The Ecology Partnership, November 2018), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, particularly bats, breeding birds and reptiles and identification of proportionate mitigation.

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

Hazel Dormouse (European Protected Species)

We note from the Response to LPA_Issue 2 (The Ecology Partnership, July 2022) and the Ecology Update (The Ecology Partnership, July 2022), that a European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse will be required before commencement of any works and that the results of the updated dormouse surveys being undertaken this year from July through to October are required to support the required EPSML from Natural England.

The results of the Hazel Dormouse surveys are required by the Local Planning Authority (LPA) **before determination** under paragraph 99 of the ODPM Circular 06/2005 which 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.”* This means that the LPA must be certain that the full details of the survey results and full details of the mitigation measures are known prior to determination of a planning decision in order to have certainty of impacts on legally protected species.

In addition, the Hazel Dormouse strategy must be updated to clarify that if clearance works take place during hibernation, a fingertip search must be undertaken prior to works commencing to avoid trampling of any Hazel Dormice. Due to the small size of the site, if a hibernating Hazel Dormouse is encountered, best practice indicates to leave the animal in-situ and create a marked buffer zone around it to prevent further disturbance.

The strategy must also be updated to state:

- Nest boxes must be erected prior to any clearance;
- An Ecological Clerk of Works must be present at every stage of vegetation clearance, and the qualified ecologist must hand search areas directly ahead of clearance;
- The enhancement planting, which includes thorny species, must take place in advance of works commencing to prevent harm from predators such as cats.

Bats (European Protected Species)

At the time of the Preliminary Ecological Appraisal 2021 Update (The Ecology Partnership, September 2021), the final details of the site layout and the identity of trees to be felled were

unknown. Therefore, Preliminary Roost Assessments must now be undertaken on the trees to be felled prior to determination of the planning application in order to avoid harm to bats. This is required prior to determination because the LPA must consider the guidance under paragraph 99 of the ODPM Circular 06/2005, as above. If there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place 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.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

WSSC Highway:

Comments dated 22/11/2022

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been consulted on the above application regarding the amended plans received on 15th November 2022. WSSC were earlier consulted on the above application for which no objection was raised. The amended design and layout would not cause any highway concerns in terms of safety or capacity; therefore, WSSC would offer no objection.

Comments dated 14/07/2022

West Sussex County Council (WSSC), in its capacity as Local Highway Authority (LHA), have been re-consulted on the above Full Planning Application. The additional information requested during previous consultation have been now submitted.

- In accordance with the recommendation set out within Section 2.2 of Stage 1 RSA report, an uncontrolled crossing point with dropped kerbs and tactile paving to the west of the development has been incorporated into the Site design. This would facilitate pedestrians entering and leaving the site to cross Top Road, to and from the eastbound bus stop and to visit the shops/cafe.
- The most recent ATC survey data, undertaken in 2018, has been included within the Transport Statement.
- In accordance with the calculation set out in Manual for Street (MfS), for 85th percentile recorded speeds, Stopping Sight Distances (SSDs) of 55m is achievable to the west and 50.5m to the east, as demonstrated on the Visibility Splays Plan within Appendix C of the Transport Statement.
- The only aspect that requires further information is that relating to the Stage 1 Road Safety

Designer's Response. This should be provided in a Word format in accordance with the format set out within Appendix F of DMRB - GG119 Road Safety Audit. The completed version can then be included on the planning file.

Conclusion

In conclusion, the Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

CONDITIONS

Vehicle Parking and Turning

No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

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

Cycle Parking

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

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

EVC Parking Spaces

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

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction.

This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

INFORMATIVES

Works within the Highway – Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Comments dated 08/06/2022

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above full planning application with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Statement (TS).

The application site comprises an undeveloped land to the south of Top Road, within Sharpthorne. The development proposals are for the erection of 13 nos. dwellings with associated access, parking, and other works.

Access and Visibility

The site is accessed off Top Road which is a classified 'C' road, subject to 30mph speed restriction. There is no access into the site currently. A new simple priority bellmouth access will be formed with the provision of footways along both sides.

An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there have been two incidents of 'Slight' injury category. The reason for one of the injuries is attributed to the road geometry (gradient, bend or narrowness of the road). The LHA would request the applicant to submit a visibility splays plan for the recorded speed limit.

Emergency Access and Servicing Arrangements

The internal layout has been designed to accommodate emergency vehicles and large refuse vehicles into the site. The turning head provided to the south of the site facilitates these vehicles to turn within the site and exit in forward gear. Refuse bin storage provision is made within the curtilage of each dwelling. On the day of collection, bins are wheeled to the nearest bin collection point for safe and easy collection.

Parking Arrangements

The site lies within Parking Behaviour Zone 1 (PBZ1). Therefore, in accordance with WSCC Parking Standards, the development will be provided with 29 car parking spaces, including the 5 nos. visitor spaces. Safe and secure cycle parking provision is made within garages or sheds in rear gardens.

Trip Generation and Highway Impact

TRICS database has been interrogated to estimate the likely number of trips generated by the proposed development. The calculation estimates the proposed development is likely to generate 10 vehicle trips in the AM peak hour, 8 vehicle trips in the PM peak hour and a total of 86 two-way vehicle trips during the total daily.

Sustainability

The development will be provided with footways along both sides of the site frontage which connects onto the existing footway network. This facilitates pedestrian connectivity to wider footway network and to access nearby shops and facilities on foot. Bus stops are located to the south of the site access, providing connectivity to nearby places.

Road Safety Audit (RSA)

A Stage 1 Road Safety Audit (RSA) has been undertaken in October 2018 which identified two safety issues. The first issue was a branch overhanging the carriageway which has been agreed to be removed within the designer's response. The second issue highlighted the lack of designated crossing points in the vicinity of the site. The Transport Statement mentions within section 4.10 that this issue has been rectified by the addition of a designated crossing point, provisioned with tactile paving to the site layout plans. However, no information is provided regarding the same on the Site Layout Plan. The LHA would request the applicant to submit a Site Layout Plan showing the designated crossing points. Also, the applicant is

requested to submit the Stage 1 RSA response in a word format in accordance with DMRB's GG119 Road Safety Audit.

Traffic Survey Data (ATC Data)

The Transport Statement within section 3.16 mentions of an ATC survey carried out in September 2018; however, the attached ATC data at Appendix A of the Transport Statement is from July 2015. The LHA would request the applicant to clarify the time when the most recent ATC survey was undertaken.

Summary

The LHA would request the applicant to provide the below information and reconsult.

- Submit a Site Layout Plan showing the designated crossing point as suggested within the
- Stage 1 RSA.
- Submit the Stage 1 RSA response in a word format in accordance with DMRB's GG119 Road Safety Audit.
- Clarify the time when the most recent ATC survey was undertaken.
- Submit a visibility splays plan for the recorded speed limit.

Planning Policy

Thank you for consulting the planning policy team on the planning application for: *'Erection of 13 dwellings and associated new access and other works.'* The policy team would like to make the following comments which focus on the principle and points of clarification relating to the submission details.

The first thing to note is that planning applications should be determined in accordance with the Development Plan unless other material considerations dictate otherwise. The Development Plan comprises the Mid Sussex District Plan 2031, which is currently under review and the West Hoathly Neighbourhood Plan 2014-2031; along with the emerging Site Allocations Development Plan Document (DPD).

National Planning Policy Framework

Paragraphs 7 and 8 of the Framework highlight the purpose of the planning system to contribute towards achieving sustainable development. Paragraph 11 goes on to state that decisions should apply a presumption in favour of sustainable development and approving development proposals that accord with an up-to-date development plan without delay.

It is noted that at paragraph 7.15 of the supporting Planning Statement, reference is made to the current Mid Sussex District Plan (2014-2031) being; *'...more than 5 years old and therefore has reduced weight in considering settlement boundaries and policies.'*

The District Plan was adopted in March 2018 and is indeed under review, the process of which commenced in 2021 and is anticipated for submission in 2023; the draft plan demonstrates a direction of travel at this stage. The review process is a method to ensure that a plan and the policies within it remains effective. At the fifth anniversary of the adoption of the Plan (2023), the District Plan will not be out-of-date automatically, as policies age at different rates. It is important to note that, whilst the emerging draft District Plan contains updated policies – no decision has been made as to whether any existing adopted policy is currently considered "out-of-date". As a point of clarity therefore, the policies in the adopted District Plan are afforded full weight in the decision making process.

On the point of settlement boundaries, the emerging Site Allocations DPD is at an advanced stage and gathering weight; the Inspector's Report is expected imminently at which stage the Plan will gather further weight in the decision making process. The DPD involved a review of the built up area boundary (BUAB) and amendments to include Neighbourhood Plan allocations. Although full weight cannot be given to the DPD at the time of drafting these comments, due to it being at an advanced stage, it can be given reasonable weight in the decision making process.

Relevant Local Plan Policies

Focusing on the policies which relate to the principle of development and key constraints of the site; the following policies are considered relevant – the list is not therefore exhaustive.

Mid Sussex District Plan 2014-2031:

- **DP6** – Settlement Hierarchy
- **DP12** – Protection and enhancement of the countryside
- **DP15** - New homes in the countryside
- **DP16** – High Weald Area of Outstanding Natural Beauty
- **DP17** – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- **DP24** – Leisure and Cultural Facilities and Activities
- **DP30** – Housing Mix
- **DP31** – Affordable Housing

West Hoathly Neighbourhood Plan (NP) Made 16 April 2015

- **WHP1** Landscape
- **WHP2** Historic Lanes
- **WHP3** Rights of Way
- **WHP4** Visualisations
- **WHP10** Alternative Green Space

WHP8b: WHCS_06 (Land Adjacent to Cookhams)

- *The design of the road frontages and vehicular entrance to the site should encourage traffic calming and support the parish initiative to introduce soft landscaping features along the C319 road.*
- *The rear limit of development should be consistent with the adjacent properties along Top Road respecting the ribbon developments of the area.*
- *The southern area of the site, as shown on Map C, should be set aside as an amenity space accessible to the community, to ensure that the development is appropriately screened and that the views of the ridge from the south are unspoiled. It should be gifted to West Hoathly Parish Council or other appropriate community body so that it is retained in perpetuity as a community asset.*
- *A public right of way should be sought through the site to link with existing footpath WH11 (existing route as shown on Map C).*
- *Around 16 dwellings should be developed on this site.*
- *The design and density of the development should reflect the rural character of the settlement and the surrounding countryside*

District Plan Policies:

Policy DP6: Settlement Hierarchy

The site is outside the currently adopted BUAB however as stated above, is due to be included in accordance with the West Hoathly Neighbourhood Plan allocation, policy WHP8b. As such, for completeness and in the absence of the Inspector's Report and/ or adoption of the Sites DPD, the proposal meets the requirements of part 1 of DP6 as the site is allocated in the Neighbourhood Plan. This in turn ensure compliance with Policy DP15 (New Homes in the Countryside) which refers to needing to comply with DP6.

Policy DP12: Protection and Enhancement of Countryside

The site lies outside of the currently adopted BUAB, in open countryside and is therefore subject to the requirements of Policy DP12. As per Policy DP6, the proposal meets the requirements of policy DP12 on the basis it is allocated in the West Hoathly NP.

General comments

Consideration of the impact on the High Weald Area of Outstanding Natural Beauty (AONB) will need to take account of the requirements of policy DP16 and impacts on the Ashdown Forest and appropriate mitigation sought as part of any approval. It's noted the Council's Housing Enabling Officer has commented on the proposal regarding Policies DP30 and DP31.

West Hoathly Neighbourhood Plan Policies:

WHP8b: WHCS 06 (Land Adjacent to Cookhams)

The site is allocated in the NP and the policy sets out a set of criteria the site is required to meet. The proposal falls three dwellings shy of the yield in the policy, however this figure is clearly an approximation rather than a minimum requirement and it will be for Development Management to determine if the quantum is appropriate for the site taking account of the context, site constraints and policy requirements. Justification has been provided in the supporting Planning Statement and consideration of the proposal should take account of the policy requirement that the design and density should reflect the character of the settlement and surrounding countryside.

The proposed allocation for housing relates only to the northern half of the site only with the southern half to remain undeveloped. The submitted Planning Statement refers to discussions with the Parish Council regarding the southern portion of the site and it being gifted to the Parish, consideration will need to be given to whether a legal agreement would be required to ensure the requirements of the policy are met.

The layout plan shows a circular footpath within the site, the submission does not however seek to formalise a link with footpath WH11 which is outside, and remote from the site but the application does not appear to prohibit this being pursued by the Parish in the future.

General comments

Other relevant policies in the NP referred to above, require demonstration that the viewpoint identified on Map B of the plan is preserved along with the historic character of the nearby historic lane known as footpath WH11 as shown on Map A of the plan. In addition, Policy WHP10 requires provision of Suitable Alternative Natural Greenspace, the requirements of which could be met by the provision of the southern portion of the site for public recreational space.

Summary

In summary, the proposed development complies with the relevant policies of the Development Plan in principle. It will be for Development Management to determine whether the proposal meets the wider policy requirements of the Plan in their consideration and balancing of the scheme.

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. DM/22/1384 for the erection of 13 dwellings and associated new access and other works, evidence is required to show that all points inside all dwellings are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard. From the plans submitted it is unclear if a fire appliance can pass below the section of the property over the access route. This relates to properties 10 and 11 that do not have vehicular access.

WSCC Lead Local Flood Authority:

RECOMMENDATION: Advice – No objection

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage. The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events
Low risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’

Modelled groundwater flood hazard
classification
Low risk

Comments:

The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been

considered by the LLFA. The LPA should consult with the EA if this is considered as risk.
Ordinary Watercourses nearby? No

Comments:

Current Ordnance Survey mapping shows no ordinary watercourse running close to the boundary of the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any surface water flooding within the site?

No

Comments:

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk & Drainage Assessment for this application proposes that permeable paving and soakaways would be used to control the surface water from this development. Should infiltration not be feasible, attenuation with a restricted discharge to the watercourse should be used.

This application may want to be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Drainage Officer:

FLOOD RISK

The development is of a scale which requires a flood risk assessment to be submitted as part of the planning application. The applicant has submitted a Flood Risk and Drainage Assessment, dated May 2022 to fulfil this requirement.

The flood risk assessment states the site is in flood zone 1, at low risk of fluvial flooding. It also stated that the site is mostly shown to be at very low risk of surface water flooding, with a small area of low risk on Top Road that encroaches on the northern boundary of the site. The report concludes that the overall surface water flood risk to the site is very low.

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

SEWERS ON SITE

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

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

The flood risk and drainage team are of the opinion that the 'private' drain identified on the site is likely to now be considered a public sewer. We recommend the applicant discuss this with Southern Water as soon as possible.

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may not be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The Flood Risk and Drainage Assessment states that desktop study has indicated that the potential for infiltration at the site is low. However, infiltration will be taken as the preferred option subject to infiltration testing.

The submitted drainage strategy is based on the use of three soakaway trenches located within the gardens of the residential development, sized based on a generic 'poor' infiltration rate. Permeable paving is also proposed.

We would advise the applicant that surface water drainage should be designed to cater for the 1 in 100-year plus latest climate change allowance storm event. If flooding on site between the 1 in 30-year with climate change and 1 in 100-year with climate change return periods is proposed the drainage design should clearly show where this shall be stored on site. An estimate of likely flood depth should also be provided.

We would also advise the applicant that all shared drainage elements, including soakaways or attenuation features should be located within areas of public realm and not within private curtilage. This is to ensure the elements can be accessed for maintenance and management for the lifetime of the development. Therefore, the proposed shared soakaways located across property boundaries would not be acceptable at detailed design stage.

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

FOUL WATER DRAINAGE

It is proposed that the development will discharge to the public foul sewer located on Top Road.

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

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

WSSC S106

Education			
School Planning Area	East Grinstead		
Population Adjustment	31.6		
	Primary	Secondary	6th Form
Child Product	0.4017	0.4017	0.2169
Total Places Required	2.8122	2.0087	0.4339
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£5,620		
Population Adjustment	31.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	13		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	31.6		
Net Parking Spaces	29		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£56,888
Education - Secondary	£61,226
Education - 6th Form	£14,342
Libraries	£5,620
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£46,931
Total Contribution	£185,007

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning

obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document-Development Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 13 net dwellings, and an additional 29 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be on additional facilities at West Hoathly C of E Primary School.

The contributions generated by this proposal shall be on additional facilities at Imberhorne School.

The contributions generated by this proposal shall be on additional facilities at Imberhorne School Sixth Form.

The contributions generated by this proposal shall be on additional facilities at East Grinstead Library.

The contributions generated by this proposal shall be on Traffic calming and pedestrian/cycle improvements within the parish, as identified in the West Hoathly Neighbourhood Plan.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

Child Product is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,229 per child**
- Secondary Schools- **£30,480 per child**
- Sixth Form Schools- **£33,056 per child**

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace**

demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,928** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

Sustainable transport contribution = (net car parking – occupancy) x 773

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

Leisure

Thank you for the opportunity to comment on the plans for the development of 13 residential dwellings on Land Adj. To Cookhams, Top Road, Sharpthorne on behalf of the Head of Corporate Resources.

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Sharpthorne New Playground, owned and managed by the Council, is the nearest locally equipped play area approximately 270m from the development site. This facility will face increased demand from the new development and a contribution of £13,488 is required to make improvements to play equipment. A further £11,330 is required toward kickabout provision for older children at Sharpthorne New Playground and / or North Lane Recreation Ground. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £15,447 is required toward formal sport facilities at West Hoathly Recreation Ground and / or Hook Lane Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £8,860 is required to make improvements to Sharpthorne Hall and / or West Hoathly Sports Pavilion.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

WSSC - County Planning – Minerals & Waste

Comments dated 08/12/2022

The applicant has provided a Mineral Resource Assessment (MRA) following the initial consultation response from the MWPA in May 2022. The MRA concludes that the safeguarded Wadhurst Clay would not be suitable for prior extraction as a result of the limited developable area of the site (~0.5ha), the surrounding environmental constraints and the overriding need for the development as it is allocated for residential development within the West Hoathly Neighbourhood Plan (WHP8b:WHCS_06).

While the quality or quantity of the underlying resource remains unknown, it is not expected to be a significant amount given the small area of site to be developed. Given there is a demonstrated need for the proposal, subject to the LPA being satisfied that the overriding need for the development would outweigh the safeguarding of the mineral resource, the MWPA would offer no objection to the proposed development.

Comments dated 23/05/2022

The application site is located within the safeguarding area for Wadhurst Brick Clay, and is outside of the Built Up Area Boundary (as defined within the Mid Sussex District Plan, 2014). The site is also considered to be located proximally to an active brickworks and Clay Extraction site (Ibstock brickworks), which operates on the north-eastern boundaries of the village of Sharpthorne.

The application is for 13 new houses and associated access and would occupy a surface area of some 1.43 Hectares. The applicant has not submitted a Mineral Resource Assessment or a Minerals Infrastructure Assessment with the application.

As per Policy M9 of the JMLP, sterilisation of the mineral resource beneath the site will inevitably occur as a result of the proposal. That said, it is understood that the application site has been allocated for housing development as per the West Hoathly Parish Neighbourhood Plan (2014 - 2031). Therefore, while it is considered that there is evidence to suggest that the need for the proposed non-mineral development could potentially outweigh the safeguarding of the safeguarded mineral resource, the applicant should demonstrate the practicality and environmental feasibility of the prior extraction of the underlying resource by using the guidance where necessary. The MWPA would highlight the need for the applicant to demonstrate the potentially quality and quantity of the available resource alongside discussions with the local operator with regard to the use of the resource (see 2.8 of the guidance for more details).

Please reconsult once this information has been provided.

As for the safeguarding of existing minerals infrastructure (M10 of the JMLP), it is not likely that the proposed non-mineral development would prevent or prejudice the continued operation of the quarry to the north given the buffer afforded by the existing townscape between the sites.

Surrey County Council Archaeologist:

As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in close proximity to an extensive medieval and post-medieval iron extraction and production site, located to the north-east of the proposed development at West Hoathly Brickworks. This site has produced evidence for mining extraction pits, furnaces, hearths, slag deposits, and earthworks associated with upcast from mining activities (HER MWS7288).

Evidence or remains associated with this extensive historic industrial site may expand into the proposed development area, and as a result this office recommends a programme of archaeological evaluation is carried out prior to the commencement of development to ascertain the presence/survival of any archaeological remains.

Archaeological deposits are both fragile and finite and the following condition is therefore recommended, in accordance with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Archaeological Evaluation

(i) No demolition, development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

(ii) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

The work should be undertaken by a qualified archaeological contractor and will comprise a programme of archaeological trial-trenching, carried out in advance of the commencement of the development (but after the clearance of trees from the site). If significant archaeological remains are uncovered by this evaluation a further stage of archaeological excavation and/or monitoring may be required. A brief will be supplied from this office detailing the work required on request.

Street Naming and Numbering Officer

Informative (Info29)

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

MSDC Housing}

Comments dated 25/11/2022

Having looked through the amended plans for the above scheme please see my slightly amended comments below:

"The applicant is proposing a development of 13 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (4 units) in line with District Plan Policy DP31. The proposed affordable housing, plots 1-4, comprise 2 x 2B/4P houses (2 storey) @ 79m² and 2 x 3B/5P houses (2 storey) @ 100m² and 101.8m² respectively, and such a mix would be acceptable. 25% (1) of the total number of affordable dwellings, a 2B/4P house, will need to be provided as a First Home and 75% (3) of the total will need to be provided for social or affordable rent. Alternatively due to the small number of affordable housing units all 4 units could be provided for social or affordable rent."

Comments dated 07/05/2022

"The applicant is proposing a development of 13 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (4 units) in line with District Plan Policy DP31. The proposed affordable housing, plots 1-4, comprise 2 x 2B/4P houses (2 storey) @ 79m² and 2 x 3B/5P houses (2 storey) @ 93m² and such a mix would be acceptable. 25% (1) of the total number of affordable dwellings, a 2B/4P house, will need to be a First Home and 75% (3) of the total will need to be for affordable or social rent."

Southern Water:

Thank you for your letter dated 21/11/2022.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in

perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk.

Natural England

Thank you for your consultation on the above dated and received by Natural England on 23 November 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal **representation on appropriate assessment** given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Landscape advice

The proposed development is for a site within a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.