

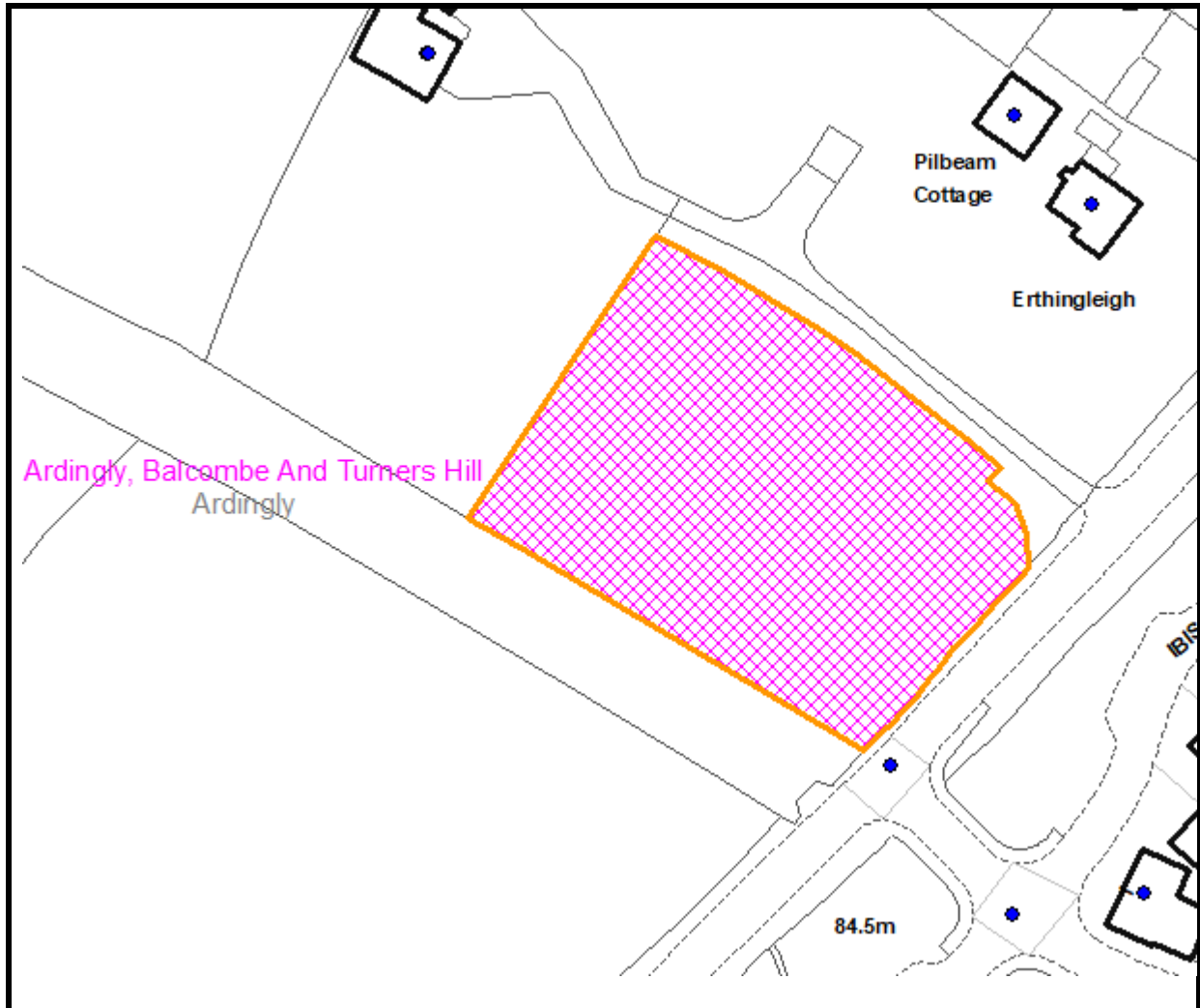
Planning Committee



Recommended for Permission

7th December 2023

DM/22/0752



©Crown Copyright and database rights 2023 Ordnance Survey 100021794

Site:	Earthingleigh College Road Ardingly Haywards Heath West Sussex
Proposal:	Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road. (Amended plans 19/07/2023)
Applicant:	Mr D Badger
Category:	Minor Dwellings
Target Date:	15th December 2023

Parish:	Ardingly
Ward Members:	Cllr Jenny Edwards / Cllr Gary Marsh /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8DUT6KT0D200>

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 Full planning permission is sought for the erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road.

2.2 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

2.3 National planning policy states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5-year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

2.4 Weighing against the scheme is that the site is not contiguous with the built-up area boundary of the village which lies on the opposite side of College Road. As such the proposal is contrary to the development plan in principle and conflict with the requirements of Mid Sussex District Plan Policies DP6, DP12 and DP15. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies.

2.5 Weighing in favour of the scheme is that the development will provide 3 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the proposal would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

2.6 There would also be a new homes bonus.

- 2.7 The proposal is also considered acceptable in regard to design, size and scale, due to its infill nature it is considered to preserve the character of the countryside and that of the wider AONB. It is also deemed acceptable in relation to highways, access and parking, sustainable construction, neighbouring amenity, drainage, trees, ecology and dwelling space standards.
- 2.8 There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 2.9 Although not technically contiguous to the built up area boundary, due to its close proximity and the infill nature of the proposal, it is not considered to cause harm to the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB. In this respect, the fundamental requirements of policies DP12, DP16 and ARD2 of the Neighbourhood Plan would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and ARD5.
- 2.10 Taking all of the above into account, the proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.

3.0 Recommendation A

- 3.1 It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, planning permission be granted subject to the conditions set out in Appendix A.

3.2 Recommendation B

- 3.3 If by 7th March 2024, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary SAMM and SANG contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reasons:

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policy ARD4 of the Neighbourhood Plan and paragraph 181 of the National Planning Policy Framework.'

4.0 Summary of Representations

- 4.1 One third party letter of representation has been received objecting to the proposal for the following reasons:
- Insufficient capacity for surface water runoff/flood risk
 - Impact on Trees
 - Limited parking

- Highways safety/access
- Overlooking/loss of privacy with Ibis Close
- Loss of outlook

5.0 Summary of Consultees

- 5.1 **WSSC Highways:** In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- 5.2 **MSDC Drainage Officer:** No objection subject to condition.
- 5.3 **Southern Water:** Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 5.4 **MSDC Street Naming and Numbering:** Informative 29 (address allocation)
- 5.5 **MSDC Tree Officer:** This is an improvement on the previous scheme and will put less pressure on retained trees.
- 5.6 **Natural England:** No objection subject to securing mitigation.
- 5.7 **Ecology Consultant:** Recommend approval subject to conditions.

6.0 Town/Parish Council Observations

- 6.1 Ardingly Parish Council OBJECT to this application

7.0 Introduction

- 7.1 Full planning permission is sought for the erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road.

8.0 Relevant Planning History

- 8.1 AR/031/78: DEMOLITION OF EXISTING TIMBER GARAGE AND REPLACEMENT IN BRICK TO MATCH ADJACENT PROPERTY. Permission
- 8.2 AR/033/87: OUTLINE APPLICATION - 2 NO FIVE BED TWO BATHROOM HOUSES WITH DETACHED DOUBLE GARAGE ASSOCIATED PARKING AND ACCESS. Refused
- 8.3 AP/87/0044: OUTLINE APPLICATION - 2 NO FIVE BED TWO BATHROOM HOUSES WITH DETACHED DOUBLE GARAGE ASSOCIATED PARKING AND ACCESS. Dismissed
- 8.4 AR/004/89: NEW VEHICLE ENTRANCE DRIVE TO REPLACE THE EXISTING ENTRANCE TO SERVE 'ERTHINGLEIGH' AND 'GREENFIELDS'. Refused
- 8.5 AR/014/89: NEW VEHICLE ENTRANCE DRIVE TO REPLACE THE EXISTING ENTRANCE TO SERVE 'ERTHINGLEIGH' AND 'GREENFIELDS'. Permission

- 8.6 AR/019/85: GRANNY ANNEXE. Permission
- 8.7 AP/98/0070: OUTLINE APPLICATION - 3 NO DETACHED HOUSES. Dismissed
- 8.8 AR/024/98: OUTLINE APPLICATION - 3 NO DETACHED HOUSES. Refused
- 8.9 AR/006/98: OUTLINE APPLICATION - 6 NO DETACHED HOUSES. Withdrawn
- 8.10 DM/15/2373: ERECTION OF A SINGLE RESIDENTIAL DWELLING WITH DETACHED GARAGE. Permission.
- 8.11 DM/15/4899: ERECTION OF TWO RESIDENTIAL DWELLINGS WITH DETACHED GARAGES. Permission
- 8.12 DM/17/2458: ERECTION OF TWO NEW RESIDENTIAL DWELLINGS WITH DETACHED GARAGES. Permission
- 8.13 DM/19/3477: VARIATION OF CONDITION NO: 1. OF PLANNING PERMISSION DM/17/2458 TO REPLACE APPROVED PLANS TO ALLOW FOR CHANGES IN DESIGN. Permission
- 8.14 DM/21/2950: NON-MATERIAL AMENDMENT RELATING TO PLANNING REFERENCE DM/19/3477, TO CHANGE EXTERNAL MATERIAL AND PROFILE OF CONSENTED GARAGES. Refused
- 8.15 DM/21/3176: VARIATION OF CONDITION 1 OF PLANNING PERMISSION DM/19/3477 TO ALLOW FOR CHANGE IN DESIGN. Permission
- 8.16 DM/21/3902: DISCHARGE OF PLANNING CONDITIONS 3, 7, 9 AND 11 RELATING TO APPLICATION DM/21/3176. Permission
- 8.17 DM/22/3241: VARIATION OF CONDITION 1 OF APPLICATION DM/21/3176 TO ALLOW FOR CHANGE IN DESIGN. Permission
- 8.18 DM/22/3498: DISCHARGE OF CONDITION NO: 11 OF PLANNING PERMISSION DM/21.3176 TO ALLOW FOR CHANGE IN DESIGN. Permission.

9.0 Site and Surroundings

- 9.1 The application site is located to the south west (side) of Erthingleigh and Pilbeam Cottage, with Greenfields to the north west of the application site, open countryside to the south west and College Road to the south east with the residential cul de sac of Ibis Close on the opposite side of College Road.
- 9.2 The application site is designated as being within the countryside, High Weald Area of Outstanding Natural Beauty and within 7km of the Ashdown Forest.

10.0 Application Details

- 10.1 Full planning permission is sought for the erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road.
- 10.2 The proposed detached 5 bedroom dwellinghouse is located to the south eastern part of the site, closest to College Road and measure some 14.3 metres in width, by

13.2 metres in depth, with an eaves height of 6.2 metres and an overall height of 8.1 metres. The proposal would form a living room, dining room, kitchen/breakfast room, snug and WC at ground floor and 5 bedrooms, 3 en-suites, 3 dressing rooms, a landing, balcony and family bathroom at first floor.

- 10.3 The proposed pair of semi detached dwellings are identical in terms of size and are a mirror image of each other, each measuring some 13.2 metres in width, by 13.4 metres in depth, with an eaves height of 6.2 metres and an overall height of 8.3 metres. The proposal would comprise of a living room, dining room, kitchen/breakfast room, snug and WC at ground floor and 5 bedrooms 3 en-suites, 3 dressing rooms, a landing, balcony and family bathroom at first floor.
- 10.4 The proposed dwellings are to be constructed of facing brickwork walls, fully hipped tiled roofs, with a flat roofed section between the pair of semi-detached dwellings.
- 10.5 Parking is to be provided to the side of each dwelling, with each dwellinghouse having 3 off road parking spaces, together with each dwelling having its own bin store to within their own front gardens.

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:
- 11.3 *'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.'*
- 11.4 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.'*
- 11.5 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.
- 11.6 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.

11.7 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Sites Allocation DPD and the Ardingly Neighbourhood Plan.

11.8 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.

11.9 **LIST OF POLICIES**

11.10 **Mid Sussex District Plan 2014-2031**

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

DP4 Housing

DP6 Settlement Hierarchy

DP12: Protection and Enhancement of Countryside

DP15: New Homes in the Countryside

DP21 Transport

DP26 Character and Design

DP27 Dwelling Space Standards

DP37 Trees, Woodlands and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.11 **Site Allocations Development Plan Document - SADPD**

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

No relevant policies.

11.12 **Ardingly Neighbourhood Plan**

The Ardingly Neighbourhood Plan was made on the 19th March 2015, the relevant policies are considered to be:

ARD 1: The Presumption in Favour of Sustainable Development

ARD 2: A Spatial Plan for the Parish

ARD 4: Suitable Alternative Natural Greenspace

ARD 5: Housing Design

11.13 **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.

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

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

11.15 **National Design Guide**

11.16 **Ministerial Statement and Design Guide**

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

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

11.17 **National Planning Policy Framework (NPPF) (September 2023)**

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

11.19 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.*'

- 11.20 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.*'
- 11.21 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.
- 11.22 **OTHER PLANNING GUIDANCE:**
- 11.23 *Technical Housing Standards Nationally Described Space Standards*
- 11.24 *West Sussex County Council Guidance on Parking at New Development, September 2020*
- 11.25 *The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024*

12.0 Assessment

12.1 The main issues for consideration are:

- The principle of development;
- The design and visual impact of the proposal on the character of the AONB;
- The standard of accommodation;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Biodiversity;
- Sustainability;
- Impact on trees;
- Ashdown Forest SPA/SAC
- Planning Balance and Conclusions

12.2 Principle of Development

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

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

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

12.4 Policy DP15 in part states:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or

In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or

Affordable housing in accordance with Policy DP32: Rural Exception Sites; or

The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.'

12.5 The proposal is not for agricultural purposes, however, Policy DP6 of the Mid Sussex District Plan states:

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

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and

- The site is contiguous with an existing built-up area of the settlement; and

- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*

- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

- 12.6 At local level Policy ARD2 seeks to direct housing to within the built up area boundaries. It sets out development proposal located outside the built up area boundaries will be required to demonstrate how they conserve the AONB.
- 12.7 Although the proposal is for fewer than 10 dwellings and is considered to be a sustainable location as set out within the relevant section of the report, the proposal is not considered to comply with Policy DP6 of the District Plan as the proposal is not strictly contiguous with the built up area boundaries as it is located on the opposite site of College Lane.
- 12.8 With respect to Policy DP12, there is no specific policy reference in the development plan which provides support for the development. The proposal is therefore also contrary to this policy. However, it is necessary to take account of the intention of this policy, which is set out in the supporting text, as follows:
- 'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'*
- 12.9 The characteristics and context of this site is that there is residential development to the northeast and northwest, with an access road to the south/south west and College Lane to the southeast with residential dwellings of Ibis Close beyond which was a site allocated for 37 units by policy ARD3 of the Ardingly Neighbourhood Plan. To the southwest lie the grounds of Ardingly College. It is considered that the site's context combines urban and rural elements and that there is not a prevailing 'countryside' character in respect of considerations of openness / natural landscape or tranquillity. It is in effect an infill plot with residential development on three sides.
- 12.10 As such the principle of the proposal conflicts with Policies DP6, DP12 and DP15 of the District Plan. However, as set out above there are mitigating factors to be taken into account as material planning considerations in the overall planning balance.
- 12.11 **Design and visual impact on the Area of Outstanding Natural Beauty**
- 12.12 As the proposed development is located within the countryside the principal aim of Policy DP12 of the District Plan states: *'The countryside will be protected in recognition of its intrinsic character and beauty.'*
- 12.13 Policy DP26 of the District Plan aims for all development to be well designed and to reflect the distinctive character of the towns and villages while being sensitive to the countryside. It states:

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

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

- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;

- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;

- protects open spaces, trees and gardens that contribute to the character of the area;

- protects valued townscapes and the separate identity and character of towns and villages;

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

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;

- positively addresses sustainability considerations in the layout and the building design;

- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;

- optimises the potential of the site to accommodate development.'

12.14 A similar ethos is found within and ARD5 of the Neighbourhood Plan.

12.15 Principle DG11 of the Mid Sussex Design Guide states in part:

'new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.'

12.16 Principle DG38 is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration

of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

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

- 12.17 The proposed detached and semi-detached dwellings are to be constructed of a traditional design and materials which can be secured by a planning condition. Within the wider street scene there is a mixture of design and styles, with large detached dwellings to the north east and north west. The proposed dwellings will be of similar design and style to the pair of semi-detached dwellings being constructed on the plot to north. The design of the proposed dwellings would be appropriate for their context.
- 12.18 The proposed plot sizes are considered to be consistent with those within the locality and the site contains screening to the south eastern boundary with College Road, which is to be retained, while the proposal will be utilising the existing highways access and not creating a new access off College Road. As such, it is considered to be of an appropriate design size and scale that is in-keeping with the character and appearance of the wider street scene.
- 12.19 This is of particular importance as the application site is also designated within the Mid Sussex Local Plan as being within an Area of Outstanding Natural Beauty.
- 12.20 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.
- 12.21 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 Area of Outstanding Natural Beauty Management Plan as well as at local level where Policy DP16 of the Mid Sussex District Plan and Policy ARD2 of the neighbourhood Plan which requires proposals to preserve or enhance the AONB.

- 12.22 The proposal is well related to the existing residential dwellings due to its infill nature, the proposal will maintain a good level of screening and as such will not result in an isolated form of development. Consequently, it is considered that no harmful impact would be caused to the visual amenities of the area and accordingly the application would comply Policy DP16 and DP26 of the District Plan, Policies ARD2 and ARD5 of the Neighbourhood Plan, the High Weald Area of Outstanding Natural Beauty Management Plan and paragraph 176 of the NPPF in particular.
- 12.23 **Standard of accommodation**
- 12.24 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.
- 12.25 The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 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, as follows:
- 12.26 For a two storey 5 bed dwellinghouse for 8 people, the minimum internal floor area is 128 square metres with 3.5 square metres of storage. The proposed dwellings all exceed these standards.
- 12.27 **Impact on neighbouring amenity**
- 12.28 District Plan Policy DP26 requires that development 'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'
- 12.29 A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.
- 12.30 One third party letter of representation has been received in relation to overlooking, loss of privacy and a loss of outlook from Ibis Close. Due to the edge of the village location, which is set approximately 23 metres from Erthingleigh and Pilbeam Cottage to the north east and over 30 metres from Greenfields to the north west and over 30 metres from the dwelling in Ibis Close with screening between the resulting relationships are not considered to cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.
- 12.31 It is noted that the dwellings contain balconies, however, with a condition to secure appropriate screening between these, it is not considered that the proposal would cause significant harm to neighbouring amenity and is therefore considered to comply with the above mentioned policy.
- 12.32 **Access, parking and impact on highway safety**
- 12.33 Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It 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.*

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

- 12.34 Paragraph 111 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 12.35 The pair of semi detached dwellings and the proposed detached dwelling would each have three parking spaces. With the proposal seeking to utilise and improve the existing access of College Road. Following WSCC Highways initial comments, further information has been provided and in summary they do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the highway network, as such subject to conditions on visibility splays, access, parking and cycle parking there are no transport grounds to resist the proposal.
- 12.36 Officers do not disagree with this view, in addition the 3 parking spaces each comply with the WSCC Parking Standards. Therefore, subject to the above mentioned conditions, it is considered that the proposal would not have a significant impact on highway safety, access and parking and would comply with Policy DP21 of the District Plan.
- 12.37 **Location Sustainability**
- 12.38 Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'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'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.39 Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:
- 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*
- 12.40 Paragraph 152 of the NPPF states:
- 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of*

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

- 12.41 Ardingly is designated as being a category 3 settlement, which as set out within the District Plan is considered to be a *'Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.'*
- 12.42 Although not strictly contiguous to the built up area boundaries, due to its proximity to the built up area boundaries on the opposite site of College Road, with a lit, paved footpath into the centre of Ardingly, together with the site being approximately 550 metres from the bus stop off Lindfield Road, it is considered that the site is within a sustainable location with the ability to walk and cycle to local services together with access to public transport options. In addition, it is noteworthy that the site opposite (Standgrove Field) was allocated in the Ardingly Neighbourhood Plan for development of 37 homes and thus would have been considered as a sustainable location for development.
- 12.43 **Drainage**
- 12.44 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.
- 12.45 The Council's Drainage Officer has been consulted on this application and has raised no objections to the proposal subject to conditions on foul and surface water drainage and means of disposal condition. Subject to this conditions, the proposal is acceptable in terms of flooding and drainage and is considered to comply with Policy DP41 of the Mid Sussex District Plan.
- 12.46 **Biodiversity**
- 12.47 Para 170 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 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;
- 12.48 *'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.'*
- 12.49 Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.
- 12.50 This planning application is supported by a preliminary ecological appraisal survey and a reptile survey. These reports have been checked by the Councils Ecology Consultant with have recommended no objections subject to conditions.

12.51 Subject to the recommended conditions, it is therefore considered that the ecological and biodiversity issues regarding the application have been satisfactorily addressed by the submitted reports. In view of the above it is considered that the proposal complies with Policy DP38 of the Mid Sussex District Plan and the aims of the NPPF.

12.52 **Sustainability**

12.53 District Plan Policy DP39 is relevant in the determination of this application. This 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.'

12.54 The application has been supported by a Sustainability Statement which sets out that the proposal would incorporate the following measures:

- Go beyond requirements of Part L building Regulations

- Insulation of floors, roof and walls in excess of minimum standards under Part L1A

- U values for glazing and doors in excess of minimum standards under Part L1A

- air permeability rate within the building will be sought, with an initial target of 5.0m³/hm² (50Pa) or lower

- Heating and hot water to reflect best current practise (probably air source heat pumps)

- Temperature controlled zones

- Passive solar gain

- Energy efficient lighting

- Solar considered as part of SAP Part L1A calculations

- High rated white goods
- The water consumption (L/person/day) for the proposed dwelling shows a figure of 109.6l/p/d
- Dual Flush toilets
- 10.0L/Min flow rate shower
- 3.0l/min Flow rate basin taps
- 6.0l/min Flow rate kitchen taps
- Water efficient washing machine and dishwasher
- Rainwater butt
- Individual water metres

12.55 As such the proposal would accord with District Plan Policy DP39 or Design Guide Principle DG37 in terms of sustainable design and construction.

12.56 **Trees**

12.57 Policy DP37 of the District Plan states:

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

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

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and

- prevents damage to root systems and takes account of expected future growth; and

- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and

- has appropriate protection measures throughout the development process; and

- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and

- does not sever ecological corridors created by these assets.'

- 12.58 Following the Tree Officers original comments, the application has been revised, the parking has been re-located to the side of the dwellings, with the garage removed and the dwellings pulled further forward (north east) in order to allow better separation and in turn reducing the shading and potential future pressure to removes these trees.
- 12.59 Following these changes the Councils Tree Officer has confirmed that the proposal is an improvement and would result in less pressure on the retained trees. As such subject to a condition to secure a fully updated Arboricultural Impact Assessment, Tree Protection Plan and Full hard and soft landscaping details it is considered that the proposal would comply with the above mentioned policy.
- 12.60 **Ashdown Forest**
- 12.61 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).
- 12.62 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.63 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.
- 12.64 Recreational disturbance
- 12.65 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.
- 12.66 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.67 This planning application is within the 7km zone of influence and generates a net increase of 3 dwellings, and as such, mitigation is required.
- 12.68 An appropriate scale of SAMM mitigation for the proposed development is £3,510, and if the approved scheme provides for a strategic SANG contribution, this would be £6,099.

- 12.69 Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.70 The strategic SANG is located at East Court & Ashplats Wood 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.
- 12.71 The financial contributions for SAMM and SANG mitigation are being secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.72 Natural England has been consulted on the appropriate assessment of this proposed development and have raised no objection subject to securing appropriate mitigation.
- 12.73 Atmospheric pollution
- 12.74 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.
- 12.75 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.
- 12.76 Conclusion of the Habitats Regulations Assessment
- 12.77 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.
- 12.78 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.
- 12.79 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.80 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.
- 12.81 **Other Matters**

12.82 Policy DP42 of the Mid Sussex District Plan in part states:

'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.'

12.83 Details have been provided from South East Water to confirm that there is adequate water supply to serve the development. As such the proposal is considered to comply with the above mentioned policy.

13.0 Planning Balance and Conclusion

13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

13.2 National planning policy states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5-year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

13.3 Weighing against the scheme is the fact that the proposal due to the fact that the built-up area boundary is on the opposite side of College Road, the site is not considered to be contiguous with the built up area boundaries and as such the proposal is contrary to the development plan in principle. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of policies DP12 and DP15 and ARD2 of the Ardingly Neighbourhood Plan.

13.4 Weighing in favour of the scheme is that the development will provide 3 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the proposal would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development.

13.5 The proposal is also considered acceptable in regard to design, size and scale, due to its infill nature it is considered to preserve the character of the countryside and that of the wider AONB. It is also deemed acceptable in relation to highways, access and parking, sustainable construction, neighbouring amenity, drainage, ecology, trees and dwelling space standards.

13.6 There would also be a new homes bonus.

- 13.7 There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 13.8 Although not technically contiguous to the built-up area boundary, due to its close proximity and the infill nature of the proposal, it is not considered to cause harm to the intrinsic qualities of the countryside or the scenic and natural beauty of the High Weald AONB. In this respect, the fundamental requirements of policies DP12, DP16 and ARD2 of the Neighbourhood Plan would be met. It is further considered that the site's development could comply with the overarching design and character impact requirements of policies DP26 and ARD5.
- 13.9 Taking all of the above into account, the proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval.
-

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 plans listed below under the heading 'Plans Referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy ARD5 of the Ardingly Neighbourhood Plan.
4. 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 and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved 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 comply with Policy DP21 of the Mid Sussex District Plan. (2014 - 2031)

6. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan. (2014 - 2031)

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

Reason: In the interests of carriageway safety and to comply with Policy DP21 of the Mid Sussex District Plan. (2014 - 2031)

8. The use of the access shall not commence until visibility splays of 2.4 metres x 47 metres have been provided at the proposed site vehicular access onto College Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of carriageway safety and to comply with Policy DP21 of the Mid Sussex District Plan. (2014 - 2031)

9. No dwelling shall not be occupied unless and until an independent final report has been prepared and submitted to the Local Planning Authority to demonstrate that the development has complied with the criteria as set out within the Sustainability Statement.

Reason: In order to achieve a sustainable development and to accord with Policy DP39 of the District Plan (2014 - 2031).

10. No dwelling shall not be occupied unless and until details of the glazed privacy screens located on the sides and between the new balconies has been submitted and approved. These shall be erected prior to occupation of the dwellings and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan (2014 - 2031).

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Presence/Likely-Absence Survey (Arbtech Consulting Limited, October 2023) and the Ecological Appraisal Survey (Arbtech Consulting Limited, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

13. The development hereby permitted shall not commence unless and until a Reptile and Enhancement Mitigation Strategy addressing the mitigation and

translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with DP38 of the Mid Sussex District Plan.

14. No development above slab level shall commence unless and until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal Survey (Arbtech Consulting Limited, 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy DP38 of the Mid Sussex District Plan.

INFORMATIVES

1. Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with 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 should note that it

is an offence to undertake any works within the highway prior to the agreement being in place.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	607-001	-	07.03.2022
Existing Site Plan	607-003	-	07.03.2022
Proposed Site Plan	607-103	C	13.06.2023
Proposed Floor Plans	607-110	B	13.06.2023
Proposed Floor Plans	607-111	B	13.06.2023
Proposed Roof Plan	607-112	A	13.06.2023
Proposed Floor Plans	607-115	B	13.06.2023
Proposed Floor Plans	607-116	B	13.06.2023
Proposed Roof Plan	607-117	A	13.06.2023
Proposed Elevations	607-121	A	13.06.2023
Proposed Elevations	607-122	A	13.06.2023
Proposed Elevations	607-123	A	13.06.2023
Proposed Elevations	607-124	A	13.06.2023
Drainage Details	9008/D3	P4	19.07.2023
Drainage Details	9008/D4	P3	19.07.2023
Landscaping Details	LLD2436-LAN-DWG-010	01	19.07.2023
Proposed Site Plan	104		21.08.2023
Access Plan	11109_100	P7	19.07.2023

APPENDIX B – CONSULTATIONS

Southern Water – 24/01/2023

Dear Sir/Madam,

Proposal: Erection of one detached 5-bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road.

Site: DM/22/0752: - Earthingleigh, College Road, Ardingly, Haywards Heath, West Sussex, RH17 6SA.

Thank you for your letter dated 03/01/02023.

The comments in our response dated 25/04/2022 remain unchanged and valid for the additional details.

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

Yours faithfully,

Future Growth Planning Team

Developer Services

Southern Water – 25/04/2022

Dear Sir/Madam,

Proposal: Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road.

Site: DM/22/0752: - Earthingleigh College Road, Ardingly, Haywards Heath, West Sussex, RH17 6SA.

Thank you for your letter dated 04/04/2022.

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 Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

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

Yours faithfully,

Future Growth Planning Team
Business Channels

Natural England

Dear Mr Swift

Planning consultation: HRA & Appropriate Assessment - Erection of one detached 5 bedroom dwelling & a pair of semi-detached 5 bed dwellings with associated parking & access from College Road

Location: Earthingleigh, College Road, Ardingly, Haywards Heath, West Sussex RH17 6SA
Thank you for your consultation on the above dated and received by Natural England on 10 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.

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.

Yours sincerely
Sally Wintle
Consultations Team

Ardingly Parish Council

Ardingly Parish Council OBJECT to this application and would like the following comments noted

APC feel the application is an over development of the site

APC feel the increase in the house size requested will mean more vehicles and additional

traffic entering and leaving the site

APC feel the sight lines are not sufficient in relation to vehicular access

Street Naming and Numbering

Weekly list date: 14.03.2022 and 18.03.2022

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

Linda Symes

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.

Planning applications requiring SNN informative

DM/22/0752

DM/22/0797

DM/22/0843

DM/22/0791

DM/22/0695

DM/22/0841

DM/22/0536

DM/22/0640

DM/22/0867

Drainage Officer – 27/07/2023

I've reviewed the updated drainage information for the above application and can provide the following comments.

The applicant proposes to utilise individual soakaways to manage surface water for the proposed dwellings. This is considered acceptable subject to infiltration testing and finalised designs, which can be addressed via our previously recommended condition.

We would again advise the applicant that climate change allowances have been updated and the latest climate change allowance should be utilised within the final design calculations. Details of the latest climate change allowances are available online at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> and <https://environment.data.gov.uk/hydrology/climate-change-allowances/rainfall>

For ease of reference we recommend the following condition is placed on the development:

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.

Kind regards,

Natalie J

Drainage Officer – 24/01/2023

Hi Joe,

The flood risk and drainage team confirm that our previous recommendation dated 2022-04-04 remains valid. We would however advise the applicant that climate change allowances have been updated since our comments and detailed drainage design will need to utilise these updated allowances.

Kind regards,

Natalie

Drainage Officer – 04/04/2022

Planning Application Consultation Response

Application Details

Application Number	DM/22/0752
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-04-04
Site Location	Earthingleigh, College Road, Ardingly
Development Description	Erection of 1 detached 5-bedroom dwelling and a pair of semi-detached 5-bed dwellings with associated parking and access from College Road.
Recommendation	No objection subject to condition

flood risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk.

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.

surface water drainage

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may 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.

A drainage strategy layout plan (9008/D3, Rev P3, 22-Feb-2022) has been submitted in support of the planning application. It is proposed that the development will manage surface water drainage via 5 soakaways. The plan states soakaways have been sized to manage the 1 in 100/year plus 40% storm event and are based on an assumed infiltration rate. Notes on the plan state the infiltration rate is interpolated from Phase 1 and acknowledges the need for onsite infiltration testing at detailed design stage.

The flood risk and drainage team consider the information submitted sufficient to show that, in principle, surface water drainage could be achieved on the site. Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This will be required to address the recommended drainage condition.

foul water drainage

It is proposed that the development will discharge foul drainage to the main sewer. This is considered acceptable in principle. However, we would advise the applicant that the public foul sewer map does not show a foul sewer located immediately adjacent the site and as such drains are likely to cross third party land.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. This will be required to address the recommended drainage condition. We would advise the applicant to consider third party land easement agreements etc as part of the detailed drainage design.

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.

General drainage requirement guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

(<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation	

to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ⁴	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

WSSC Highways - 03/08/2023

WSSC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 01/07/2022, raising no highway safety concerns. The applicant has submitted amended plans and as such, the LHA has been reconsulted.

From inspection of the amended plans, the proposed site layout appears acceptable from a highway safety point of view. Suitable vehicular parking provision has been demonstrated. The LHA maintains the request for cycle parking to be provided, which can be secured by Condition.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the

highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Conditions

Visibility Splays

The use of the access shall not commence until visibility splays of 2.4 metres x 47 metres have been provided at the proposed site vehicular access onto College Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of carriageway safety.

Access

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

Reason: In the interests of carriageway safety.

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

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 to be submitted to and approved by the Local Planning Authority.

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

Informative

Section 278 Agreement - Works within the Highway

The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with 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 should note that it is an offence to undertake any works within the highway prior to the agreement being in place.

Kyran Schneider

West Sussex County Council – Planning Services

WSSC Highways - 01/07/2022

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSSC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments.

Site Context & History

The access onto the application site is located on College Road, a public maintained highway.

The LHA would view said road to be set within an urban setting.

The road is subject to a 30-mph speed limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Access

The applicant has proposed to construct a bell mouth access under a section 278/38 agreement. They have offered up land (to include vehicle visibility splays) for adoption. This land includes the newly proposed crossing points. Visibility splays of 2.4 x 47 metres have been proposed. This in line with WSSC and MfS guidance.

An inspection of data supplied to WSSC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the new would operate unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the proposed access.

Vehicle Parking

Under WSSC Car Parking Guidance (adopted September 2020), the LHA would expect that 9 parking spaces (3 per dwelling) would be enough for a development of this size and location.

The applicant proposes a parking provision of 2 spaces each for the new dwelling(s), with 3 ad-hoc spaces.

To summarise the LHA raises no concerns over the Vehicle Parking.

Cycle Parking

As per the WSSC Sustainability policy, the LHA wish to see cycle storage implemented in the form of lockable covered storage. Details of which can be secured with a suitably worded condition found below.

Electric Vehicle (EV) Parking

Given the recent changes to the Building Regulations Approved Document S

(Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th, 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Conclusion

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

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions

Visibility Splays

The use of the access shall not commence until visibility splays of 2.4 x 47 metres have been provided at the proposed site vehicular access onto College Road in accordance with plans and details **to be** submitted to and approved in writing by the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of carriageway safety.

Access

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

Reason: In the interests of carriageway safety.

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

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 **to be** submitted to and approved by the Local Planning Authority.

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

Informative

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with 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 should note that it is an offence to undertake any works within the highway prior to the agreement being in place.

Stephen Garrard
West Sussex County Council – Planning Services

WSCC Highways - 23/05/2022

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSCC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments.

More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues.

Issues Raised

The LHA wishes to summarise the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.

1. Condition Details

Further Details and Justification

The LHA provides the following comments with justification.

- 1. Point 1 – Satisfied
- Point 2 – Please provide details
- Point 3 – Please provide details
- Point 4 – Satisfied.

Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

Stephen Garrard
West Sussex County Council – Planning Services

WSCC Highways - 21/04/2022

Good Afternoon,

Thank you for this information.

I am afraid after reviewing this information, I would request a few additional points.

1. The pavement width on the kerb radii is too small. We would like to see over 1.5 metres in width with a pinch point of 1.3 metres. However, the dimensions shown are not considered a pinch point.
2. Please annotate the Junction width proposed on the plans.
3. Please highlight the area proposed for adoption.
4. Please annotate the drop kerb width of the pedestrian crossovers.

Once this information is received by ourselves and the LPA. Please can we be formally reconsulted.

Kind Regards,

WSCC Highways - 06/04/2022

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSCC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments.

Site Context & History

The access onto the application site is located on College Road.

The LHA would view said road to be set within an urban setting.

The road is subject to a 30-mph speed limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues.

Issues Raised

The LHA wishes to summarise the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.

1. Safety Audit,
2. Access & Adoption,
3. Internal Layout.

Further Details and Justification

The LHA provides the following comments with justification.

1. The LHA requests the applicant provides the Road Safety Audit (RSA) Response Log to allow the LHA to respond to the RSA. The address of the site is also incorrect within the designers response stating a site that's located in Hastings.
2. Please provide the Kerb Radii and Access dimensions. The LHA also requests clarity on the intentions of the section 278 and if the applicant will be looking to enter a section 38 agreement for adoption of any of the carriageway outside the highway boundary, including footways?
3. While the LHA notes that the applicant likely wishes to keep internal roads private, the LHA would like to point out to the LPA that no provisions have been taken to demonstrate that pedestrians leaving the proposed footway have any protection against cars approaching from the south and turning into the site. The LPA may wish to investigate mitigation measures.

Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

MSDC Tree Officer – 16.08.2023

Joe,

This is an improvement on the previous scheme and will put less pressure on retained trees.

However, a fully updated AIA including TPP and Method statement is required.

Full details are required of the ' heavy standard native trees'. Also fruit trees are not suitable landscaping plants. These should be replaced with British natives with some longevity.

All of these details should be required prior to commencement.

Irene

MSDC Tree Officer – 14.03.2023

Following the applicant's response to Sarah's comments, I have the following response :

The houses appear out of scale with their plots, this is partly due to the substantial front gardens, which will be largely unusable due to their position next to parked cars and lack of privacy.

If the houses were moved further forwards, this would reduce the pressure on the trees to the rear, allow more useable amenity space to the rear and reduce/remove the need for specialist construction in some areas, further reducing pressure on the remaining trees.

There is insufficient space to mitigate for the loss of the trees , as shown. Could additional planting take place to the front of the site. ? The AIA recognises the ‘negative impacts (of the trees) need to be mitigated by a commitment to suitable replanting.’ I see no evidence of such a commitment, nor space for such a commitment to take place, contrary to Policy DP37.

Whilst not wishing to further discuss the benefits/disbenefits of shading, it is also my experience that householders prefer to have light to their rear gardens , particularly in view of the limited rear gardens, proportionate to the large dwellings, however, the applicants seem unwilling to address this.

Throughout the AIA , there is reference to the trees conflicting with the design proposal, when, in fact , this is the other way around. No attempt appears to have been made to design around the trees. Again, this is contrary to Policy DP37 and contrary also to its position within the AONB, one of the characteristics of which are native trees.

I concur with all of Sarah’s comments, and would not wish, if permission is granted, to merely condition landscaping etc. With the current scheme, I do not consider that there is sufficient scope for the landscaping etc

I object to the application as it stands,

MSDC Tree Officer – 14.03.2023

I have reviewed the Tree Survey/ AIA/ Tree Constraints Plans along with the Design and Access Statement for this proposal.

I note there are a number of trees to be removed. This includes 5 category B trees, 8 category C trees and 3 category C groups, the majority being shown as native species. This is a significant number of trees, and despite many categorised as being of relatively low quality, as a group they will provide many benefits, and their removal will undoubtedly have a negative impact on the site.

Despite the significant loss, the design and access statement outlines the commitment to mitigate this with a suitable replanting scheme. The landscaping proposals given within the tree report (6.10 – 6.13) and the design and access statement (5.17) are in accordance with DP37 and it is recommended these suggestions are stringently followed when the landscaping plan is finalised. As the report suggests species selection is a key factor when maximising the mitigation effects that the replanting will provide and native species are most appropriate.

The report further points out the conflict of the design on the RPAs of some trees. Details of the special engineering solutions to ensure minimal damage to the roots of these trees should be submitted and agreed prior to commencement.

With regard to shading, it can be seen from the TCP that the rear gardens of the properties will be in shade for much of the day. Although the report suggests shade can be good, in my experience, many people find constant shade particularly within the rear garden a nuisance. This would likely put unacceptable pressure on the trees to be removed or significantly reduced. There appears to be some scope to reposition the properties that may help reduce this concern.

Given the above points, particularly the issue of shading, I would find it difficult to support this proposal on arboricultural grounds, however I understand this is just one aspect to be considered when a decision is to be made.

Should permission be granted, I would request that an AMS and TPP be submitted and agreed prior to commencement along with a detailed landscaping plan as outlined above.

Kind regards,

Ecology Consultant

Application: DM/22/0752 Location: Earthingleigh College Road Ardingly Haywards Heath West Sussex RH17 6SA Proposal: Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road. (Amended plans 19/07/2023)

Thank you for re-consulting Place Services on the above application.

Recommended Temporary Holding Objection

No ecological objections

Recommended Approval subject to attached conditions Yes

Recommended Discharge of condition

Summary

We have reviewed the Reptile Presence/Likely-Absence Survey (Arbtech Consulting Limited, October 2023) and the Ecological Appraisal Survey (Arbtech Consulting Limited, September 2021), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, with identification of proportionate mitigation.

We note that the Reptile Presence/Likely-Absence Survey (Arbtech Consulting Limited, October 2023) concludes that there is a low population of Slow Worm on site and we therefore support the implementation of a reptile mitigation and enhancement plan which should be secured by a condition of any consent.

We are now satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt.

We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

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

The mitigation and enhancement measures identified in the Reptile Presence/Likely-Absence Survey (Arbtech Consulting Limited, October 2023) and the Ecological Appraisal Survey (Arbtech Consulting Limited, 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.

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 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

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

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

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 Reptile Presence/Likely-Absence Survey (Arbtech Consulting Limited, October 2023) and the Ecological Appraisal Survey (Arbtech Consulting Limited, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO COMMENCEMENT: REPTILE MITIGATION AND ENHANCEMENT STRATEGY

“No development shall take place until a Reptile and Enhancement Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under 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 Ecological Appraisal Survey (Arbtech Consulting Limited, 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely