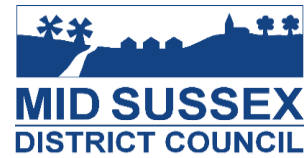


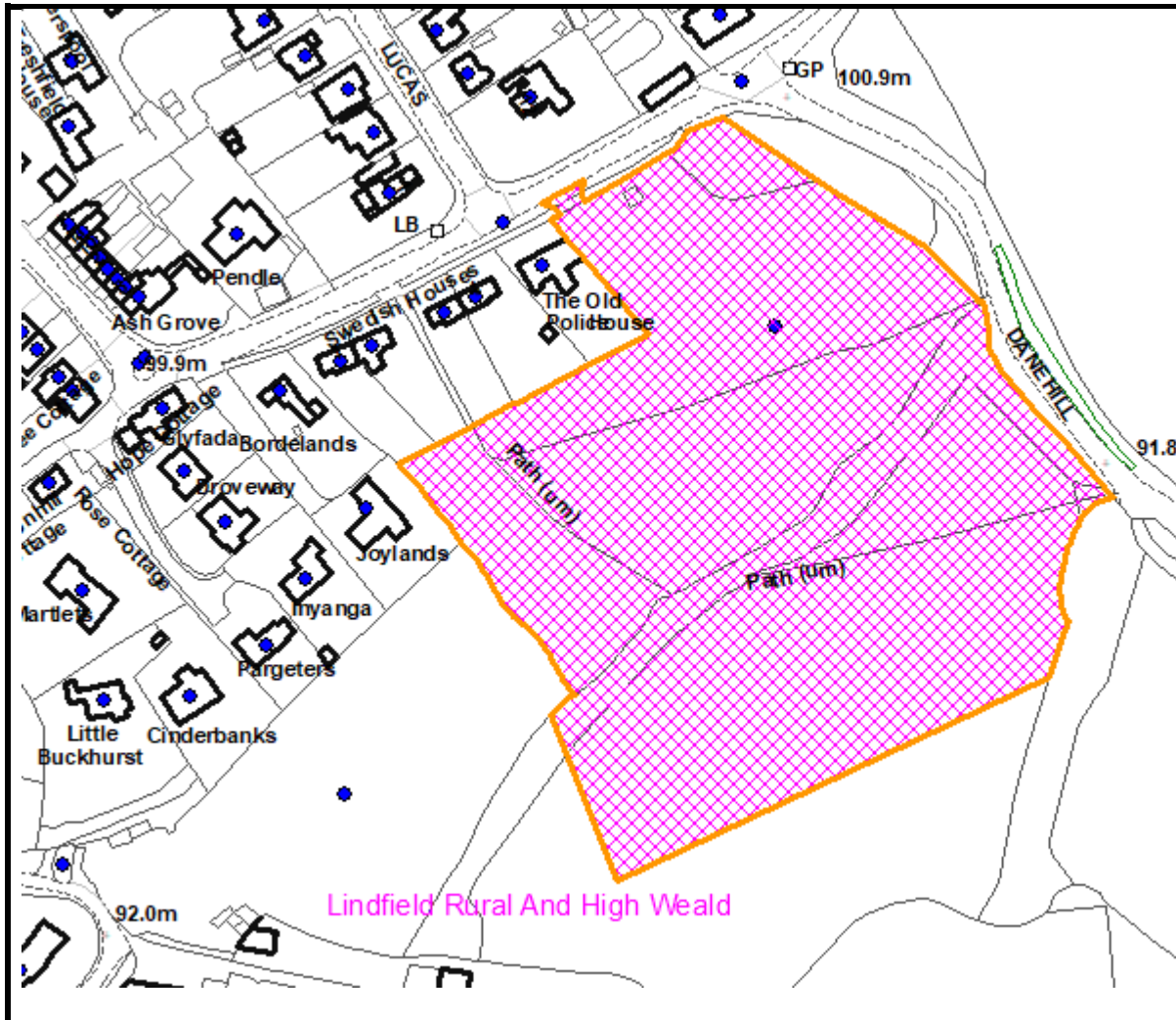
Planning Committee



Recommended for Permission

11th January 2024

DM/23/2172



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Site:	Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex
Proposal:	The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works. (Amended Plans and additional information 20/11/2023)
Applicant:	Sunley Estates Ltd
Category:	Smallscale Major Dwellings
Target Date:	12th January 2024

Parish:	Horsted Keynes
Ward Members:	Cllr Paul Brown / Cllr Lorraine Carvalho /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZLDBEKT04L00>

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZLDBEKT04L00>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 This application seeks full planning permission for the erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works on Land south of The Old Police House, Birchgrove Road, Horsted Keynes.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Horsted Keynes Neighbourhood Plan.
- 2.3 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 2.4 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 2.5 The application site, known as SA28, is allocated for 25 dwellings within the Site Allocations DPD. The principle of development is thus established. The Mid Sussex Site Allocations Development Plan Document was adopted by the Council as part of the Development Plan in June 2022. The built-up area boundary of Horsted Keynes has been amended to include the site both within the Site Allocations DPD and the Horsted Keynes Neighbourhood Plan.
- 2.6 The proposal is considered to be of an appropriate design size and scale, that is in-keeping with the existing village of Horsted Keynes while respecting the wider

landscape impacts. The proposal is also considered to preserve the character and appearance of the wider Area of Outstanding Natural Beauty.

- 2.7 The proposal would be providing on site Biodiversity Net Gain of some 10.43 % BNG for habitat units and 34.59 % gain for linear hedgerow units.
- 2.8 The proposal has also been found to be acceptable in relation to neighbouring amenities. It is inevitable that there would be some noise and disturbance during the construction phase, however, conditions would be used to minimise this, and it is only for a temporary period. It is not a reasonable ground to resist the application.
- 2.9 The proposal is considered acceptable in relation to highways, access and parking, the site would allow for safe cycle and pedestrian access into the village with no objection raised from WSCC Highways.
- 2.10 Subject to the recommended conditions, the proposal is also deemed acceptable in relation to the impact of development on trees. It is considered that the established boundary trees can be retained as part of the proposal.
- 2.11 The proposal has also been found to be acceptable in relation to housing mix, drainage, sustainable construction, infrastructure contributions, affordable housing, contamination, biodiversity, accessibility, dwelling space standards, water supply and impact on the Ashdown Forest.
- 2.12 A key consideration in this case is the impact on heritage assets. The proposed development is within the setting of nearby heritage assets that are affected by this application, these being:
- Horsted Keynes Conservation Area
 - Lucas Farm (Grade II)
- 2.13 In this case it is considered that the development will lead to less than substantial harm to the setting of the identified heritage assets with this being at the low-mid end of the scale for the setting of the Conservation Area and at the mid- range for Lucas Farm. This means there is some conflict with Policy DP34 and DP35 of the District Plan and Policy HK6 of the Neighbourhood Plan. In such cases, para 208 of the NPPF is clear on how the local planning authority needs to assess the application:
- 2.14 *'208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 2.15 Therefore, were there to be public benefits that outweighed the harm to the designated heritage asset, this would be a material planning consideration that could lead to an acceptance of the proposal, despite the harm to the heritage asset.
- 2.16 In this case, there would be clear social and economic benefits from the development of 25 houses on an allocated site that includes 8 affordable homes. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents.

- 2.17 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified harm to the heritage assets.
- 2.18 Overall, planning officers consider that the scheme meets the key objective of the site allocation SA28 Policy which is:
- 2.19 *‘To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.’*
- 2.20 The application therefore complies with policies DP4, DP6, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP35, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA GEN, SA10, SA11, SA28 and SA38 of the Mid Sussex Site Allocations DPD, Policies HK1, HK3, HK4, HK5, HK9, HK10, HK11, HK12, HK13 and HK17 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
- 2.21 The application is therefore recommended for approval, subject to the suggested conditions and securing the legal agreement.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required SAMM and SANG mitigation, the biodiversity net gain provisions, infrastructure contributions and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 14th July 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:
1. The proposal fails to provide the required affordable housing or infrastructure contributions. The application therefore conflicts with Policies DP20 and DP31 of the Mid Sussex District Plan, Policy SA GEN of the Mid Sussex Site Allocations DPD.
 2. The application fails to mitigate its impact on the Ashdown Forest SPA and SAC, contrary to Policy DP17 of the Mid Sussex District Plan 2014-2031, Policy HK10 of the Neighbourhood Plan, Policy SA GEN of the Mid Sussex Site Allocations DPD and the provisions contained within the National Planning Policy Framework.
 3. The proposal fails to make provisions for securing biodiversity net gain. The application therefore conflicts with Policy SA GEN of the Mid Sussex Site Allocations DPD and Policy HK10 of the Horsted Keynes Neighbourhood Plan.

4.0 Summary of Representations

4.1 27 third party letters of representation have been received which have objected to the proposal for the following reasons:

- boundary fence onto development not secure
- footpaths need to be made accessible to all
- Highway safety/access/visibility
- Not enough time to review
- Overdevelopment – higher density than surrounding development
- Insufficient small housing stock
- Increased traffic/congestion/pollution
- Noise and disturbance
- Impact on rural character
- Footpath diversions
- Water supply
- Electricity supply
- Sewage capacity
- Want a brick wall and hedging instead of fence and hedging
- Impact on wildlife/badger sets/protected species
- loss of hedges and trees
- Archaeological surveys required
- Relocation of the bus stop
- Adverse impact on AONB
- Adverse impact on Setting of Listed Building
- Adverse impact on Setting of Conservation Area
- Ashdown Forest
- loss of farmland
- Ancient field system
- Evidence of local need for housing/ affordable housing
- Future developments of adjoining fields
- Intrusion into countryside
- More detailed and independent financial viability assessment should be conducted
- Solar or storage batteries considered
- Village sprawl

5.0 Summary of Consultees

5.1 **Urban Designer:** No Objection

5.2 **MSDC Conservation Officer:** I would consider the harm caused in both cases to be less than substantial, such that paragraph 202 and the balancing exercise set out within it will apply. I would place the harm caused to the Conservation Area as at the low-mid end of that scale, and to Lucas Farm at the mid range.

5.3 **MSDC Tree Officer:** If permission is granted, detailed landscape plans are required, along with maintenance plans and planting schedules.

5.4 **WSCC Highways:** No objection

5.5 **WSCC Minerals and Waste:** No Objection

- 5.6 **Ecology Consultant:** Recommend approval subject to attached conditions
- 5.7 **WSSC Lead Local Flood Authority:** The statutory consultee role under surface water drainage is dealt with by the Mid Sussex Councils Flood Risk and Drainage Team
- 5.8 **MSDC Drainage Officer:** No objections subject to conditions
- 5.9 **MSDC Housing Officer:** The applicant is proposing a development of 25 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (8 units as shown) in accordance with District Plan Policy DP31.
- 5.10 **Landscape Consultant:** Supportive subject to attached recommendations and conditions
- 5.11 **Historic Environments Consultant:** Recommend approval subject to attached conditions
- 5.12 **WSSC FRS Water and Access:** Hydrant condition
- 5.13 **West Sussex County Council Infrastructure:** Financial contributions towards infrastructure requested
- 5.14 **MSDC Community Facilities and Project Officer:** Financial contributions towards infrastructure requested
- 5.15 **Southern Water:** Requires a formal application for connection to the public foul sewer to be made by the applicant or developer
- 5.16 **Nature Space:** It is recommended that the development follow Precautionary Working Methods Statement in the form of Reasonable Avoidance Measures to minimise the risk to great crested newts.
- 5.17 **MSDC Environmental Protection Officer:** Recommended conditions.
- 5.18 **MSDC Contaminated Land Officer:** Recommend approval with conditions
- 5.19 **MSDC Street Naming and Numbering Officer:** Informative 29 (address allocation)
- 5.20 **WSSC Public Rights of Way:** No Objections
- 6.0 Town/Parish Council Observations**
- 6.1 **Horsted Keynes Parish Council:** Support the application.
- 7.0 Introduction**
- 7.1 This application seeks full planning permission for the erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works on Land south of The Old Police House, Birchgrove Road, Horsted Keynes.
- 8.0 Relevant Planning History**
- 8.1 There is no directly relevant development management planning history on the application site.

9.0 Site and Surroundings

- 9.1 The application site is located to the east/north eastern side of the village of Horsted Keynes, the site is current a parcel of open agricultural land measuring approximately 2.36 hectares in area. Horsted Keynes is classified as a Category 3 Settlement in the District Plan (Policy DP6 of the District Plan) which are “medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.”
- 9.2 Although the site is currently undeveloped, it has a public right of way (HOK/9HK/1) which enters the site from between No. 2 and No. 3 Swedish Houses, then runs north to south across the first parcel and west to east across the second parcel coming out on Danehill Lane.
- 9.3 The application site joins the rear gardens of Nos. 1 to 4 Swedish Houses on the northern boundary and the rear and side boundary of The Old Police House on the northern and western boundaries, with the remainder of the northern boundary joining onto Birchgrove Road. The eastern/north eastern boundary joins onto Danehill Lane, while the eastern boundary joins an area of open land and onto the garden of the residential dwelling Joylands with the southern boundary joining onto open countryside.
- 9.4 The boundaries of the site, particularly the eastern boundary, is comprised of established vegetation. While the northern (front) of the site is set at a higher level than Birchgrove Road, the land levels across the site drop from north to south.
- 9.5 In terms of designated heritage assets, the site borders onto the Horsted Keynes Conservation Area along a section of the western boundary, together with Lucas Farm on the opposite side of Birchgrove Road to the north being a Grade II Listed Building. The application site thus affects the setting of these designated heritage assets.
- 9.6 The application site is designated as being within the built-up area boundary of Horsted Keynes, it is also within a High Weald Area of Outstanding Natural Beauty, within 7kms of the Ashdown Forest SPA.

10.0 Application Details

- 10.1 This application seeks full planning permission for the erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works on Land south of The Old Police House, Birchgrove Road, Horsted Keynes.
- 10.2 The proposal would consist of the following mixture of units:
- 10 x 1 bed flats
 - 1 x 2 bed flat
 - 6 x 2 bed bungalows
 - 3 x 2 bed house
 - 5 x 3 bed house
- 10.3 Of these 25 units, 30% will be affordable, with this equating to 8 units comprised of 4 x 1 bed flats, 1 x 2 bed flat, and 3 x 2 bed houses. The two ground floor flats provided as First Homes and the remaining six units provided for social or affordable rent.

- 10.4 The proposed dwellings would be designed with a mix of single story, 1.5 storeys and 2 storey heights. They would be finished in a mixture of brick and tile hanging to respect the existing vernacular and would create a varied character and to add interest across the different units within the development.
- 10.5 The site is to be accessed at the northern end of the site, from Birchgrove Road, with the access road running along the eastern side of the Old Police House. In order to accommodate the access, the existing bus stop at the front of the site needs to be moved to the east.
- 10.6 The proposal is seeking to provide a total of 53 car parking spaces. These are to be accommodated within a mix of garages, driveways, laybys and parking courts, with visitor parking distributed across the site.
- 10.7 The existing public right of way is to be upgraded through the residential development, with the provision of a 2 metre hard surfaced path bound by a new native hedge and tree planting, which will transition into a 2 metre wide mown path through the adjacent biodiversity area to the south.
- 10.8 The proposal is seeking to retain the existing vegetation where possible, while also providing reinforced planting to the existing site boundaries. The land adjacent to the new balancing pond to the south is to be planted with a suitable wetland wildflower mix, scrub planting and reed beds. Plans also show a local area of play located centrally within the site and the proposal is seeking to introduce a number of ecological enhancements providing a biodiversity net gain of 10.43% for habitat units and 34.59% gain for linear hedgerow units.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
a) The provisions of the development plan, so far as material to application,
b) And local finance considerations, so far as material to the application, and
c) Any other material considerations.'
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:
- 'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the

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

- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Horsted Keynes Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

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

DP4 – Housing
DP6 – Settlement Hierarchy
DP13 - Coalescence
DP16 - High Weald AONB
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 – Securing Infrastructure
DP21 - Transport
DP22 - Rights of Way and other Recreational Routes
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise and Light Pollution
DP30 – Housing Mix
DP31 – Affordable Housing
DP34 - Listed Buildings and Other Heritage Assets
DP35 – Conservation Areas
DP37 - Trees, Woodland, Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

SA GEN - General Principles for Site Allocations
SA10 - Housing
SA11 – Additional Housing Allocations
SA28 – Allocation of Land south of The Old Police House
SA38 – Air Quality

The Horsted Keynes Neighbourhood Plan

11.10 The Horsted Keynes Neighbourhood Plan was adopted in May 2023. Relevant policies include:

- HK1 – Location of New Development
- HK3 – Dwelling Mix
- HK4 – Maintaining Local Character and Good Quality Design
- HK5 – Infill Development and Domestic Extensions
- HK6 – Conserving Local Heritage
- HK9 – The High Weald Area of Outstanding Natural Beauty
- HK10 – Protection and Improvement of Natural Habitats
- HK11 – Low Carbon design and renewable energy schemes
- HK12 – Sustainable Drainage System Design and Management
- HK13 – Light Pollution
- HK17 – Cycleways and Footways

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

11.11 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.

In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

As the submission draft District Plan 2021-2039 (Regulation 19) will be published for public consultation on 12th January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

As such, this planning application has been assessed against the policies of the adopted District Plan.

- DPS1: Climate Change
- DPS2: Sustainable Design and Construction
- DPS4: Flood Risk and Sustainable Drainage
- DPS6: Health and Wellbeing
- DPN1: Biodiversity, Geodiversity and Nature Recovery
- DPN2: Biodiversity Net Gain
- DNP3: Green and Blue Infrastructure
- DPN4: Trees, Woodland and Hedgerows
- DNP6: Pollution
- DPN7: Noise Impacts
- DNP8: Light Impacts and Dark Skies
- DNP9: Air Quality
- DPN10: Land Stability and Contaminated Land
- DPC2: Preventing Coalescence
- DPC4: High Weald Area of Outstanding Natural Beauty
- DPC6: Ashdown Forest SPA and SAC

- DPB1: Character and Design
- DPB2: Listed Building and Other Heritage Assets
- DPB3: Conservation Areas
- DPT1: Placemaking and Connectivity
- DPT2: Rights of Way and Other Recreational Routes
- DPT3: Active and Sustainable Travel
- DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
- DPH1: Housing
- DPH3: Sustainable Development – Inside the BUA
- DPH7: Housing Mix
- DPH8: Affordable Housing
- DPH9: First Homes
- DPH11: Dwelling Space Standards
- DPH12: Accessibility
- DPI1: Infrastructure Provision
- DPI2: Planning Obligations
- DPI4 Communications Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2023)

- 11.13 The NPPF is a material consideration. Paragraphs 8 and 11 are considered to be particularly relevant to this application as are Chapters 5, 9, 15 and 16 generally.

National Planning Policy Guidance (NPPG)

National Design Guide

Listed Building and Conservation Area (LBCA) Act 1990

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

The High Weald Housing Design Guide

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

West Sussex County Council Guidance on Parking at Developments (May 2019)

12.0 **Assessment**

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

- Principle of Development
- Housing Mix
- Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty
- Highways, Access and Parking
- Impact on heritage assets
- Residential Amenity and Pollution
- Trees
- Ecology
- Ashdown Forest
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Sustainability
- Water Supply
- Other Issues

Principle of Development

12.2 Policy DP4 of the District Plan refers to Housing supply and sets out what the objectively assessed need (OAN) for the District is and how that is intended to be met:

'The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.

The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units. The Council will review the District Plan, starting in 2021, with submission to the Secretary of State in 2023.'

12.3 The commitment to a Site Allocations DPD is therefore a requirement of Policy DP4. The Site Allocations DPD was then prepared, consulted upon, independently examined and subsequently adopted by the Council as part of the Development Plan in June 2022.

12.4 Policy SA10 of the Site Allocations DPD refers to the DP4 housing requirements and updates the spatial distribution of housing requirement in order to meet the identified housing target for the District within the Plan period.

12.5 Policy SA11 (Additional Housing Allocations) states that:

'In addition to the strategic site allocations set out in District Plan Policy DP4: Housing, development will be supported at the additional site allocations, through a comprehensive approach involving the community, local planning authority, developer and other stakeholders, where development meets the requirements set out within the Policy Requirements SA12 to 33, SA GEN: General Principles for Site Allocations and are in accordance with the Development Plan read as whole.'

12.6 The application site, known as SA28 in the Site Allocations DPD is allocated for 25 dwellings, with the overall number allocated across the District in the document being 1704.

12.7 Planning legislation requires that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the application site is allocated for housing development within the Mid Sussex Site Allocations Development Plan Document by virtue of Policy SA28. It is therefore development plan policy, subject to meeting various criteria, that this site be developed for housing.

12.8 Policy SA28 sets the number of dwellings for the site as 25 and states that the objective is:

'To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.'

12.9 As well as this objective, Policy SA28 also sets out a number of other criteria that need to be met which fall under the following headings:

- Urban Design Principles
- AONB
- Historic Environment and Cultural Heritage
- Biodiversity and Green Infrastructure
- Highways and Access
- Flood Risk and Drainage

12.10 As well as these criteria specific to the Policy SA28 allocation, the Sites DPD also sets out a number of General Principles that are relevant to all allocated sites within the document. These are also referred to in more detail within the relevant sub-sections of the assessment section but fall within the following headings:

- Key Objectives
- Urban Design Principles
- Landscape Considerations
- Social and Community

- Historic Environment and Cultural Heritage
- Air Quality, Light, Noise and Amenity
- Biodiversity and Green Infrastructure
- Access and Highways
- Flood Risk and Drainage
- Ashdown Forest
- Utilities
- Sustainability
- Contaminated Land
- Minerals Safeguarding

12.11 With the site being allocated for housing by SA28, it has also amended the built-up area boundary so the application site is designated as being within the built up area boundary of Horsted Keynes. This is also reflected in the built up area in the Horsted Keynes Neighbourhood Plan (Chapter 4: Location of Development and The Built-Up Area Boundary) that also forms part of the Development Plan.

12.12 Furthermore, the Horsted Keynes Neighbourhood Plan site allocations, Chapter 9: Site allocations sets out at para 9.6 that:

‘The Neighbourhood Plan’s housing strategy is that no additional site allocations are proposed in this NDP, as the MSDC Site Allocations DPD, combined with existing completions and commitments, will meet the identified local housing requirement for the plan period in full, as set out in Table A below

Table A: Housing land supply position at 31 December 2021	
Completions (1 April 2014 - 31 December 2021) and commitments at 1 November 2019	9 dwellings
Contribution from C2 residential institutions arising from completions and commitments at Westall House, based on the guidance in the DCLG Housing Delivery Test Measurement Rule Book (20 units at a ratio of 1.8)	11 dwellings
Allocations made in the MSDC Site Allocations DPD: SA28 land south of Old Police House (25) and SA29 land south of St. Stephen’s Church (30)	55 dwellings
TOTAL	75 dwellings

12.13 At local level Policy HK1 of the Neighbourhood Plan states:

12.14 *‘New development in Horsted Keynes parish will be focused within the built-up area boundary (BUAB) of Horsted Keynes village as identified on the Policies Map, including allocations in the adopted Site Allocations DPD (sites SA 28 and SA 29). This is in order to promote sustainable development of the village and to safeguard the nationally important landscape of the High Weald AONB. Any infilling or*

redevelopment within the BUAB should be of an appropriate scale and nature and not harm the character and function of the village.'

12.15 A similar ethos is found within DP6 of the Mid Sussex District Plan which states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs.'

12.16 At national level, the NPPF makes clear the importance of significantly boosting the supply of homes. Para 60 of the NPPF states that:

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

12.17 Based on the above mentioned policy it is clear that the principle for this development is established.

Housing Mix

12.18 Policy DP30 (Housing Mix) states in part that housing development will:

'provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;'

12.19 Policy HK3 of the Neighbourhood Plan states that:

'New residential development of multiple dwellings should seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings. Where practicable and commercially viable, development proposals should deliver the following housing mix:

- 40%- 1 bed; and*
- 40%- 2 bed; and*
- 20%- 3 bed'*

12.20 Both SA28 and SA GEN also require the proposal to provide a mix of dwelling types and sizes. The proposed mix is:

- 10 x 1 bed (40%)
- 10 x 2 bed (40%)
- 5 x 3 bed (20%)

- 12.21 The proposal would therefore fully comply with the % requirements of the Neighbourhood Plan. Consequently, the proposed mix is considered acceptable and the proposal is considered to comply with Policy DP30 of the District Plan, HK3 of the Neighbourhood Plan and SA28 and SA Gen of the Sites Allocation DPD.

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

- 12.22 As identified above, the application site is located within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: *'to conserve and enhance natural beauty'*. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*.
- 12.23 In this respect DP16 of the District Plan states that development within the High Weald Area of Outstanding Natural Beauty (AONB) will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. The policy states in part that:

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

the identified landscape features or components of natural beauty and to their setting,

the traditional interaction of people with nature, and appropriate land management,

character and local distinctiveness, settlement pattern, sense of place and setting of the

AONB, and

the conservation of wildlife and cultural heritage.'

- 12.24 There is a similar Policy at Neighbourhood Plan level with HK9 stating:

'As appropriate to their scale, nature, and location, development proposals should conserve and enhance the following components of the landscape in the parish which, taken together, help to make it of national importance:

- take opportunities, where watercourses and water bodies are within or adjacent to the development site, to restore their natural function in order to improve water quality; prevent flooding and enhance wetland habitats;*
- respect the settlement pattern of the parish and use local materials (see paragraph 5.29) that enhance the appearance of development and help to reconnect development with the landscape;*
- relate well to historic routeways and do not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features;*
- do not result in the loss or degradation of Ancient Woodland or historic features within it and, where appropriate contribute to its ongoing management;*

- *conserve and enhance the ecology of fields, trees and hedgerows; retain and reinstate historic field systems and the boundaries which define them; and direct development away from medieval or earlier fields, especially where these form coherent field systems with other medieval features.*

Residential development should utilise the guidance in the High Weald Housing Design Guide (2019) in order to meet the requirement for landscape-led designs which conserve and enhance the special character of the AONB and also comply with policies HK4 and HK5 of this plan.

Development proposals need to exercise particular care in protecting and enhancing the AONB by respecting the key features above, which are identified in the High Weald AONB Landscape Character Maps'

12.25 Paragraph 182 of the NPPF states that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*'

12.26 In more general design and visual amenity terms, Policy DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace,*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape*
- *protects open spaces, trees and gardens that contribute to the character of the area,*
- *protects valued townscapes and the separate identity and character of towns and villages,*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29),*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.'*

12.27 At Neighbourhood Plan level, Policy HK4 (Maintaining Local Character and Good Quality Design) and HK5 (Infill Development and Domestic Extensions) state that:

HK4

'All development should maintain the distinct local character and demonstrate good quality design. This means recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment and in particular:

- achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street; and*
- using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- demonstrating where possible innovation to achieve low carbon sustainable design (as per policy HK11); and*
- adopting the principles of sustainable urban drainage, where applicable (as per policy HK12); and*
- respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape. New, improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.'*

HK5

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and*
- existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and*
- materials are compatible with materials of existing/surrounding buildings; and*
- suitable access and on-site parking is provided without detriment to neighbouring properties; and*
- there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.*
- Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6).*

Development outside the built-up area boundary that complies with policy HK1, including small scale domestic extensions, should also meet the criteria listed above.'

12.28 At site allocation level, and in respect of both 'Urban Design Principles' and the 'AONB', Policy SA28 requires:

- 'Contribute towards local character and local needs of Horsted Keynes village by providing a mix of dwelling types and sizes, including a proportion of smaller terraces or flats, ensuring contextual architectural style and detailing in the design.'*

- *Concentrate higher density development towards the northern part of the site to reflect the existing settlement pattern with a lower density around the edges to help create a suitable transition with the countryside.*
- *Seek to enhance the connectivity of the site with Horsted Keynes village by providing pedestrian and/or cycle links to adjacent networks.*
- *Orientate development to have a positive active frontage in relation to the existing settlement and to define open spaces and routeways.'*

AONB

- *'Ensure that the site layout, capacity and landscape mitigation requirements are informed by the recommendations of a Landscape and Visual Impact Assessment (LVIA) in order to conserve and enhance the landscape of the High Weald AONB, as set out in the High Weald AONB Management Plan.*
- *Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible, enhanced to improve both legibility and the setting of development.*
- *Protect the rural character of Birchgrove Road and this edge of settlement by retaining, where possible, the Oak tree and hedgerow on the frontage of the site.*
- *Retain important mature trees and hedgerows along the eastern, southern and western boundaries of the site, and incorporate these into the landscape structure and Green Infrastructure proposals of the development to limit impacts on the wider countryside. Open space should be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*
- *Protect the character and amenity of the existing public footpath (a historic routeway) that crosses the site and seek to integrate this with the Green Infrastructure proposals for the site.*

12.29 Similarly, and again in respect of 'Urban Design Principles' and 'Landscape Considerations', Policy SA GEN requires:

'Urban design principles

- *Design new development in accordance with District Plan Policy DP26: Character and Design and with the design principles set out in the Mid Sussex Design Guide SPD.*
- *Sites within the High Weald AONB are to have regard to the High Weald Housing Design Guide.*
- *Provide a high degree of integration and connectivity between new and existing communities.*
- *Design new development at a density that is appropriate for the location.*

- *Make a positive contribution towards local character and distinctiveness.*
- *Create safe communities through appropriate design and layout that reduces the likelihood of crime and anti-social behaviour.*

Landscape considerations

- *Undertake Landscape and Visual Impact Assessment or Appraisal (LVIA) on any rural and edge of settlement sites. In the AONB the LVIA will utilise the AONB Management Plan components as landscape receptors. The LVIA will need to inform the site design, layout, capacity and any mitigation requirements.*
- *Development in the High Weald AONB or within its setting will need to conserve and enhance the natural beauty of the High Weald, as set out in the High Weald Management Plan 2019- 2024 and District Plan Policy DP16: High Weald Area of Outstanding Natural Beauty.*
- *Development within the setting of the South Downs National Park will need to be consistent with National Park purposes and special qualities, as set out in the South Downs Local Plan and South Downs Partnership Management Plan and with District Plan Policy DP 18: Setting of the South Downs National Park.*
- *Provide a Landscape Strategy to identify how natural features on site have been retained and incorporated into the landscape structure and design of the site and informed the landscaping proposals for the site.*
- *Where development is required to adopt a landscape led approach, including all developments within the AONB or its setting; this includes respecting the local character of the area in built form by utilising appropriate architectural design, site layout and density which complements and contributes to the overall character and appearance of the area.*
- *Arboricultural Impact Assessment and Arboricultural Method Statements will be required for all sites where development will be within 5 metres of any trees.”*

12.30 The Mid Sussex Design Guide also contains a number of relevant principles with the following being particularly relevant to the application:

Principle DG3 (Work with the site’s natural features and resources)

Principle DG13 (Provide positive frontage to streets)

Principle DG16 (Create a positive development edge)

Principle DG38 (Design buildings with architectural integrity and a sense of place)

Principle DG41 (Addressing sloping sites)

12.31 The Councils Urban Designer has provided comments on the proposal, which are set out within Appendix B. As originally submitted there were a number of concerns raised, following which amended plans were received in order to address these concerns. It is noted that there are a few of these points have not been addressed such as the perimeter loops/pedestrian link and the provision of balconies, this is because the perimeter loops would impact on the Biodiversity Net Gain (BNG) and the applicant does not consider that balconies would be appropriate within the wider context. Nonetheless, while all of the Urban Designer recommendations to improve the scheme have not been taken into account, the scheme as amended is well designed and the Urban Designer is not objecting to the proposal.

- 12.32 In accordance with the requirements of SA28 and SA GEN of the Sites Allocation DPD the application has been supported by a landscape and visual impact assessment which concludes that:

'In terms of visual amenity and visibility the Site is well contained, with few visual receptors affected beyond the Site and its setting. There are no viewpoints from which built form would be seen against the skyline and no mid or long distance views where the Proposed Development registers. The view from some adjoining receptors (users of the PRow crossing the Site and adjacent residents and road users on Birchgrove Road) would experience a change, however, this is symptomatic of the Site's sustainable location adjacent to the settlement boundary. Land use will change to one that is not unpleasant and not out of keeping. The major adverse effect arising for the PRow users would be localised and of short duration. The replacement of pasture with a different but familiar land use of pleasant, well-designed and high-quality development would reduce this effect as it enjoys the benefit of mature containing natural features and the addition of more. An appropriately worded condition to ensure high standards are achieved lies within the control of the Local Planning Authority.'

The Site represents an appropriate location, is supported by both the Parish and District Councils as being appropriate for housing development and that in landscape and visual terms the Site has the capacity for 25 units.'

- 12.33 Regarding the wider landscape impact the Councils Landscape Consultant has provided comments on the proposal. Full details are set out within Appendix B. The Landscape Consultant has not objected to the proposal and has recommended conditions regarding soft landscaping, hard landscaping and a landscape management plan. It is noted that there are some concerns over the use of back to back boundary treatments, however, this will be highlighted to the applicants and will be resolved as part of the discharge of condition details.

- 12.34 When assessing the visual impact, it is important to make clear that planning officers do not consider this development to be 'major' for the purposes of para 183 of the NPPF. Para 183 of the NPPF states that:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development (64) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

- 12.35 Footnote (64) to the NPPF states that:

'For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale

and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'

12.36 The reason for planning officers not considering this to be major development as per para 183 is because in this case:

- by its nature; it is the development of an allocated site that is located within the built up area boundary (as amended by the Site Allocations DPD and Neighbourhood Plan);
- by its scale; it is a development of 25 residential units on the immediate edge of an existing medium sized village (as defined by Policy DP6 of the Mid Sussex District Plan which classifies Horsted Keynes as a Category 3 settlement) so is modest in scale in this context; and
- by its setting; it is immediately adjacent to the existing settlement.

In light of the nature, scale and setting of the proposal, it is not considered that the development will have a significant adverse impact on the High Weald AONB.

12.37 The location and scale of the proposal, immediately adjacent to the settlement of Horsted Keynes, will also ensure that the coalescence of settlements does not occur as per the requirements of Policy DP13 of the District Plan.

12.38 It is noted that the site is sloping and in order to satisfy the requirements of Policy HK4 of the Horsted Keynes Neighbourhood Plan and Principle DG41 of the Mid Sussex Guide, to ensure that the proposal respects the natural contours of the site and to minimise the visual prominence of the development, a levels condition will be attached as set out in Appendix A.

12.39 To conclude on the landscape issues, it is acknowledged that the site is sensitive, however, it is well screened and closely related to the existing built development within Horsted Keynes. The proposal is considered to have been designed to respond to its unique characteristics. No objections have been raised by the Council's Urban Designer or Landscape Consultant. As such, subject to a number of recommended conditions which will give further control over the scheme to ensure that a number of detailed elements are wholly compatible with the site and surroundings, Officers consider that the character and appearance of the High Weald Area of Outstanding Natural Beauty will be preserved.

12.40 Accordingly, it is considered that the application complies with Policies DP13, DP16 and DP26 of the District Plan, Policies SA28 and SA GEN of the Site Allocations DPD, Policies HK4, HK5 and HK9 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF, the High Weald AONB Management Plan and the High Weald Housing Design Guide.

Highways, Access and Parking

12.41 Policy DP21 in the District Plan states that:

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

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

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

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

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

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

12.42 At Neighbourhood Plan level, Policy HK17 (Cycleways and footways) states that:

'New developments shall include publicly accessible footways and, where possible, cycleways to link the site to the wider footway and road network, linking them to community facilities in the village such as the primary school, church, pre-school nursery, the shop, pubs, and meeting rooms.'

'New developments shall provide footways, which may include shared surfaces, that are of sufficient width to accommodate at least two persons walking abreast and are suitable for wheelchairs, prams, pushchairs and mobility scooters, except where a narrower footway may exceptionally be justified by an overriding need to maintain the existing character or appearance of a street or lane.'

12.43 At site allocation level, and in respect of the Highways and Access, Policy SA28 requires:

'- Provide access from Birchgrove Road, ensuring sufficient visibility splays are provided with the junction with Danehill Lane.'

- Provide a sustainable transport strategy to identify sustainable transport infrastructure improvements and how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.'

12.44 Similarly, and again in respect of Access and Highways, Policy SA GEN requires:

- 'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 – 2026.'
- Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.
- Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.
- Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.
- Safeguard Public Rights of Way (PRoW) and protect their amenity.
- Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'

12.45 Plans show that the proposed access is able to provide visibility spays of 54 metres in both directions, with the proposal also providing off road parking for 53 cars, together with cycle parking provided in the garages or within communal cycle stores for the flats. The application has also been submitted within a swept path analysis to show how a refuse vehicle and tankers can enter turn and exist the site in a forward gear.

- 12.46 West Sussex County Council as the highways authority have been consulted on the merits of the application. A copy of their full comments are set out within Appendix B. It has confirmed that the proposed access arrangements are acceptable, subject to them being delivered in accordance with the submitted plans. The proposal is therefore considered to provide an access from Birchgrove Road in accordance with the requirement of SA28 of the Sites Allocation DPD
- 12.47 Furthermore, West Sussex County Council have confirmed that the cycle parking meets the WSCC standards, with the parking standings exceeding the standards by 7 spaces, however, owing to the limited off road parking available outside of the site considers the over supply of parking spaces acceptable in this instant. Therefore, subject to the recommended conditions WSCC Highways have raised no objections to the proposal.
- 12.48 In relation to the second requirement of SA28, to provide a sustainable transport strategy and to integrate into the existing infrastructure, as set out in Appendix A, a condition is recommended requiring a Travel Plan Statement which WSCC Highways will audit as part of a 5 year monitoring period. The proposal is considered to comply with the requirement of SA28 of the Sites Allocation DPD
- 12.49 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policy DP21 of the District Plan, Policies SA28 and SA GEN of the Site Allocations DPD, Policy HK17 of the Neighbourhood Plan and the NPPF.

Impact on Heritage Assets

- 12.50 As detailed within the sites and surrounding (section 9) of this report and as confirmed by the Conservation Officers comments, the proposal is considered to be within the setting of the following two designated heritage assets:
- Lucas Farm a Grade II Listed Building approximately 20 metres to the north of the application site
 - Horsted Keynes Conservation Area, which the application site shares a boundary with on the eastern side.
- 12.51 The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

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

- 12.52 Case law has stated that:

'As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly

dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'

12.53 The Courts further stated on this point:

'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

12.54 The statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan. Policy DP34 of the District Plan states in relation to the setting of listed buildings and other heritage assets:

'Listed Buildings

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

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

Other Heritage Assets

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

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

12.55 Policy DP35 of the District Plan states in part that:

'Development will ... protect the setting of the conservation area and in particular views into and out of the area.'

12.56 Similarly, at Neighbourhood Plan level, Policy HK6 (Conserving Local Heritage) states:

'Development proposals should preserve or enhance the special character and setting of the Horsted Keynes and Birch Grove Conservation Areas, and preserve or enhance the special architectural or historic interest of listed buildings and their settings, and will be assessed against policies DP 34 and DP35 of the Mid Sussex District Plan.

All planning applications which affect a heritage asset or its setting, should be accompanied by a Heritage Statement, which demonstrates a clear understanding of the heritage significance of the assets affected and which then informs the development of sensitive proposals which meet the statutory requirements for their preservation and enhancement.

In particular, development proposals should have regard to the following special features of the two conservation areas:

Horsted Keynes

- the spacious character of The Green, the attractive groupings of buildings around The Green and the sense of enclosure created by both buildings and landscaping*
- the variety of age and style of buildings, several of which are listed buildings*
- the use of traditional and natural building materials*
- the extensive views of the countryside from within the Conservation Area, especially around St Giles Church and the views of the church from within the village • the hedgerows, trees and banked verges, including those in Church Lane, Bonfire Lane and Wyatts Lane*

Birch Grove

- the small triangular green, around which the majority of the buildings are clustered, away from the highway;*
- the absence of through traffic resulting in a peaceful and attractive environment.*

Development proposals should demonstrate that they have taken into account the potential impact on above and below ground archaeological deposits and to avoid or minimise impacts to sites that may be identified as previously unidentified heritage assets.

Potential impacts should be identified in a supporting Heritage Statement as part of any planning application and any harm or loss of significance will require robust justification in terms of the delivery of public benefits that could not otherwise be provided.'

12.57 At site allocation level, and in respect of the Historic Environment and Cultural Heritage, Policy SA28 requires:

- 'Provide appropriate mitigation to protect the rural setting and historic farmstead of the Grade II listed Lucas Farm to the north of the site by creating a sufficiently sized landscape buffer at the north eastern corner of the site and by retaining and enhancing the tree belt on the eastern boundary. The mitigation strategy should be informed by a Heritage Impact Assessment.*

- *Conserve the setting of the Horsted Keynes Conservation Area by ensuring that development is not dominant in views through appropriate design and landscaping. The mitigation strategy should be informed by a Heritage Impact Assessment.*
- *The site is located near the crest of a sandstone ridge in the High Weald, a favourable location for archaeological sites, requiring Archaeological Assessment and appropriate mitigation arising from the results.'*

12.58 Similarly, and again in respect of the Historic Environment and Cultural Heritage, Policy SA GEN requires:

- *'Undertake pre-determination evaluation of potential archaeological features on the site prior to any planning application being submitted, unless it can be demonstrated that such an evaluation is not appropriate for this site. Appropriate mitigation may be required depending on the outcome of that evaluation.*
- *Respect listed buildings, conservation areas, scheduled monuments, the historic landscape, registered parks and gardens and their settings and look for opportunities to enhance or better reveal their significance. All heritage assets, including those that are undesignated, will need to be conserved and enhanced.*
- *Provide Heritage Impact Assessments, where appropriate, to establish the significance of heritage assets and their settings, the impact of development on this significance and, if appropriate, mitigation strategies in accordance with District Plan policies DP34: Listed Buildings and other Heritage assets, DP35: Conservation Areas and DP36: Historic Parks and Gardens.'*

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

'200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

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

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

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

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

12.61 To consider the impact of the development on the affected heritage assets, the Council's Conservation Officer has been consulted on the proposals and their comments are set out in full within Appendix B.

12.62 Planning officers agree with the overall conclusions, being that the development will lead to less than substantial harm, at the low to mid level of that scale for the setting of the Conservation Area and at the mid-range of the scale for the setting of the Listed Building (Lucas Farm). The less than substantial harm means that there is some conflict with Policy DP34 and DP35 of the District Plan and Policy HK6 of the Neighbourhood Plan. In such cases, and as outlined above, para 208 of the NPPF is clear on how the local planning authority needs to assess the application:

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

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

12.64 In this case, there would be clear social and economic benefits from the development of 25 houses on an allocated site that includes 8 affordable homes. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. Planning Officers consider that the public benefits from this proposal would outweigh the identified less than substantial harm to the heritage assets.

12.65 In relation to the archaeological impact the Council's Historic Environment Consultant has recommended no objection subject to a condition that would secure

the implementation of a programme of archaeological work in accordance with a written scheme of investigation. This will ensure that the site's potential archaeological value will become known - thus ensuring compliance with Policy DP34 of the District Plan, Policy HK6 of the Neighbourhood Plan and the NPPF.

Residential Amenity and Pollution

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

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

'All applicants will be required to demonstrate that development.....does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'

12.68 Policy HK5 however refers to: *'there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.'*

12.69 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. The *'unacceptable harm'* test of the Neighbourhood Plan adopted in 2023 is therefore the correct test to apply in this case.

12.70 It is accepted that a number of existing neighbours will be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute unacceptable harm to their amenity.

12.71 In addition to DP26 and HK5, Policy DP29 applies in respect of noise and light pollution. This states that development will only be permitted where:

'Noise pollution:

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

If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Light pollution:

The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'

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

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

12.73 Similarly, at Neighbourhood Plan level, Policy HK13 (Light Pollution) states:

'New development will be required to demonstrate how it has minimised light pollution created through its proposed use. Where external lighting is proposed it must be demonstrated that:

- *it is needed for operational reasons, or to ensure public safety or security.*
- *any light spillage beyond the application site is eliminated, or reduced, by measures such as timing and proximity controls, orientation, screening, shielding or glazing.*
- *there is no adverse impact on any nearby residential properties.'*

12.74 In respect of Air Quality, Light, Noise and Amenity, Policy SA GEN requires:

'Investigate any potential adverse air, light and noise pollution impacts from the development itself and from neighbouring uses, ensuring that these are avoided, or appropriately mitigated, in accordance with District Plan Policy DP29: Noise, Air and Light Pollution and SA38 relating to Air Quality as set out in this Site Allocations DPD.'

12.75 In respect of overlooking and loss of privacy, the generally accepted minimum back to back distances between dwellings to ensure that significant harm could not occur is 21 metres. Principle DG45 from the Mid Sussex Design Guide is also a relevant consideration as this looks to protect the privacy of both existing and future residents.

12.76 In respect of future amenity, Policy DP27 of the District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

- 12.77 The neighbouring property most likely to be impacted by the proposal is The Old Police House, as the proposal is seeking to provide the access road to the eastern boundary of this property. Swedish Houses have large gardens and would only have a side to rear relationship with plot 18. There is established screening between Joylands and Plot 19, which is also not directly facing the dwelling with a distance of some 23 metres between.
- 12.78 Due to distances, existing screening and the proposed screening, details of which have been secured by condition recommended in Appendix A, it is not considered that the proposal would cause unacceptable harm in relation to overlooking, loss of privacy and a reduction in sunlight and daylight and a loss of outlook. The main concerns raised in relation to the proposal are noise and disturbance and light pollution.
- 12.79 It is noted that the access road is to the east of The Old police House. However, as part of the proposal a new boundary fence is to be provided, together with a minimum 3 metre planted buffer. In addition new access roads located next to existing houses like this to serve new housing developments is not an uncommon feature of new residential developments and often serve developments of a greater scale than 25 units. As such the new access for 25 units is not considered to cause unacceptable harm through noise and disturbance.
- 12.80 The Council's Environmental Protection Officer has been consulted to help inform the assessment in respect of the impact on neighbouring amenity and their comments are set out in full within Appendix B.
- 12.81 It is acknowledged that there would be a degree of disruption during construction work, nonetheless, this is typical for all development proposals which are related to existing development. But this would only be for a temporary period during construction. In addition the Council's Environmental Protection Officer has recommended a Construction Environmental Management Plan condition aimed at minimising the construction impacts by securing details such as measures to control noise and vibration, artificial illumination, dust control, pollution and site contacts details in case of nuisance occurring.
- 12.82 In addition, given that this development proposes the provision of 25 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. This will ensure compliance with Policy SA38 of the Site Allocations DPD.
- 12.83 In respect of future amenity, all of the proposed dwellings have access to outdoor amenity space, either private or communal, and the proposed dwellings are considered to meet or exceed the National Floor Space Standards referenced by Policy DP27.
- 12.84 In addition, due to the sensitive nature of the site in relation to its wildlife setting, details of a lighting scheme has been requested to be submitted and approved by condition by the Ecology Consultant. While this is not necessarily for the benefits of surrounding occupiers, it does provide limits on the external lighting and as a result it is considered that a lighting scheme that would be sensitive to the wildlife would also be sensitive to its edge of village location. As such, it is not considered that the external lighting would have an unacceptable impact on neighbouring amenity.
- 12.85 The neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the undeveloped site. A change of character

is inevitable where a green field is being developed for housing. The demonstration of 'unacceptable harm' as per HK5 of the Neighbourhood Plan is a high bar and your Planning Officer does not consider that threshold has been reached, particularly on a site that is allocated for development through the development plan process.

- 12.86 The proposal therefore complies with the Development Plan in respect of the effects on neighbouring residential amenity issues as unacceptable harm cannot be demonstrated.

Trees

- 12.86 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.'*

- 12.87 At Neighbourhood Plan level Policy HK4 requires in part that development be:

'respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site;'

- 12.88 Within SA28 trees are references within the AONB section which sets out:

- *‘Protect the rural character of Birchgrove Road and this edge of settlement by retaining, where possible, the Oak tree and hedgerow on the frontage of the site.*
- *Retain important mature trees and hedgerows along the eastern, southern and western*
- *boundaries of the site, and incorporate these into the landscape structure and Green Infrastructure proposals of the development to limit impacts on the wider countryside. Open space should be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.’*

12.89 Policy SA GEN requires arboricultural information under the landscape considerations:

‘Arboricultural Impact Assessment and Arboricultural Method Statements will be required for all sites where development will be within 5 metres of any trees.’

12.90 As part of the proposal the application has been supported by an Arboricultural Implication Report that shows in order to accommodate the proposal 11 individual trees and one group of trees are to be removed, together with the partial removal of groups G1, G2, G3 and G7. As set out within the report all of the trees and groups of trees that constitute the main Arboricultural features of the site and make the greatest contribution to the character and appearance of the local landscape, amenity and biodiversity will be retained.

12.91 To inform the assessment of the impact of the development, the expert view of the Council’s Tree Officer has been sought and their comments are set out in full within Appendix B. In accordance with these comments a number of conditions as set out in Appendix A have been recommended.

12.92 In line with these comments and subject to the recommended conditions Planning officers are satisfied therefore that a solution can be achieved to minimise the impact on the boundary trees. The application therefore accords with Policy DP37 of the District Plan, Policies SA28 and SA GEN of the Site Allocations DPD, Policy HK4 of the Neighbourhood Plan and the NPPF.

Ecology

12.92 Policy DP38 of the District Plan states:

‘Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments, and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances), and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience, and*
- *Promotes the restoration, management and expansion of priority habitats in the District, and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation, nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.93 At Neighbourhood Plan level Policy HK10 requires:

'New developments should safeguard key features of the natural environment and demonstrate how they will provide for the protection and enhancement of existing habitats of any flora and fauna on the development site and, where possible, utilise opportunities to restore, enhance, or extend them.

*The following statutory * and non-statutory ** features of the natural environment are of particular importance and any development proposals affecting them should be informed by a detailed ecological assessment:*

- *Ashdown Forest Special Area for Conservation**
- *Ashdown Forest Special Protection Area**
- *Sites of Special Scientific Interest at Ashdown Forest* and Freshfield Lane**
- *Local Wildlife Sites at Horsted House Farm Marsh**, Birch Grove*
- *FishPonds** and Costells, Henfield and Nashgill Woods***
- *Local Geological Site at Freshfield Brick Works***
- *Road verges at Chilling Street and Treemans Road/Monteswood Lane***
- *Priority habitats in the parish***

Where damage to natural habitats cannot reasonably be avoided, measures shall be taken which will ensure that damage is minimised, and the habitat affected can continue to thrive.

Where loss of, or damage to, natural habitat cannot reasonably be avoided, the development shall provide suitable mitigation measures or, in the last resort, compensation measures that allow for the creation of new habitats off- site.

Development proposals should deliver a net gain in biodiversity, in addition to any mitigation or compensation required, in accordance with District Plan policy DP38.'

12.94 At site allocation level, and in respect of Biodiversity and Green Infrastructure, Policy SA28 requires:

- *'Undertake an holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site that connect to the surrounding area.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.'*

12.95 Similarly Policy SA GEN requires:

- *'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid an loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.*
- *Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*
- *Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'*

12.96 At national level, the NPPF states at paragraph 186 that:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused,*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest,*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists, and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

12.97 The application has been submitted with an Ecological Impact Assessment, Ecology Addendum and a Biodiversity Net Gain Assessment which are available to view on the planning file.

12.98 The Council Ecology Consultant has reviewed all the submissions, included the amendments/updates made during the life of the application. A full set of the comments are set out within Appendix B. However, it is worth noting that within their comments they consider that there is sufficient ecological information available for determination and are recommending approval subject to conditions.

12.99 In relation to Biodiversity Net Gain (BNG) Policy DP38 requires that there is no net loss of biodiversity on the site, Policy SA GEN requires sites allocated in the Site Allocations DPD to provide a net gain to biodiversity. Policy HK10 of the Neighbourhood Plan also states that development proposals should deliver a net gain in biodiversity. The provision of Biodiversity Net Gain through these planning policies is not the same as the mandatory requirement that will come into force with the Environment Act legislation in 2024. There is thus no specific BNG figure that must be achieved currently with such applications.

12.100 The application has been supported by a Biodiversity Net Gain Assessment which has set out that in order to achieve a BNG of 10% the proposal is seeking to incorporate the following features on site:

- Woodland to the south eastern boundary
- Mix scrub enhancement across the site

- Pond to the southern portion of the site
 - Retention and enhancement of existing modified grassland
 - Planting 36 'urban trees' within the site
 - Planting 0.07km of native species hedgerow along the northern boundary of the northern field
- 12.101 This would result in a 10.43 % BNG for habitat units and 34.59 % gain for linear hedgerow units. The Council's Ecological Consultant is satisfied with the BNG details provided and details of which can be secured by condition and through the Legal Agreement.
- 12.102 Given the comments from the Council's Ecological consultant, and because the mitigation and enhancement measures can be secured via condition, with the biodiversity net gain requirements also secured via the legal agreement, it can be concluded the application complies with Policy DP38 of the District Plan, Policies SA GEN and SA28 of the Site Allocations DPD, Policy HK10 of the Neighbourhood Plan and the NPPF.

Ashdown Forest

- 12.103 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).
- 12.104 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.
- 12.105 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational Disturbance

- 12.106 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.
- 12.107 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.

- 12.108 Policy SA GEN of the Site Allocations DPD sets out that ‘Developments resulting in a net increase in dwellings within the 7km zone of influence around the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) will require mitigation in order to prevent adverse effects on the Forest and shall accord with District Plan Policy DP17: Ashdown Forest SPA and SAC.’
- 12.109 This planning application is within the 7km zone of influence and generates a net increase of 25 dwellings, and as such, mitigation is required.
- 12.110 An appropriate scale of SAMM mitigation for the proposed development is £29,250, and if the approved scheme provides for a strategic SANG contribution, this would be £131,325.
- 12.111 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.112 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

Atmospheric pollution

- 12.113 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.
- 12.114 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Site Allocations DPD 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.

Conclusion of the Habitats Regulations Assessment

- 12.115 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.
- 12.116 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.
- 12.117 No mitigation is required in relation to the Ashdown Forest SAC.

12.118 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. The application complies with Policy DP17 of the District Plan, HK10 of the Neighbourhood Plan and SA GEN of the Site Allocations DPD.

Infrastructure

12.119 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan (see sub section 12:10). Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

12.120 Policy SA GEN of the Site Allocations DPD sets out one of the Key Objectives that requires allocated sites to: *'Contribute towards necessary infrastructure provision, including transport, education, health, community and leisure facilities as required by District Plan Policy DP20: Securing Infrastructure, the Mid Sussex Infrastructure Delivery Plan (IDP) and the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document (SPD).'*

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

A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

An Affordable Housing SPD

A Development Viability SPD

12.122 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

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

57. Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.'

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

12.124 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified will mitigate these impacts. As Members will know, developers are not required to address any existing

deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

12.125 In this case, the following contributions are sought:

West Sussex County Council Contributions

Library provision: £8,046 (Additional facilities at Haywards Heath Library)
Education Primary: £58,435 (Additional facilities at St Giles Primary)
Education Secondary: £62,890 (Additional facilities at Oathall College)
TAD: £77,583 (traffic calming, pedestrian and cycle improvements to promote sustainable travel within the village of Horsted Keynes)

Mid Sussex District Council Contributions

Children's play space: £13, 771 (Improvements at HK Recreation Ground)
Kickabout: £11,568 (Improvements at HK Recreation Ground)
Formal sport: £15,772 (Improvements at HK Recreation Ground and/or cricket ground)
Community buildings: £12,834 (Improvements to HK Village Hall)
Local community infrastructure: £14,243 (TBC.)

12.126 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. A section 106 legal agreement would need to be completed to secure these contributions and as such the application accords with Policy DP20 of the District Plan and Policy SA GEN of the Site Allocations DPD.

Affordable housing

12.127 Policy DP31 of the District Plan makes clear that:

'The Council will seek:

The provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;

For residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;

On sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;

A mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and

Free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and

DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.'

12.128 Policy SA GEN of the Site Allocations DPD sets out one of the Key Objectives that requires allocated sites to: *'Provide 30% affordable housing and a suitable mix of housing in line with District Plan Policies DP30: Housing Mix and DP31: Affordable Housing and the Mid Sussex Affordable Housing SPD.'*

12.129 As indicated previously in this report, the applicant is proposing 30% affordable housing on site which equates to:

8 units comprised of 4 x 1 bed flats, 1 x 2 bed flat, and 3 x 2 bed houses. With the two ground floor flats provided as First Homes and the remaining six units provided for social or affordable rent.

12.130 The Housing Enabling Team supports the scheme due to this provision and has commented that:

'The applicant is proposing a development of 25 dwellings, which gives rise to a minimum on-site affordable housing requirement of 30% (8 units as shown) in accordance with District Plan Policy DP31. The dwellings proposed comprise 4 x 1B/2P flats @ 50m², 1 x 2B/4P coach house @ 80 m² and 3 x 2B/4P houses @ 79m². As required, the two ground floor flats (25%) are to be provided as First Homes and the remaining six dwellings (75%) are to be provided for social or affordable rent. Following the increase in size of the coach house, our minimum size and occupancy requirements are all now being met, and the layout of the parking area has also been improved. A small area of private amenity space, distinct from that provided for the flats, is also now being provided for the coach house and this too is welcomed.'

12.131 This level of affordable housing, including the mix and tenure, will be secured through the legal agreement. As such the application accords with Policy DP31 of the District Plan and Policy SA GEN of the Site Allocations DPD.

Flood Risk and Drainage

12.132 Policy DP41 of the District Plan states in part:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates. Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

SuDS should be sensitively designed and located to promote improved biodiversity and enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses, and if these cannot be met,*
- 3. Discharge to surface water only sewers.'*

12.133 At Neighbourhood Plan level Policy HK12 requires:

'Where applicable, development proposals creating significant new drainage requirements should demonstrate that effective Sustainable Drainage Systems are incorporated where practicable, and a long term management plan must be prepared to secure future maintenance of the drainage system. New and improved water and waste water utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.'

12.134 At site allocation level, and in respect of Flood Risk and Drainage, Policy SA28 requires:

- 'The site lies within a Groundwater Source Protection Zone 3. Development proposals will need to demonstrate that there is no significant harm caused to groundwater resources.*
- Manage surface water to minimise flood risk and flows to watercourses and incorporate SuDS as an integral part Green Infrastructure provision to improve biodiversity and water quality. The design and layout of the SuDS will need to be informed by ground investigation and permeability testing, and take into account the location of the site within a Groundwater Source Protection Zone.'*

12.135 Similarly Policy SA GEN requires:

- 'Provide a site-specific Flood Risk Assessment (FRA)/surface water drainage strategy in areas at risk from fluvial or surface water flooding to inform the site layout and any appropriate mitigation measures that may be necessary. Areas at risk of flooding should be avoided in the first instance.*
- Undertake a sequential approach to site layout by avoid developing areas at risk of flooding including climate change allowance.*
- Priority will be given to use of Sustainable Urban Drainage Systems (SuDS) principles and methods where possible to drain the surface water from the development. SuDS features shall be designed and managed to provide, where possible, an ecological and water quality enhancement, providing areas for amenity and recreation, in accordance with District Plan Policy DP41: Flood Risk and Drainage and the West Sussex Lead Local Flood Authority (LLFA) Policy for the Management of Surface Water and the Mid Sussex Drainage Advice for Developers.'*

- 12.136 The Council's Drainage Officer has been consulted on the merits of the application and have assessed the submitted Flood Risk Assessment, Surface Water Network Calculations, Utilities Planning Statement and Outfall Technical Note. As part of the assessment they have confirmed that the site is at very low flood risk and have raised no objections in relation to this.
- 12.137 The proposal is seeking to discharge the foul water drainage from the site into the public sewer via a pumping station. This is also considered acceptable subject to detailed design and appropriate approvals from Southern Water.
- 12.138 Regarding the surface water drainage, the officer has confirmed that the principle of the drainage strategy is acceptable with surface water being discharged at a controlled rate to an existing culverted watercourse at the Greenfield QBar rate from the balancing pond. Details of which will be controlled by a suitably worded conditions, however it is worth noting the balancing pond to the southern part of the site would fulfil the requirement of SA28 for the delivery of SuDS.
- 12.139 With such conditions in place as recommended by the Council's Drainage Officer, it can be concluded that the application therefore accords with Policy DP41 of the District Plan, Policy HK12 of the Neighbourhood Plan and Policies SA GEN and SA28 of the Site Allocations DPD.

Sustainability

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

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

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

- 12.141 At site allocation level, Policy SA GEN requires:

'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design

and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.

• Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'

12.142 At Neighbourhood Plan level Policy HK11 states that:

'As appropriate to their scale, nature and location, development proposals should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon. Residential design proposals that include low energy and renewable technologies will be strongly supported.'

12.143 The application has been supported by an Energy Statement which sets out that the proposal is seeking to include the following measures:

- Exceed Building Regulation Standards over Part L1A
- Fabric First approach
- Avoid thermal bridging, reducing air leakage
- Air Source Heat Pumps
- Low Energy lighting

12.144 The proposal will also have to meet Building Regulations and this will include energy reduction measures and the provision of electric vehicle charging points. The submitted sustainability statement does not go into detail of how it seeks to reduce water consumption or use renewable sources of energy. A planning condition is recommended that will ensure the development proceeds in accordance with the details to be submitted in a new Sustainability Statement that will need to make firm commitments to demonstrate policy compliance. With this condition in place, the application complies with Policy DP39 of the District Plan, Policy SA GEN of the Site Allocations DPD and Policy HK11 of the Neighbourhood Plan.

Water Supply

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

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and that there is adequate water supply to serve the development.'

12.146 Policy SAGEN requires:

‘Demonstrate that there is adequate water supply capacity and/or waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users in accordance with District Plan policy DP42: Water Infrastructure and the Water Environment.’

12.147 Within the supporting Utilities Statement it sets out that South East Water have confirmed that there is adequate capacity for the proposal. In addition the applicants have provided a copy of this confirmation. The proposal is therefore considered to comply with Policy DP42 of the District Plan and SA GEN of the Sites Allocation DPD.

Other Issues

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

12.149 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions to deal with the risks associated with contamination of the site.

12.150 The West Sussex Water and Access Officer has requested conditions to secure the provision of fire hydrants for the development.

12.151 SA GEN also refers to Minerals Safeguarding and provides a requirement to:

‘Consult with West Sussex County Council regarding any applications for development in a Minerals Safeguarding Zone or Consultation Area and address the requirements of Policy M9 West Sussex Joint Minerals Local Plan – 2018.’

12.152 West Sussex MWPA has though confirmed there is no objection to the proposed development as it is unlikely that any significant degree of sterilisation will occur. There is therefore no conflict with SA GEN or M9.

12.153 A condition will be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28.

12.154 There is a requirement of Policy SA GEN of the Site Allocations DPD (Utilities) to *‘Liaise with water, gas and electricity providers to ensure that appropriate works are carried out if needed.’* The applicant has provided a Utilities statement with the application and based on this planning officers have no reason to believe that a suitable connection cannot be made where necessary. The application therefore accords with this element of SA GEN.

13.0 Planning Balance and Conclusion

13.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Horsted Keynes Neighbourhood Plan.

- 13.2 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.
- 13.3 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 13.4 The application site, known as SA28, is allocated for 25 dwellings within the Site Allocations DPD. The principle of development is thus established. The Mid Sussex Site Allocations Development Plan Document was adopted by the Council as part of the Development Plan in June 2022. The built up area boundary of Horsted Keynes has been amended to include the site both within the Site Allocations DPD and the Horsted Keynes Neighbourhood Plan.
- 13.5 The proposal is considered to be of an appropriate design size and scale, that is in-keeping with the existing village of Horsted Keynes while respecting the wider landscape impacts. The proposal is also considered to preserve the character and appearance of the wider Area of Outstanding Natural Beauty.
- 13.6 The proposal would be providing on site Biodiversity Net Gain of some 10.43 % BNG for habitat units and 34.59 % gain for linear hedgerow units.
- 13.7 The proposal has also been found to be acceptable in relation to neighbouring amenities. It is inevitable that there would be some noise and disturbance during the construction phase, however, conditions would be used to minimise this, and it is only for a temporary period. It is not a reasonable ground to resist the application.
- 13.8 The proposal is considered acceptable in relation to highways, access and parking, the site would allow for safe cycle and pedestrian access into the village with no objection raised from WSCC Highways.
- 13.9 Subject to the recommended conditions, the proposal is also deemed acceptable in relation to the trees. It is considered that the established boundary trees can be retained as part of the proposal.
- 13.10 The proposal has also been found to be acceptable in relation to housing mix, drainage, sustainable construction, infrastructure contributions, affordable housing, contamination, Biodiversity, Accessibility, dwelling space standards, water supply and impact on the Ashdown Forest.
- 13.11 A key consideration in this case is the impact on heritage assets. The proposed development is within the setting of nearby heritage assets that are affected by this application, these being:
- Horsted Keynes Conservation Area
 - Lucas Farm (Grade II)
- 13.12 In this case it is considered that the development will lead to less than substantial harm to the setting of the identified heritage assets with this being at the low-mid end of the scale for the setting of the Conservation Area and at the mid range for Lucas Farm. This means there is some conflict with Policy DP34 and DP35 of the District Plan and Policy HK6 of the Neighbourhood Plan. In such cases, para 208 of the NPPF is clear on how the local planning authority needs to assess the application:

- 13.13 *'208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 13.14 Therefore, were there to be public benefits that outweighed the harm to the designated heritage asset, this would be a material planning consideration that could lead to an acceptance of the proposal, despite the harm to the heritage asset.
- 13.15 In this case, there would be clear social and economic benefits from the development of 25 houses on an allocated site that includes 8 affordable homes. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents.
- 13.16 Planning officers conclude therefore that the public benefits from this proposal will outweigh the identified harm to the heritage asset.
- 13.17 Overall, planning officers consider that the scheme meets the key objective of the site allocation SA28 Policy which is:
- 'To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.'*
- 13.17 The application therefore complies with policies DP4, DP6, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP35, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA GEN, SA10, SA11, SA28 and SA38 of the Mid Sussex Site Allocations DPD, Policies HK1, HK3, HK4, HK5, HK9, HK10, HK11, HK12, HK13 and HK17 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
- 13.18 The application is therefore recommended for approval, subject to the suggested conditions and securing the legal agreement.

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. Prior to the commencement of development a schedule of materials and finishes of the external facing of the proposed buildings has been submitted to and approved by the local planning authority. The materials should be based on the High Weald Colour Study and High Weald Design Guide, should reflect those used in the local area and be locally sourced where possible.

The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

3. Prior to the commencement of any development above ground/slab detailed design drawings of the LAP Play area have been submitted and approved by the Local Planning Authority, this area shall be provided in accordance with the approved plans prior to the occupation of any of the residential units or in accordance with a programme to be approved with the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until detailed drawings at a scale of 1:20 have been submitted and approved for front elevations (shown in context) including windows, doors and private terrace details. The works shall be carried out in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

5. Prior to the construction of any garages, details of the proposed garage doors shall be submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

6. Prior to the commencement of any development above ground/slab level detailed drawings plans have been submitted and approved showing the location of rainwater down pipes and drainage solutions to the roof space and terraces. The works shall be carried out in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

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

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031) and Policy HK12 of the Neighbourhood Plan.

8. No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031) and Policy HK12 of the Neighbourhood Plan.

9. Prior to the commencement of any development above ground / slab level a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities.
The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

10. Prior to the commencement of any development above ground / slab level details of a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant.

The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To achieve a development of visual quality in the AONB, to protect neighbouring residential amenity and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

11. Prior to the commencement of any development above ground / slab level a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation, monitoring and review of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority.

The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

Reason: To achieve a development of visual quality in the AONB, to protect neighbouring residential amenity and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

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

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

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan and Policy HK4 of the Neighbourhood Plan.

13.
 - (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in (i) above.
 - (iii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In the interests of archaeology and heritage assets and to accord with Policy DP34 of the District Plan and the NPPF.

14. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction work shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan and HK5 of the Neighbourhood Plan.

15. Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the District Plan and Policy HK5 of the Neighbourhood Plan

16. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - The temporary construction access, plan and details included in this CMP and to be agreed and approved via the 278 process
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
- The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of highways safety and to protect the amenity of local residents and to accord with Policies DP21 and DP26 of the District Plan and Policy HK5 of the Neighbourhood Plan.

17. No development shall take place above slab level unless and until the applicant has submitted a Sustainability Statement that sets out clearly what sustainable measures will be incorporated into the development aimed at minimising the

amount of energy that the buildings will use and the water consumption of occupiers.

Reason: In the interests of sustainability and to accord with Policy DP39 of the District Plan, Policy SA GEN of the Site Allocations DPD and Policy HK11 of the Neighbourhood Plan.

18. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-Licensed bat Precautionary Working Method Statement in the Ecology Note (Ecosupport, October 2023), which avoid impacts on these European Protected Species, and the reptile mitigation strategy in Section 7.3 of the Ecological Impact Assessment (Ecosupport, July 2023) which avoids impacts on these protected species.
- This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

19. Prior to the commencement of the development the local planning authority shall have been submitted to and approved either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

20. Prior to the commencement of the development A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
- The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

21. Prior to commencement of development a Biodiversity Compensation Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Compensation Strategy shall include the following:

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

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

22. Prior to commencement of development above slab level A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Ecosupport, July 2023) 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 accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

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

The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

24. Prior to occupation A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan and HK10 of the Neighbourhood Plan.

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

a) A site investigation, based on the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP2985, dated the 24th of August 2022 to investigate previously inaccessible areas of the site, and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

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

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

26. Prior to the commencement of any development above ground/slab level details showing the proposed location of required fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

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

27. Prior to the first occupation of any dwelling/residential unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

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

28. Construction work on the site, including the use of plant and machinery, necessary for implementation of this consent shall, unless otherwise agreed in writing, be limited to the following times:
Monday -Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan and HK5 of the Neighbourhood Plan.

29. Deliveries or collection of plant, equipment or materials for use during the construction phase shall, unless otherwise agreed in writing, be limited to the following times:
Monday to Friday: 08:00 - 18:00 hours;
Saturday: 09:00 - 13:00 hours
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan and HK5 of the Neighbourhood Plan.

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan and HK5 of the Neighbourhood Plan.

31. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

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

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

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

33. Before the development hereby permitted is occupied, details of the refuse and recycling shall be provided as part of the development in accordance with elevational drawings of any enclosures where relevant to first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development and to accord with Policy DP26 of the District Plan and HK4 of the Neighbourhood Plan.

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

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

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

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

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

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan and SA GEN and SA28 of the Site Allocations DPD.

37. No part of the development shall be first occupied until such time as the vehicular access, footway and dropped kerb/tactile paved crossings serving the development have been constructed in accordance with the details to be submitted and approved by the Local Planning Authority. This shall also include details of the S278 agreement for the highway maintenance works outside of the site, which will include the relocation of the bus stop, red surface treatment, new speed limit signage and the clearance of vegetation fronting onto Birchgrove Road.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan and SA GEN and SA28 of the Site Allocations DPD.

38. No part of the development shall be first occupied until visibility splays of 2.4 metres by 54 metres in both directions have been provided at the proposed site vehicular access onto Birchgrove Road in accordance with the approved planning drawings. Once provided the splays shall thereafter 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 road safety and to accord with Policy DP21 of the District Plan and SA GEN and SA28 of the Site Allocations DPD.

39. No part of the development shall be first occupied until such time as the Travel Plan Statement to support and encourage sustainable and active travel has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan and SA GEN and SA29 of the Site Allocations DPD.

40. No development shall take place unless and until full details of the existing and proposed site levels (to include finished floor levels) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality or amenities of existing or future residents and to accord with Policy DP26 of the District Plan and HK4 of the Neighbourhood Plan.

INFORMATIVES

1. 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.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.
Accordingly, you are requested that:
 - No burning of construction waste materials shall take place on site.
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 advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
5. The block paved areas of the access spine road that will be offered for adoption as part of this planning application would also require a S38 agreement.
6. Back to back boundary treatments with a narrow section for soft landscaping between is not ideal (As shown on the parking courts for Plots 20-25) it is recommended that the close boarded fence is removed to resolve this as part of the discharge of condition 11 details that need to be submitted and approved.
7. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Landscaping Details	20151 - SK105B		20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_1 (3.0)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_2 (2BB.1)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_3 (2BB)	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_4 (3.0)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_5 (3.0)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_6-8 (2BA)	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_9 (2BCH)	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_10-13 (1BFA)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_14 (2BB)	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_15 (2BB)	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_16 (3.0)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_17 (3.02)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_18 (2BB.1)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_19 (2.0)		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_20-25 (1BF)	B	18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_BIN_01	A	20.11.2023
Proposed Floor and Elevations Plan	CB_75_108_CYC_01		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_GAR_01		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_GAR_02		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_GAR_03		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_GAR_04		18.08.2023
Proposed Floor and Elevations Plan	CB_75_108_SUB_01		18.08.2023
Location Plan	CB_75_180_000	A	18.08.2023
Planning Layout	CB_75_180_001	E	20.11.2023
Site Plan	CB_75_180_002	B	20.11.2023
Site Plan	CB_75_180_003	B	20.11.2023

Site Plan	CB_75_180_004	B	20.11.2023
Site Plan	CB_75_180_005	B	20.11.2023
Site Plan	CB_75_180_006	B	20.11.2023
Site Plan	CB_75_180_007	B	20.11.2023
Site Plan	CB_75_180_008	B	20.11.2023
Site Plan	CB_75_180_009	B	20.11.2023
Street Scene	CB_75_108_SS_01	D	20.11.2023
Drainage Details	20151 - SK02 (G)		20.11.2023
Other	SUN/U/24/EV/01	A	18.08.2023
Other	20151-PL300		18.08.2023
Topographical Survey	20151 - SK101 E		20.11.2023
Topographical Survey	20151 - SK102 E		20.11.2023
Landscaping	GLS_130_118_1300	A	20.11.2023
Landscaping	GLS_130_118_1200	A	20.11.2023
Other	20151 - SKDSP02 - C		20.11.2023
Other	20151 - SKDSP01 - C		20.11.2023
Other	20151 - SKDSP03 - D		20.11.2023

APPENDIX B – CONSULTATIONS

Nature Space:

13/12/2023

Planning reference: DM/23/2172 - Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex

Thank you for consulting me on the above planning application. The proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

“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.”

Nature Space:

21/09/2023

Case Ref: DM/23/2172	Date: 21/09/2023
From: NatureSpace	Response: Reasonable Avoidance Measures recommended
Recommendations: <ul style="list-style-type: none">- It is recommended that the development follow Precautionary Working Methods Statement in the form of Reasonable Avoidance Measures to minimise the risk to great crested newts.	
<p>These comments are in relation to DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works. Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex</p> <p>Ecological Summary:</p> <p>The development is situated in the amber impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.</p> <p>Site context:</p> <ul style="list-style-type: none">- Eight ponds have been identified within 500m of the site. The closest of these is 75m east of the proposed development boundary.- There is good connectivity in the wider landscape, including woodland corridors, hedgerows and grassland and scrub.- The applicant has submitted an ecological report. <p>Conclusion:</p> <p>The applicant has provided ecological information in the form of a Preliminary Ecological Appraisal (ROAVR Group, 2023). This report provides detailed information regarding the habitats on site and in the surrounding area.</p> <p>The development lies within the amber impact risk zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. None of the ponds within 500m have been surveyed, should there be great crested newts present in one or more of the unsurveyed ponds, then there is suitable connectivity for individuals to be travelling across the landscape. Great crested newts have been found to move over considerable distances (up to 1.3km from breeding sites) (Great Crested Newt Mitigation Guidelines, pg 19, English Nature, 2001, and Haubrock and Altrichter, 2016).</p> <p>It is recommended that the development follow Reasonable Avoidance Measures to minimise the risk to great crested newts. This should be produced by a suitably qualified ecologist.</p>	



Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newt. Ponds are shown in light blue – not all ponds are visible on this map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Contact details: info@naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local planning authorities have a statutory duty in exercising of all their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity,' as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), as well as a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to have regard to the requirements of the Habitats Directive. As a result, great crested newt and their habitats are a material consideration in the planning process.

Lifespan of Ecological Reports and Surveys

Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, "the report authors should highlight whether they consider it likely to be necessary to update surveys". If the age of the data is between 18 months to 3 years an updated survey and report will be required and anything more than 3 years old "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated".

MSDC Urban Designer:

13/12/2023

I would not object to the proposal as it stands.

MSDC Urban Designer:

30/11/2023

Please see below reply to the latest drawings:

Layout.

- *The perimeter block layout doesn't generate roads around the edge of the site. There is a need to enhance pedestrian links around the site edge. Not addressed. Loops around perimeter blocks are not continuous and should be closed with pedestrian links.*

Elevations.

- *Plot 3 side elevation facing Birchgrove Road would benefit from the full-size window on the ground floor level facing the street. Sufficiently addressed.*
- *Plot 6/7/8 front elevation is rather bland and monolithic and would benefit from more vertical articulation through brick detailing and the introduction of chimneys between units. Chimneys would provide ventilation but also articulate the roofline better. Addressed (see below).*



Unfortunately, submitted drawings should be corrected to show the sloping site, as it was correctly presented on the proposed street scenes (see below)



- *1st-floor flats, plots 10-13 would benefit from private outdoor space directly accessible from living space. The introduction of cantilever balconies facing shared amenities would improve the quality of those units and contribute to natural surveillance (no glass balustrades).* Not addressed.
- *1st-floor flats, plots 20-25 would benefit from private outdoor space directly accessible from living space. The introduction of cantilever balconies facing courtyard parking would improve the quality of those units and contribute to natural surveillance (no glass balustrades)* Not addressed.
- *Ground floor flats, plots 20-25 would benefit from private outdoor space directly accessible from living space.* Not addressed.
- *FOG would benefit from Juliet balcony accessible from living space.* Sufficiently addressed, but please reintroduce windows to the rear elevation.
- *Garages under FOG should be fitted with garage doors.* Sufficiently addressed.

Landscape.

- *Car parking for plots 20-25 needs more softening with the landscape and introduction of trees.* Sufficiently addressed.
- *The courtyard of unit 2BCHA needs better landscaping and threshold treatment.* Not addressed.

Boundary treatment.

- *There should be minimal fencing around plot 9: The fence to the north of the car parking spaces marked as 7,7,8,8 should be removed.* Sufficiently addressed.
- *Close board fence along plots 6,7,8 facing FOG and Substation should be replaced with brick wall.* Sufficiently addressed.
- *The garden fence of plot 5 should be replaced with a brick wall.* Sufficiently addressed.
- *The fence facing the road along plot 1 and 4 should be replaced with brick wall.* Sufficiently addressed.
- *New fence framing The Old Police House should be replaced by brick wall – (is owner of this property in agreement with the boundary treatment proposed to his garden? Please explain)* Not addressed.
- *Fencing between plot 20-25 and car parking spaces of plot 19 should be lowered (1,5m max high in brick).* Addressed, but wall too high.
- *South and southwest boundary of plot 20-25 is facing the countryside. All proposed Close-board fence along this line should be replaced by estate railing and planting.* Not addressed.

Others.

- *Sustainability strategy should be developed and submitted.* Not addressed.

Recommended conditions:

- *Detailed landscape drawings: hard and soft landscaping details.*
- *Detailed design drawings of LAP Play Area.*
- *Details and samples of the facing materials including windows frames (off-white).*
- *1:20 scale section showing the solar panels within the roof slope.*
- *1:50 scale plans, elevation, and sections of typical entrance zones to the buildings*
- *1:20 sections and front elevations of the typical features (shown in context) including windows, doors, private terrace and balcony detail and glazing/blind windows panels and surrounding.*
- *Details and samples of the garage doors.*

- *Detailed plans and elevations showing location of rainwater downpipes and drainage solutions to roof space, balconies, and terraces.*

MSDC Urban Designer:

16/10/2023

The proposal comprises 25 new residential dwellings of mixed type and tenure, green infrastructure, landscape, and a play space.

The scheme sufficiently addresses the principles set out in the Council's Design Guide and accords with policy DP26 of the District Plan; I, therefore, raise no objection to this planning application. To secure the design's quality, I would recommend some minor changes and conditions.

Layout.

The central spine of the road has been positioned to allow for a visual link with the open spaces to the south of the site, the small 'breathing' space was sensibly positioned near the west-north entrance to the site. The building arrangement will reflect the existing settlement pattern, where views into the development site may occur between existing and proposed vegetation from Birchgrove Road.

The layout has been the subject of a revision and now works well. The recent revision incorporates a new play area and the perimeter block arrangement that ensures that spaces are generally well overlooked.

Changes to the street layout also resulted in a legible link through the site.

However, the perimeter block layout doesn't generate roads around the edge of the site. There is a need to enhance pedestrian links around the site edge. Connecting the end of the road by Plot 1 with the end of the road between Plot 4 and 5, and continuing this link around Plot 5 all the way to LAP would be beneficial.

Elevations.

The available viewpoints on the site are minimal, suggesting that the proposed development will have little impact on the wider landscape.

Generally, the elevation treatment is well-thought-out. However, some elevations need improvement:

- Plot 3 side elevation facing Birchgrove Road would benefit from the full-size window on the ground floor level facing the street
- Plot 6/7/8 front elevation is rather bland and monolithic and would benefit from more vertical articulation through brick detailing and the introduction of chimneys between units. Chimneys would provide ventilation but also articulate the roofline better.
- 1st-floor flats, plots 10-13 would benefit from private outdoor space directly accessible from living space. The introduction of cantilever balconies facing shared amenities would improve the quality of those units and contribute to natural surveillance (no glass balustrades)
- 1st-floor flats, plots 20-25 would benefit from private outdoor space directly accessible from living space. The introduction of cantilever balconies facing courtyard parking would improve the quality of those units and contribute to natural surveillance (no glass balustrades)

- Ground floor flats, plots 20-25 would benefit from private outdoor space directly accessible from living space.
- FOG would benefit from Juliet balcony accessible from living space.
- Garages under FOG should be fitted with garage doors.
- Window frames colours should be as presented on the CGI images (see document DAS3, page 4-7, windows off-white)

Proposed chimneys in some houses could provide ventilation.

Landscape.

Landscape general arrangement is acceptable but detailed landscape drawings should be provided at the condition stage.

Car parking for plots 20-25 needs more softening with the landscape and introduction of trees..

The courtyard of unit 2BCHA on plot 9 needs better landscaping and threshold treatment.

Boundary treatment.

- There should be minimal fencing around plot 9: The fence to the north of the car parking spaces marked as 7,7,8,8 should be removed.
- Parking space 7 to be repositioned slightly to allow for pedestrian flow next to the substation.
- Close board fence along plots 6,7,8 facing FOG and Substation should be replaced with brick wall.
- The garden fence of plot 5 should be replaced with a brick wall.
- The fence facing the road along plot 1 and 4 should be replaced with brick wall.
- New fence framing The Old Police House should be replaced by brick wall – (is owner of this property in agreement with the boundary treatment proposed to his garden? Please explain)
- Planting buffer zone between plot 18 and existing garden to the north should be dense enough to stop people from entering this narrow passage.
- Fencing between plot 20-25 and car parking spaces of plot 19 should be lowered (1,5m max high in brick)
- South and southwest boundary of plot 20-25 is facing the countryside. All proposed Close-board fence along this line should be replaced by estate railing and planting.

Materials.

Generally acceptable.

Others.

- Details of the pump station should be submitted.
- Bin strategy is generally acceptable. Please confirm that 'g' symbol used on plans stands for 'gate'. If so, please update the plans so it's clearly readable in graphic way which back gardens have the gates.
- Sustainability strategy should be developed and submitted.

Recommended conditions:

- Detailed landscape drawings: hard and soft landscaping details.
- Detailed design drawings of LAP Play Area.
- Details and samples of the facing materials including windows frames (off-white).
- 1:20 scale section showing the solar panels within the roof slope.
- 1:50 scale plans, elevation, and sections of typical entrance zones to the buildings
- 1:20 sections and front elevations of the typical features (shown in context) including windows, doors, private terrace and balcony detail and glazing/blind windows panels and surrounding.
- Details and samples of the garage doors.
- Detailed plans and elevations showing location of rainwater downpipes and drainage solutions to roof space, balconies, and terraces.

Ecology Consultant:

11/12/2023

Thank you for further 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 no further comments relating to ecology other than those in our response dated 25th October 2023, together with the recommended conditions, which remain appropriate. Our response dated 25th October is shown below for clarity.

Comments dated 25th October 2023

We have reviewed the Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023), supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation.

We note that a Preliminary Roost Assessment was undertaken in summer 2023 for the trees which will be removed or require works (Ecology Note (Ecosupport, October 2023)). Trees T1 (Ash), T12 (Sycamore), T57 (Ash), T80 (Scots Pine) and G3 (Hazel and Holly) were identified as having 'low' potential, although in some cases it was not possible to gain a sufficient view of the tree due to dense foliage and/or ivy. Tree T27 (Oak) requires pruning of the lower limbs on the northwest aspect, on which there is a single potential roost feature (PRF).

We appreciate that the survey was undertaken prior to the new bat survey guidelines, however, in accordance with 4th Ed. Bat Survey Guidelines Collins ed. (Bat Conservation Trust, 2023) appropriate compensation will be required in advance of works. This means a Non-licensed Precautionary Working Method Statement (PWMS) for bats must be implemented, as recommended in the Ecology Note (Ecosupport, October 2023), and a

Biodiversity Compensation Strategy which must both be secured by a condition of any consent. All PRFs must be inspected immediately before felling and, in the case of the Oak (T27), it may be possible to retain the PRF by strapping it to an adjacent tree. The Scots Pine (T80) may potentially contain a maternity roost feature as there is internal decay (Ecology Note (Ecosupport, October 2023)).

We note from the Ecological Impact Assessment (Ecosupport, July 2023) that a European Protected Species Mitigation Licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because nest tube surveys identified two Hazel Dormouse nests on site (Ecological Impact Assessment (Ecosupport, July 2023)).

We support the reptile mitigation strategy in Section 7.3 of the Ecological Impact Assessment (Ecosupport, July 2023) as there is a low population of Grass Snake on site and reptiles are protected species. This should be secured by a condition of consent and implemented in full.

The planned planting of 0.165ha of new native hedgerows and trees in the retained woodland, enhancement of the retained bramble scrub and creation of 0.13ha of mixed scrub on site will provide sufficient mitigation for the loss of 0.144ha of bramble scrub, woodland and treeline losses (Ecological Impact Assessment (Ecosupport, July 2023)). We are now satisfied that there is sufficient ecological information available for determination.

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

The mitigation measures identified in the Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We welcome the indicated biodiversity net gain of 10.43% for habitat units and the 34.59% gain for linear hedgerow units (Biodiversity Net Gain Assessment (Ecosupport, July 2023)). The proposed habitats, including native tree and shrub planting, planting of 36 urban trees, new woodland, creation of mixed scrub, pond and wildflower grassland, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Ecosupport, July 2023) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.

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

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.

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 Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-Licensed bat Precautionary Working Method Statement in the Ecology Note (Ecosupport, October 2023), which avoid impacts on these European Protected Species, and the reptile mitigation strategy in Section 7.3 of the Ecological Impact Assessment (Ecosupport, July 2023) which avoids impacts on these protected species.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to

discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

2. ACTION REQUIRED: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMOUSE

“Any works which will impact the breeding / resting place of Hazel Dormouse shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

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

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

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

4. PRIOR TO SLAB LEVEL: BIODIVERSITY COMPENSATION STRATEGY

“A Biodiversity Compensation Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;

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

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

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

5. 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 Impact Assessment (Ecosupport, July 2023) 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).

6. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

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

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

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

7. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by

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

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

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

Ecology Consultant:

25/10/2023

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 Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023), supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation.

We note that a Preliminary Roost Assessment was undertaken in summer 2023 for the trees which will be removed or require works (Ecology Note (Ecosupport, October 2023)). Trees T1 (Ash), T12 (Sycamore), T57 (Ash), T80 (Scots Pine) and G3 (Hazel and Holly) were identified as having ‘low’ potential, although in some cases it was not possible to gain a sufficient view of the tree due to dense foliage and/or ivy. Tree T27 (Oak) requires pruning of the lower limbs on the northwest aspect, on which there is a single potential roost feature (PRF).

We appreciate that the survey was undertaken prior to the new bat survey guidelines, however, in accordance with 4th Ed. Bat Survey Guidelines Collins ed. (Bat Conservation Trust, 2023) appropriate compensation will be required in advance of works. This means a Non-licensed Precautionary Working Method Statement (PWMS) for bats must be implemented, as recommended in the Ecology Note (Ecosupport, October 2023), and a Biodiversity Compensation Strategy which must both be secured by a condition of any consent. All PRFs must be inspected immediately before felling and, in the case of the Oak (T27), it may be possible to retain the PRF by strapping it to an adjacent tree. The Scots Pine (T80) may potentially contain a maternity roost feature as there is internal decay (Ecology Note (Ecosupport, October 2023)).

We note from the Ecological Impact Assessment (Ecosupport, July 2023) that a European Protected Species Mitigation Licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because nest tube surveys identified two Hazel Dormouse nests on site (Ecological Impact Assessment (Ecosupport, July 2023)).

We support the reptile mitigation strategy in Section 7.3 of the Ecological Impact Assessment (Ecosupport, July 2023) as there is a low population of Grass Snake on site and reptiles are protected species. This should be secured by a condition of consent and implemented in full.

The planned planting of 0.165ha of new native hedgerows and trees in the retained woodland, enhancement of the retained bramble scrub and creation of 0.13ha of mixed scrub on site will provide sufficient mitigation for the loss of 0.144ha of bramble scrub, woodland and treeline losses (Ecological Impact Assessment (Ecosupport, July 2023)).

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

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

The mitigation measures identified in the Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We welcome the indicated biodiversity net gain of 10.43% for habitat units and the 34.59% gain for linear hedgerow units (Biodiversity Net Gain Assessment (Ecosupport, July 2023)). The proposed habitats, including native tree and shrub planting, planting of 36 urban trees, new woodland, creation of mixed scrub, pond and wildflower grassland, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Ecosupport, July 2023) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on

insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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.

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 Ecology Note (Ecosupport, October 2023), Ecological Impact Assessment (Ecosupport, July 2023) and the Biodiversity Net Gain Assessment (Ecosupport, July 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-Licensed bat Precautionary Working Method Statement in the Ecology Note (Ecosupport, October 2023), which avoid impacts on these European Protected Species, and the reptile mitigation strategy in Section 7.3 of the Ecological Impact Assessment (Ecosupport, July 2023) which avoids impacts on these protected species.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

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- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

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- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

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- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

5. 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 Impact Assessment (Ecosupport, July 2023) 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.”

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- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.”

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

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provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

Southern Water:

12/12/2023

Thank you for your letter dated 21 November 2023.

The comments in our response dated 28 September 2023 remain unchanged and valid for the amended 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

Southern Water:

28/09/2023

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

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

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

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

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

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

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

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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.

MSDC Tree Officer

The site is 'tight' and therefore there is limited amenity space or shared space to provide additional planting.

I note 11 trees are to be removed to accommodate the development and 5 groups of trees.

The landscape masterplan shows some additional planting around car parking areas, given the pressure placed on trees in these situations, it may be wise to consider some blocks of native shrubs, to provide some interest and biodiversity as it is likely trees may be limited to fastigate varieties.

I consider that the site is too cramped to provide meaningful tree replacement.

If permission is granted, detailed landscape plans are required, along with maintenance plans and planting schedules.

A detailed method statement should be conditioned, particularly for incursions into RPAs for retaining walls, banks and level changes, T27, 50, 70 and 71.

Please condition AIA also.

WSSC Minerals and Waste:

12/12/2023

TO:	Mid Sussex District Council Case Officer: Joseph Swift
DATE:	02/10/2023
LOCATION:	Land South Of The Old Police House, Birchgrove Road, Horsted Keynes, West Sussex
SUBJECT:	DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works.
RECOMMENDATION:	<input type="checkbox"/> Advice <input type="checkbox"/> Objection <input type="checkbox"/> Modification <input checked="" type="checkbox"/> No Objection <input type="checkbox"/> More Information <input type="checkbox"/> Refusal

Joint minerals Local Plan (2018)

The north-eastern part of the site boundary of the proposed development falls within the mineral safeguarding area for brick clay buffer zone and, as such, the Minerals and Waste Planning Authority have been consulted to determine the potential impact of the proposed development on the safeguarded resource. The applicant has not submitted a Mineral Resource Assessment with the application.

Given the part of the site that falls within the within the mineral consultation zone is minimal (i.e. the north eastern boundary intercepts the southwestern edge of the 250m buffer zone), it is considered that the potential for mineral sterilisation is low. Further, given the priority of the safeguarded brick clay resource is also 'low', it is not anticipated that any significant degree of mineral sterilisation will occur as a result of the development.

Therefore, the MWPA would offer no objection to the proposed development as it is unlikely that any significant degree of sterilisation will occur.

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02/10/2023

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DATE:	02/10/2023
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WSCC Highways

12/12/2023

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council <u>FAO:</u> Joseph Swift
FROM:	<u>WSCC</u> - Highways Authority
DATE:	12 December 2023
LOCATION:	Land South Of The Old Police House <u>Birchgrove</u> Road <u>Horsted</u> Keynes West Sussex
SUBJECT:	DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works. (Amended Plans and additional information 20/11/2023)
DATE OF SITE VISIT:	<u>n/a</u>
RECOMMENDATION:	No Objection
<u>S106</u> CONTRIBUTION TOTAL:	<u>n/a</u> / £ See below for breakdown.

Further to WSCC recent updated response on 7th December 2023, we have received an e-mail for i-transport covering the points raised. Please read this in conjunction with all other responses.

These were in response to the issues over trips hazards in the road, transitions from footway to shared surfaces, cutting back of overhanging vegetation and the position of dropped kerbs.

It is also noted the extent of the public highway has been confirmed, and the block paved areas of the access spine road will be offered for adoption as part of this planning application. This would also require a S38 agreement.

The applicant has also confirmed the highway maintenance outside regarding the vegetation cut back; will be included in the s278 agreement.

West Sussex County Council (WSCC) require a Travel Plan Statement (TPS) to be submitted as part of this planning application to support and encourage sustainable and active travel. The fee of £1,500 is a requirement of any submitted travel plan to cover the additional resource implications and costs of assessing and auditing the TPS through the lifetime of the plan and its 5-year monitoring period. WSCC would also expect to see this included in a S106 agreement, to ensure the plan can be enacted.

Provision of Adoptable Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council,

as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

WSCC Highways

07/12/2023

TO:	Mid Sussex District Council FAO:Joseph Swift
FROM:	WSCC - Highways Authority
DATE:	7 December 2023
LOCATION:	Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex
SUBJECT:	DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works. (Amended Plans and additional information 20/11/2023)
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	More Information
S106 CONTRIBUTION TOTAL:	n/a / £ See below for breakdown.

This application has previously been considered by WSCC as the County Highway Authority and whilst in principle no objections were raised we asked for more information to fully assess the proposals. Therefore please read our last response in conjunction with this one.

As amended plans have been provided these have been reviewed and commented upon. We are also aware that our previous comments on layout have not been addressed. WSCC believe this to be a material consideration, and would ask the applicant to re-consider the following points:-

1. Advice we gave regarding the internal layout.

Please review our comments in the original response.

We are of the view the current footway/shared surface design is not sufficient to meet the needs of the mobility or visually impaired. Inclusivity of movement does not only provide equality; but also helps to encourage sustainable travel options and less reliance on the private car for shorter journeys.

- The examples above show the design leads someone into grass.
- Footways are inconsistent in places. No dropped kerbs with tactile paving are shown to facilitate crossing where pedestrians don't take priority.
- Its not clear where the adoptable highway stops and starts and how this is defined.
- If people are expected to walk/wheel in the road on the side without a footway; rumble strips are creating trip hazards for the visually impaired.
- Where footways are provided either side these should transition into the carriageway behind any rumble strips to connect into the shared surface.

2. Proposed Site Access Arrangement Plan ITB15584-GA-005 Rev E

WSCC was expecting to see this updated to include the cutting back of vegetation along the frontage of the site on Birchgrove Road. This will protect the footway here from overgrown vegetation to encourage use to and from the bus stop.

3. Swept Paths for Refuse/Fire/Car

The following plans (20151-skdsp03-D/20151-SKDSP01-C/20151-SKDSP02-C) have been reviewed and WSCC are satisfied these provide the space for these vehicles to enter, park, turn and exit in forward gear.

4. Parking Strategy Layout Rev E

Accepted

5. Travel Plan Statement / Construction Management Plan

See previous response relating to fees

6. Highway works

Highway works to be provided by the applicant to make the development acceptable in planning terms are:

- To provide access onto Birchgrove Road with 6m kerb radii, 4.8m width, 2m wide footways to tie into the existing footway along Birchgrove Road, and pedestrian crossing with dropped kerbs and tactile paving.
- To re-locate the existing bus stop further to the east of the access
- To provide red surface treatment on the highway on Birchgrove Road to indicate the speed limit change.
- To provide new speed limit signage, and side road ahead warning sign
- To clear vegetation from frontage of site onto Birchgrove Road.

All highway works associated with the development could be secured via a suitably worded condition which triggers prior to occupation, and/or s106 agreement and progressed via the s278 agreement process.

A s106 agreement or unilateral undertaking would be required for the Travel Plan Monitoring fee of £1,500.

This application also includes a TAD sustainable transport financial contribution.

Construction Management Plan

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
_ the temporary construction access, plans and details included in this CMP and to be agreed and approved via the S278 process
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Works within the Highway – Implementation Team

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

WSCC Highways

05/10/2023

TO:	Mid Sussex District Council FAO:Joseph Swift
FROM:	WSCC - Highways Authority
DATE:	5 October 2023
LOCATION:	Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex
SUBJECT:	DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	No Objection
S106 CONTRIBUTION TOTAL:	n/a / £ See below for breakdown.

WSCC as the County Highway Authority (CHA) has considered the above proposal. Whilst no objection is raised WSCC would like to draw the applicant's attention to the following points:

- Departure from standard may be required for the red surfacing.
- Consultation with Parish Council regarding a shelter or bench
- Agree to include vegetation cut back along the northern boundary if it encroaches into the highway.

Access, Re-located Bus stop and 30mph gateway surface treatment

The proposed site access will be created onto Birchgrove Road, a 'c' classified road with a 30mph speed limit. Access proposals include a simple priority junction with 6m kerb radii, and visibility splays of 2.4m x 54m (off-set 0.5m) in both directions.

Data from historic speed surveys suggest speeds on this part of Birchgrove Road can be higher and have been recorded at 35mph. This may be due to the change in speed limit to the east of the site where it changes from a 40mph to a 30mph.

Therefore, the proposed visibility splays of 54m, can easily accommodate for this increase in speeds, as per manual for streets guidance on 85th percentile speed stopping distance requirements. Therefore, WSCC are satisfied with the proposed access provision.

The applicant has also committed to re-locating the existing bus stop which will provide a level access for getting on and off, as this is currently not provided. The inclusion of a surface gateway feature (red surfacing) to highlight the speed limit change has been proposed. This has been reviewed by our implementation team and it should be brought to your attention that the left to right stagger may or may not meet the requirements of CD123 clause 2.24, and therefore might require a departure from standard.

Would the applicants consider consulting with the local parish council on providing a waiting facility at the bus stop? It is noticed there could be space in the highway to provide a shelter or bench here.

All these works can be secured via a suitably worded condition and delivered through the s278 process, or included in the S106 agreement, whichever is preferred.

Footway across the extent of the sites Northern Boundary

WSCC has noticed there is a large amount of vegetation overhanging from the northern boundary of the site and this is encroaching into the footway from the sides and the top. As the footway here provides a direct route from the development to the bus stop WSCC would like to see this included in the site access/clearance works, and then it can be added to the WSCC maintenance cycle going forward.

Local Highway records show there to be enough space to provide a minimum width of 1.5m but could provide up to 2m according to records. (See below).

There could also be scope here to include a bus shelter or bench as there appears to be land available within the highway. The applicant should progress this with the parish council and would be a welcome addition.

Stage 1 Road Safety Audit (RSA)

A Stage 1 RSA was undertaken in accordance with GG119, and the following problems were highlighted and accepted by WSCC as the Overseeing Organisation. However, we have noted that, if possible, the gradient issue in point 4.1 should be reconsidered at detail design stage and if there is the possibility to reduce the gradient further this would be a benefit to all. See table below: -

Prow 9HK

PROW will provide separate comments regarding this path. Our observations are that there are existing gradient problems with the route where this connects with Birchgrove Road.

Overall, it is likely that this route will not be suitable for all to use, but still provides a benefit to the development.

The extension and diversion of the PROW around the attenuation pond will be created as a Mown Path, this is considered to provide a leisure benefit for the residents and improves the existing route.

Internal Layout

WSCC has consider the proposed internal layout. If the site is to remain private these internal layout comments are advisory.

- Whilst it is likely to remain private the extent of the adoptable highway is not clear and needs to be shown on a plan.
- The design provides a road hierarchy with a main spine road, secondary roads, and private drives.
- Two different types of surfacing (Tarmac and Block) are used on the main spine. Ideally one type should be used to be consistent. There is also a lack of distinction between the road types.
- Ideally footways should be provided on both sides of the main spine, where there are dwellings on both sides. The main spine layout is a hybrid of footway and shared use. This does not help partially sighted or mobility impaired users.
- Informal crossing points will be required within the development to gain access to the footway.
- If rumble strips are used on the main spine and people are expected to walk in the road here these can be trip hazards to partially sighted and the mobility impaired.
- If rumble strips are being used as traffic calming features due to the straight alignment of the access road these should be re-considered unless there are footways on both sides.
- Secondary routes should be defined differently to the main route and be consistent. The secondary route by plot 3 & 6 has footway either side, but there is no footway on the secondary road outside plot 16.
- There is one private drive to the north of the site, and this provides direct access onto the main road with pedestrians maintaining priority over the access, with a minor crossover.
- Footways are inconsistent in places however it is noted pedestrians are given priority over junctions where private drives meet the main spine.
- Where footways are provided either side these should transition into the carriageway behind any rumble strips to connect into the shared surface.
- Visibility around bends in the road have been provided and are in line with speeds of 20-25mph. These are accepted.

Parking Strategy – for cars and bicycles

The parking strategy for the site has been based on the WSCC car parking guidance for new residential developments (Sept 2020) Horsted Keynes has been identified as being within Zone 1, and the proposed number of spaces are 47, in line with this guidance. However, there is scope to increase or reduce this by 10%.

This development will provide slightly over the recommended spaces however WSCC are satisfied that the 54 car parking spaces will be required as the roads surrounding the development are rural in nature and additional off-site parking would be limited. As such the increase in 7 spaces is just over the 10% accepted by our parking guidance.

All cycle spaces will be provided in garages, and these will be 3m x 6m or larger, and there will be a communal store for bicycles for the flats. Numbers have also been calculated using the guidance.

Swept Path Analysis

Drawing ITB15584-GA-007 demonstrates a refuse vehicle can enter, turn, and exit the site in forward gear, and drawing ITB-15584-GA-010 demonstrate the same for a tanker which will require access to the substation.

Transport Assessment

An assessment of the Transport Impacts a development of this size will create has been undertaken using data from similar developments the national TRICS database. WSCC has reviewed the data submitted and are satisfied with the data used and the following trip rates are accepted:

Trip rates in the AM peak: 0.542

PM peak: 0.418

Equated to 25 dwellings:

$0.542 \times 25 = 14$ two-way trips in the AM peak

$0.418 \times 25 = 10$ two-way trips in the PM peak

WSCC are satisfied there is no need for any junction capacity impact assessments based on the above numbers; as this is only required where there is a predicted increase in total entry flows of 30 or more vehicles in any hour, or if the junction already experiences peak period congestion.

Travel Plan Statement (TPS)

The applicant has submitted a TPS for approval and WSCC are satisfied this had been met. The applicant shall use this document going forward to assess and record its work to encourage sustainable transport to and from the site.

WSCC are now requesting a Travel Plan Auditing Fee to cover the resource costs of assessing and auditing Travel Plans through the planning process, and as part of the 5-year monitoring period. This fee is £1,500 and can be included in a s106 or unilateral undertaking.

Please note: The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data, and participate in on-going

review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to proportionate and reflective of the costs incurred.”

Construction Management Plan

A framework construction management plan has been submitted and will be secured via condition to ensure all construction related works are updated as and when required.

It is noted that the applicant will also need to progress a temporary construction access 278 agreement to enable the initial site setup and main construction phases. This will be a pre-commencement condition as this will require widening works to allow for vehicles to enter and exit safely.

Summary

WSCC raise no objection to the proposal for *25 dwellings on Land to the South of the Old Police House, Birchgrove Road, Horsted Keynes.*

Highway works to be provided by the applicant to make the development acceptable in planning terms are:

- To provide access onto Birchgrove Road with 6m kerb radii, 4.8m width, 2m wide footways tie into the existing footway along Birchgrove Road, and pedestrian crossing with dropped kerbs and tactile paving.
- To re-locate the existing bus stop further to the east of the access
- To provide red surface treatment on the highway on Birchgrove Road to indicate the speed limit change.
- To provide new speed limit signage, and side road ahead warning sign

All highway works associated with the development could be secured via a suitably worded condition and/or s106 agreement and progressed via the s278 agreement process. A s106 agreement or unilateral undertaking would be required for the Travel Plan Monitoring fee of £1,500.

Construction Management Plan

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction, the temporary construction access, plans and details included in this CMP and to be agreed and approved via the S278 process
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Works within the Highway – Implementation Team

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

WSSC Lead Local Flood Authority:

06/12/2023

RE: DM/23/2172 – Land South of the Old Police House, Birchgrove Road, Horsted Keynes, West Sussex

Thank you for consulting West Sussex County Council as the Lead Local Flood Authority on the above Full Planning Application. This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards.

Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

Should you wish West Sussex County Council as Lead Local Flood Authority to comment further please do not hesitate to contact us.

WSSC Lead Local Flood Authority:

11/09/2023

RE: **DM/23/2172 - Land South Of The Old Police House, Birchgrove Road, Horsted Keynes, West Sussex**

Thank you for consulting West Sussex County Council as the Lead Local Flood Authority on the above Full Planning Application. This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards.

Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

Should you wish West Sussex County Council as Lead Local Flood Authority to comment further please do not hesitate to contact us.

MSDC Housing Officer:

05/12/2023

Please see my updated comments below

DM/23/2172 - Land South Of The Old Police House, Birchgrove Road, Horsted Keynes, West Sussex

The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works (Amended Plans and additional information 20/11/2023)

"The applicant is proposing a development of 25 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (8 units as shown) in accordance with District Plan Policy DP31. The dwellings proposed comprise 4 x 1B/2P flats @ 50m², 1 x 2B/4P coach house @ 80 m² and 3 x 2B/4P houses @ 79m². As required, the two ground floor flats (25%) are to be provided as First Homes and the remaining six dwellings (75%) are to be provided for social or affordable rent. Following the increase in size of the coach house, our minimum size and occupancy requirements are all now being met, and the layout of the parking area has also been improved. A small area of private amenity space, distinct from that provided for the flats, is also now being provided for the coach house and this too is welcomed."

MSDC Housing Officer:

21/09/2023

DM/23/2172 - Land South Of The Old Police House, Birchgrove Road, Horsted Keynes, West Sussex

The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works

"The applicant is proposing a development of 25 dwellings, which gives rise to a minimum onsite affordable housing requirement of 30% (8 units as shown) in accordance with District Plan Policy DP31. The dwellings proposed comprise 4 x 1B/2P flats @ 50m² and 50.2m², 1 x 2B/4P coach house @ 70.8 m² and 3 x 2B/4P houses @ 79.2m². Two (25%) of the total number of affordable housing dwellings in the form of the ground floor 1B/2P flats are to be First Homes and the remaining six dwellings (75%) are to be for social or affordable rent. This size and tenure mix proposed is acceptable, but in order to meet the minimum size and occupancy requirements, (stated in Figure 5 in the MSDC Affordable Housing SPD), the coach house needs to be increased in size so that it is at least 79m² including the hall & staircase (not 70.8m² as currently shown). The parking spaces for the houses have also not been provided within the dwelling curtilages as requested at pre app stage and the whole layout of the affordable housing car parking spaces does not work well (see plan extract below). The location/orientation of the coach house and location of the electricity substation would also benefit from being revisited and a small area of private amenity space could be provided for the coach house, distinct from that provided for the flats. In light of the above comments I look forward to receiving amended plans addressing these points".

Landscape Consultant Comments

05/12/2023

Thank you for consulting the Landscape Advisor to Mid Sussex District Council on the above application. With reference to the above-named application and submitted documents received by Place Services asking for Landscape comments, our comments are made below.

This consultation response follows our previous response dated 02/10/2023.

Review of submitted information

A Schedule of Amendments and Additional Information (Dated: 16/11/2023) has been submitted alongside amended documents which clarifies how the applicant has addressed our previous comments and recommendations, or where these will be addressed in subsequent conditions.

We are pleased to see that the applicant has taken on board and considered all of our previous comments within their revised submission.

However, whilst we support the amendments to the submitted External Enclosures Plan which adds 1.8m brick wall surrounding the parking court for Plots 20 to 25, we do not encourage the use of back-to-back boundary treatments with a narrow section of soft landscaping between. We advise that the close-board fence is removed, and the external enclosures arrangement is reviewed to only require one boundary treatment.

However, considering the minimal amendments this can be dealt with under a subsequent condition.

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

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.

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

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

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

3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

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

If you have any queries regarding any of the matters raised above, please let us know.

Landscape Consultant Comments

02/10/2023

Thank you for consulting the Landscape Advisor to Mid Sussex District Council on the above application. With reference to the above-named application and submitted documents received by Place Services asking for Landscape comments, our comments are made below.

Summary Not supportive on landscape grounds
Supportive subject to attached recommendations and / or conditions X
Further information required prior to determination
No landscape comments / does not wish to comment

We recognise the policy position of the Site under Site Allocation 28 'Land South of The Police House', and therefore have included a number of recommendations to enhance the submitted proposals outlined in the General Arrangement Plan.

Context

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

- Arboricultural Implications Report (Ref: SJA air 23155-01)
- Design and Access Statement (Ref: CB_75_180)
- Balancing Pond Cross Sections (Dwg no. 20151 - SK105A)
- External Enclosures Plan (Dwg no. CB_75_180_009)
- External Levels and Features Sheet 1 of 2 (Dwg no. 20151 - SK101 D)
- External Levels and Features Sheet 2 of 2 (Dwg no. 20151 - SK102 D)
- Landscape General Arrangement (Dwg no. GLS_130_118_1300)
- Location Plan (Dwg no. CB_75_180_000)
- Land Use Plan (Dwg no. CB_75_180_002)
- Landscape Illustrative Masterplan (Dwg no. GLS_130_118_1200)
- Illustrations
- Landscape and Visual Impact Assessment (Ref: 7144.LVIA.004 Dated: July 2023)
- Phase 1 Desk Study, Site Reconnaissance & Phase II Site Investigation Report (Ref: LP2985)
- Photographs
- Planning Layout (Dwg no. CB_75_180_001 Rev.B)
- Planning Statement (Dated: July 2023)
- Statement of Pre-Application Consultation (Dated: July 2023)
- Street Scenes (Dwg no. CB_75_108_SS_01 Rev. B)

The application Site is located to the south-eastern corner of Horsted Keynes village accessed via Birchgrove Road which defines part of the northern boundary of the Site. Danehill Lane runs along the north-eastern boundary of the Site and is separated by an established tree belt screening the Site from the road. The Site itself comprises two grassland fields separated by a hedgerow and tree belt. The fields are also used by local residents for walking, accessed via a Footpath between the residential gardens and properties on Birchgrove Road to the north.

Planning Context

Mid Sussex District Plan (MSDP)

The Site is located within the High Weald Area of Outstanding Natural Beauty (AONB) and is therefore subject to Policy DP16 of the MSDP.

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

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

Development on land that contributes to the setting of the AONB will only be permitted where

it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.”

Under the MSDP, the application should have consideration for Policy DP37 ‘Trees, Woodland and Hedgerows’; *“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.”*

Other policies of considered relevance include Policy DP12: ‘Protection and Enhancement of Countryside’, Policy DP38: ‘Biodiversity’ and DP41: ‘Flood Risk and Drainage’.

Horsted Keynes Neighbourhood Plan (2016-2031)

The Site is included within the Horsted Keynes Neighbourhood Plan Site Appraisal (2010). A small area on Birchgrove Road is identified as Site E ‘Land Rear of Former Police House’ for 10 dwellings. The assessment identifies a moderate impact on the AONB due to potential impact on the historic routeway junction and difficulty accommodating houses in a linear way. Trees along the eastern boundary are also highlighted as important. The full northern parcel is also identified as Site F ‘Land South of the Old Police House’ for 25 dwellings. The assessment identifies a high impact on the AONB due to loss of medieval fields and development isolated from the village core, uncharacteristic of settlement pattern is both north and south parcels are developed. Development within the northern parcel alone would reduce the impact on the AONB to moderate.

Policy HK9 ‘The High Weald Area of Outstanding Natural Beauty’ states that development should *“respect the settlement pattern of the parish”* and *“relate well to historic routeways and do not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features”*.

Other policies of considered relevance include Policy HK4 'Maintaining Local Character and Good Quality Design', Policy HK8 'Recreation'. Policy HK12 'Sustainable Drainage System Design and Management'.

Mid Sussex Landscape Capacity Study

The Site is located within '35 Horsted Keynes High Weald' LCA within the Landscape Capacity Study. The Site is assessed as having **moderate** landscape sensitivity, **substantial** landscape value and **low** landscape capacity. The area is described within the assessment as "*largely pasture on high ground associated with the Horsted Keynes ridgeline. Intact landscape, associated medieval assarts, AONB.*"

Mid Sussex Site Allocations DPD (Adopted 2022)

The northern parcel of the Site is allocated under Site Allocation 28 'Land South of The Old Police House' for 25 dwellings. The key principles for SA28 related to landscape and design can be found within the allocation document.

Review of submitted information

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by Aspect Landscape Planning in July 2023. The assessment has been carried out in accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA).

We would have appreciated the assessment refers to LI 'GLVIA3 Statement of Clarification' 1/13 10-06-13 and 'An Approach to Landscape Character Assessment' (2014) produced by Natural England. The assessment includes a desktop study, a review of the landscape and visual baseline and an assessment of landscape and visual impacts.

Landscape character

The LVIA (Paragraph 5.5 – 5.21) has identified the landscape baseline of the Site as including the High Weald National Character Area (112) (NCA) as defined by Natural England, the High Weald AONB Designation and the HW1 High Weald area of the Landscape Character Assessment of West Sussex. Assessed against the HW1 High Weald LCA, the assessment judges that the proposal will have a **major/moderate** adverse effect at Year 1 reduced to **moderate/minor** adverse effect at Year 15.

The landscape surrounding the Site possesses a number of characteristic features of the HW1 High Weald LCA, including the wooded confined rural landscape, ridges, long views, a dense network of hedgerows and trees, a pattern of small irregular-shaped assart fields and dispersed historic settlement. Key issues within the LCA include the amalgamation of small fields with hedgerow loss and the visual impact of new urban and rural development including village expansion.

The Land Management Guidelines for the HW1 High Weald LCA include;

- *"Maintain and restore the historic pattern and fabric of the woodland and agricultural landscape for scenic, nature conservation and recreational purposes.*
- *Avoid skyline development and ensure that any new development has a minimum impact on long and other views and is integrated within the landscape, paying particular attention to the siting of telecommunications masts.*
- *Increase tree cover in and around villages, agricultural and other development and on the rural urban fringe*

- *Conserve, strengthen and manage existing hedgerows and hedgerow trees and replant hedgerows where they have been lost.*
- *Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness.”*

The assessment (Paragraph 3.22) identifies that the published landscape character assessments are old and do not reflect the immediate localised setting, and therefore Aspect have undertaken a landscape character assessment of the site and its environs. The assessment states that there is a “*high level of containment*” owing to the mature vegetation on the boundaries, which we agree with.

Following the identification of landscape character areas, the assessment appraises the landscape susceptibility, landscape value and landscape sensitivity of the Site.

The Site is assessed as having **medium** susceptibility to development. Landscape value is assessed using GLVIA Box 5.1 and is assessed as **medium but towards high** landscape value, which we agree with. The LVIA combines the judgements of susceptibility and value to form an assessment of **medium/high** landscape sensitivity within the site and setting, however a **very high** landscape sensitivity for the county landscape and AONB landscape, and a **high** landscape sensitivity for the national landscape character. We agree with these judgements and consider that the landscape sensitivity has been judged appropriately, considering its locality within the High Weald AONB.

Visual Amenity

Generally, the visual envelope is limited due to existing vegetation, however the appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; PRoW 9HK, Birchgrove Road, Danehill Lane, PRoW 81HK, PRoW HO81 1HK/1 and Sussex Border Path. The views have been separated out into close-, medium- and long-distance views.

The site visits and field work used to inform the assessment was undertaken in May 2023 (Appendix 2) when deciduous trees are in fuller leaf cover, however the site was previously visited in February 2020 to provide a comparison when leaves were absent. We would have preferred the assessment to be undertaken in winter to ensure that a ‘worst-case scenario’ is being appraised.

We note that the photography included within the LVIA has not been completed in line with the Visual Representation of Development Proposals Technical Guidance Note (TGN) 06/19 (Landscape Institute, September 2019. Type 1 (Annotated Viewpoint Photographs) have been used within the assessment. However we would have expected these be submitted on A1 paper with adjacent single frames on A3 sheets. We would also have recommended that adjacent location maps for each viewpoint are included as an overview of the relationship between the viewpoint and the site. We will however not insist that the report is amended and resubmitted.

Although the Site is entirely contained by mature boundary vegetation, the PRoW that runs through the centre of the Site will experience the most change of all included viewpoints. The LVIA recognises that visual impacts are largely localised to viewpoints from PRoW 9HK that crosses through the Site and assesses there would be **major-adverse** effects at year 1 and **moderate adverse** effects at year 10.

Long-distance viewpoints (VP 8, 11, 12, 13, 14) are assessed as having **moderate/minor adverse to none** effects as a result of the development. As per the land management guidelines for HW1 High Weald LCA, the proposals “*avoid skyline development*” and has “*minimum impact on long and other*

views and is integrated within the landscape” and has limited long-distance views, therefore adhering

Conclusion

Whilst users of the existing footpath would experience a strong change in character, the submitted LVIA recognises this and the overall significance of effects as appropriately assessed the impacts associated with the new development.

Although the Site is located within the High Weald AONB, the localised effects and appropriate siting on the edge of Horsted Keynes is recognised. The policy position of the proposals under SA28 of the Mid Sussex Site Allocations DPD are also recognised and the policy requirements of the allocation will be further considering in the preceding recommendations.

We are in agreement with the concluding judgements of the LVIA and agree that the development potentially *“would not result in undue adverse effects on the wider landscape of the AONB or on the residential character of the settlement of Horsted Keynes”*. However, considering the location of the proposals within the AONB, on the edge of Horsted Keynes Conservation Area and within an assart field landscape, that particular attention to the landscape design must be had to ensure that important landscape features are retained and protected.

The available viewpoints into the site are minimal, suggesting that the proposed development will have little impact on the wider landscape, and is assessed to only impact users within the immediate landscape. Recommendations have been put forward with the intention of enhancing the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources of the immediate locality and character.

The submitted Masterplan outlines the general arrangement of the Site and the proposed locations of the dwellings. We are pleased to see that two dwellings have been proposed facing onto Birchgrove Road to *“reflect the existing settlement pattern”* and *“help create a suitable transition within the countryside”*, as per Site Allocation 28. Where views into the development site may occur between the existing and proposed vegetation from Birchgrove Road, the building arrangement will reflect the existing settlement pattern.

The application has been supported by a Masterplan and a General Arrangement plan with details of specific hard and soft landscaping. The following comments are based on the information provided.

Further actions

Overall, we recognise the policy position of the proposal within the Site Allocation 28 ‘Land South of The Old Police House’ of the Mid Sussex Site Allocations document, however recommend the have the following comments are taken into consideration.

- The Mid Sussex Site Allocations DPD states to *“Protect the rural character of Birchgrove Road and this edge of settlement by retaining, where possible, the Oak tree and hedgerow on the frontage of the site”*. Retaining the rural character of Birchgrove Road on the entrance to to landscape character guidance.

Horsted Keynes Conservation Area is important for reducing impact on the historic settlement character of the surrounding area. We therefore encourage that existing hedgerows and trees on the northern boundary are retained and protected, therefore

contributing to the characteristic vegetative enclosure of the local landscape character. We would therefore advise that careful consideration for tree retention alongside visibility splays for the new entrance is considered.

- Ensuring the retention of the boundaries is particularly important given the Site context within the AONB and within a historic assart field landscape. Therefore, particular attention must be paid to tree protection measures and only removing trees if required. We would therefore also advise that additional tree and hedgerow planting is proposed along the northern boundary.
- The submitted Design and Access Statement (Section 5) references local materiality to inform decisions on material selection. We would also recommend that the High Weald Colour Study and High Weald Housing Design Guidance are used to ensure that the design is sympathetic to the AONB.
- High Weald-native wildflowers are an integral part of the area's ecosystems. We therefore request that these are included within the plans to embed a sense of place and local character within the new development (High Weald Housing Design Guidance), including English bluebells and woodland anemones under trees and in grass verges.
- We recommend that the proposed close-board fencing surrounding the parking court for Plots 20 to 25 is amended to include an alternative enclosure method, to "*rather than enclosed by bleak runs of close-board fences to back gardens*".
- SA28 requires that the proposal includes a sufficient buffer to the north-eastern corner with appropriate mitigation to protect the rural setting of historic farmstead Lucas Farm. Whilst the submitted site layout does provide trees as mitigation planting within this corner of the Site, we would also recommend that some lower-level planting such as hedgerow planting is proposed to further contribute to mitigating the visual impact of Plot 1 on Lucas Farm.
- The building accommodating Plot 10-13 and the neighbouring LAP are key viewpoints within the development on entry from Birchgrove Road. We would therefore recommend the proposed tree is a feature tree planted at a larger stock size, and further consideration for focal design is considered within this space.
- The Design and Access Statement proposes the use of *Betula pendula* throughout the development. We would recommend that this species is removed or reduced in numbers considerably and a longer life expectancy is proposed as an alternative.
- Most of the southern field is proposed as General Meadow (10% wildflowers). At present, it is unclear how this area will be managed, however we recommend that some additional paths are mown to provide some walking access for recreational use. We would expect to see this included within the management plan.
- Every effort should be made to minimise the urbanising influences (i.e., kerbing, widening, domestic paraphernalia) to ensure that the proposals are sympathetic to the rural surroundings.
- We are pleased to see the inclusion of biodegradable tree guards (Design and Access Statement) and look to see these are included within future submitted Landscape Management Plans.

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

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.

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

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

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

3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation, monitoring and review of the landscape management plan, has been submitted to and approved in writing by the Local Planning

Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

If you have any queries regarding any of the matters raised above, please let us know.
Kind regards,

MSDC Drainage Officer:

01/12/2023

The flood risk and drainage team have reviewed the additional information submitted to address our previous comments (2023-09-15) and can provide the following consultation response.

Flood Risk

The site is located at very low flood risk and we have no objection to the development in relation to this.

Foul Water Drainage

It is proposed to discharge foul water drainage from the site to the foul public sewer via a pumping station. This is considered acceptable in principle, subject to detailed design and appropriate approvals from Southern Water.

Surface Water Drainage

It is proposed to discharge surface water drainage from the site to an existing culverted watercourse at a controlled rate. The applicant has provided evidence that this culverted watercourse exists. The principle of the surface water drainage scheme is considered acceptable, subject to detailed design.

We advise the applicant that discharge rates should be limited to the Greenfield QBar runoff rate for the area being drained and the system designed to cater for the 1:30+ climate change and 1:100+ climate change storm events. Climate change allowances should be based on the most up to date allowances published at the time of detailed design. We would also advise the applicant that consideration of individual drainage components design limitations should be taken into consideration (such as roadside gullies being functional only to the 1:10 storm event etc). I attach our current general guidance for drainage document, we advise that an up to date version is requested prior to finalising detailed design.

Recommended Conditions

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.

SURFACE WATER DRAINAGE VERIFICATION REPORT

No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved

by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

MSDC Drainage Officer:

15/09/2023

Thank you for consulting the flood risk and drainage team in relation to the above application. We have reviewed the flood risk and drainage information submitted and the proposed drainage approach appears likely to be acceptable. However, there does appear to be a lack of source control drainage across the development footprint and we would encourage the applicant to consider incorporating this into the scheme. This should be considered at this early stage as it may impact layout, landscaping masterplans etc.

Before we're able to provide a formal response please could the application provide the following additional information about the culverted watercourse:

- Evidence of the existence of the culverted watercourse on site,
- Indication of it's downstream connection to the wider watercourse network, and
- The likely stakeholders of the watercourse. For example is it classified as a watercourse and therefore covered under riparian responsibility or is it part of a highway sewer connection and therefore possibly a West Sussex County Council asset.

At this stage we need to establish the culvert exists and who has responsibility for it but we do not need to understand the condition of the culvert.

Following receipt of the above information we will be able to provide a full formal consultation response.

MSDC Contaminated Land Officer:

22/11/2023

The amended plans and additional information received on the 20th of November 2023 do not alter the comments I made on the 18th of September 2023.

MSDC Contaminated Land Officer:

18/09/2023

I have read the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP2985, dated the 24th of August 2022.

The desk study identified the potential for metals and pesticides at the site due to the historical agricultural use at the site. As such, it was recommended that an intrusive investigation be undertaken to establish if this was the case.

So far, the intrusive investigation has not found any issues with contaminants above the general assessment criteria on the site. However, they note that they had no access to where a historic building was present due to how overgrown that section of the site was.

Based on the above I would recommend that the application be approved with appropriate conditions attached to ensure this section of the site is investigated, prior to development, as recommended in the report.

Recommendation: approve with the following conditions

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

a) A site investigation, based on the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP2985, dated the 24th of August 2022 to investigate previously inaccessible areas of the site, and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

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

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

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

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

MSDC Environmental Protection Officer:

22/11/2023

Previous comments still stand.

MSDC Environmental Protection Officer:

19/09/2023

The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works.

Given the proximity of existing residential dwellings to the proposed development, I recommend conditions to protect existing residents from noise and dust during the construction phase.

As air source heat pumps are to be considered for this development, and that these can generate significant noise, a condition is recommended to protect the amenity of future residents.

In addition, given that 25 dwellings are proposed, a condition is recommended requiring suitable mitigation measures to preserve the amenity of residents in terms of air quality.

Construction hours: Works of construction, including the use of plant and machinery necessary for implementation of this consent shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted.

Deliveries: Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted.

Construction Environmental Management Plan:

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

Heat Pumps: Unless otherwise agreed, the air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_{Ar}, Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (LA₉₀, T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the “Air Quality and Emissions Mitigation Guidance for Sussex” which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council’s Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- No burning of construction waste materials shall take place on site.

Historic Environments Consultee:

21/11/2023

Thank you for reconsulting the Historic Environment Consultant to Mid Sussex District Council on the above planning application.

Recommended refusal	
No historic environment objections	
Recommended Approval subject to attached conditions	X
Further information required	
Recommend discharge condition	

This office has reviewed the additional plans and information provided and found no reason to alter our recommendations, namely that a programme of archaeological evaluation by trial-trenching is undertaken on the site prior to the commencement of development, alongside the recording of the standing historic building remains. For convenience these recommend conditions are repeated below, and are made in line with the National Planning Policy Framework, paragraph 205 and Mid Sussex District Plan policy D34:

RECOMMENDATION: Archaeological Evaluation and Building Recording

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in (i) above.

(iii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

If you have any further questions please do not hesitate to contact me.

Historic Environments Consultee:

08/09/2023

Thank you for consulting the Historic Environment Consultant to Mid Sussex District Council on the above planning application.

Recommended refusal	
No historic environment objections	
Recommended Approval subject to attached conditions	X
Further information required	
Recommend discharge condition	

As established by the submitted Heritage Statement and the West Sussex Historic Environment Record (HER), the proposed development lies in an area with the potential for archaeological remains, primarily those of a medieval or post-medieval date. The proposed development lies to the immediate south-east of Horsted Keynes, which has its origins in the early medieval period (it is mentioned in the Domesday book of 1086). Although outside the extent of the medieval settlement's historic core, the proposed development site has a potential to contain significant extramural remains related to the settlement, including evidence of subsistence activity, land management and agricultural features.

Additionally, the Heritage Statement has identified standing remains on the site relating to Lucas Farm Historic Farmstead (HER MWS12256). Further remains relating to this 19th-century farmstead are likely to survive below-ground and will be negatively impacted by the groundworks associated with the proposed development.

Accordingly, this office recommends that a programme of archaeological evaluation by trial-trenching is undertaken on the site prior to the commencement of development, alongside the recording of the standing historic building remains. This office therefore recommends that the following conditions are placed on any consent, in accordance with the National Planning Policy Framework, paragraph 205 and Mid Sussex District Plan policy D34:

RECOMMENDATION: Archaeological Evaluation and Building Recording

i **(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

i **(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in (i) above.**

i **(iii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.**

The work will comprise an archaeological trial-trenching evaluation of the proposed development site, as well as the recording of the still-standing historic building remains within the site, both undertaken before the commencement of the development.

Depending on the results of the evaluation, it may then be followed by excavation areas focused on any archaeological deposits identified, and/or monitoring of groundworks associated with the development.

An archaeological brief will be produced from this office detailing the work required on request.

If you have any further questions please do not hesitate to contact me.

WSCC FRS Water and Access:

To: From:

Planning Ref:

Address:

Description:

Date of visit:

RECOMMENDATION

Advice:	<input checked="" type="checkbox"/>	Modification:	<input type="checkbox"/>	More Information:	<input type="checkbox"/>
Objection:	<input type="checkbox"/>	No Objection:	<input type="checkbox"/>	Refusal:	<input type="checkbox"/>

Total number of hydrants required

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.

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

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

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased

programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

Horsted Keynes Parish Council

The Neighbourhood Plan Steering Group recommends that the Parish Council supports this application and appreciates the efforts that Sunley has made to consult with the Parish Council, neighbours and wider community. We are very pleased to note that the plans have been revised in response to the feedback we have given and in particular we welcome the amendments that Sunley has agreed to in order to make the scheme compliant with the housing mix set out in our Neighbourhood Plan.

We would however make the following comments:

- We note that Sunley has helpfully agreed to provide a power supply for a defibrillator; it would be appreciated if a new defibrillator could also be provided for the village in this location.
- We welcome Sunley's Energy Strategy document, which sets out the primary 'Fabric First' approach to reduce the carbon footprint of the development well below Building Regulation requirements in responding to Policy HK11. We welcome the use of Air Source Heat Pumps across the development. However, despite return periods now being typically 6-7 years, we are disappointed that the opportunity to incorporate Photovoltaics (PV) from the outset has been rejected, citing concerns about inverter life, safe access and visual impact. We also observe that it might have been possible to get more of the properties oriented within the ideal south+/- 30 degrees alignment to optimise solar gain during the winter months and to increase PV potential.
- We are pleased to note that Sunley has agreed to provide an "informal mown grass path" to the north of the balancing pond as shown in the "Drainage Strategy" (although this does not appear to be detailed in the "Design and Access Statement", "Landscape GA" or "Landscape Master Plan"). We would like to receive confirmation that this path will be provided for general public use and if possible designated as a formal PRoW. This issue is important to us because of the long distance views that can be enjoyed from the footpath at this higher

vantage point. The proposed diversion of the footpath to the south of the balancing pond at the lower level (without the additional path to the north) would be perceived by the parish as representing a loss of amenity.

- We do understand it is inevitable that there will be some loss of amenity value to the section of the PRow that will run through the housing estate. However, we were to some extent pacified by earlier versions of the design that detailed a tree-lined footpath segregated from the estate road by a grass verge. We are disappointed to note that the current proposals indicate the PRow in this location has become a pavement along the edge of the road. It would be preferable if a "green corridor" could be introduced at this point to mitigate the impact that the development will have on the PRow.
- We are grateful to Sunley for providing a draft CTMP in response to concerns shared at the consultation phase and appreciate the avoidance of Construction Traffic passing through the village. We note that two routes have been identified, approaching from the west, Route A (along Birchgrove Road from the A275 at Chelwood Gate) and Route B (along Danehill Lane from the A275 at Danehill). We would like to request that Route B is designated as the preferred route for construction traffic with route A as a back-up because Birchgrove Road is narrow and winding and there are points at which it is difficult for two cars to pass. Danehill Lane is a shorter section of road from the A275 and it is wider. We also request that the contact details of the Construction Site Manager are provided to the Parish Council so that if any problems occur with construction vehicles or construction works impacting on residents these can be swiftly resolved.

WSCC Infrastructure Officer:

16/10/2023

Summary of Contributions

Education			
School Planning Area	Haywards Heath		
Population Adjustment	44.5		
	Primary	Secondary	6th Form
Child Product	0.4059	0.4059	0.0000
Total Places Required	2.8412	2.0294	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£8,046		
Population Adjustment	44.5		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	25		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	44.5		
Net Parking Spaces	54		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£58,435
Education - Secondary	£62,890
Education - 6th Form	No contribution
Libraries	£8,046
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£77,583
Total Contribution	£206,955

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

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

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

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

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

The calculations have been derived on the basis of an increase in 25 net dwellings, and an additional 54 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2024. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The primary education contributions generated by this proposal shall be spent on additional facilities at St. Giles CofE Primary School, or another primary school in the planning area of Haywards Heath should this be more suitable at the time that the contribution is made.

The secondary education contributions generated by this proposal shall be spent on additional facilities at Oathall Community College, or another secondary school in the planning area of Haywards Heath should this be more suitable at the time that the contribution is made.

The library contributions will be spent on additional facilities at Haywards Heath Library.

The Total Access Demand contribution will be spent on Cycle and pedestrian improvements within Horsted Keynes which link the development to local infrastructure within the village such as the Primary School, Shops, Village Hall and Pre-School nursery.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

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

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2023/2024, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,567 per child**
- Secondary Schools- **£30,989 per child**
- Sixth Form Schools- **£33,608 per child**

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£6,027** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2023/2024 period.

3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2023/2024 is £1,575 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£786).

Sustainable transport contribution = (net car parking – occupancy) x 786

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

MSDC Community Facilities Project Officer:

Thank you for the opportunity to comment on the plans for the development of 25 residential dwellings on Land South Of The Old Police House, Birchgrove Road, Horsted Keynes. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a LAP on site but this will only offer limited play value and is not required. Horsted Keynes Recreation Ground, owned and managed by the Parish Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £25,339 is required to make improvements to play equipment (£13,771) and kickabout provision (£11,568). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £15,772 is required toward formal sport facilities at Horsted Keynes Recreation Ground and / or Horsted Keynes Cricket Club.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £12,834 is required to make improvements to Horsted Keynes Village Hall.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Street Naming and Numbering

Mid Sussex District Council

Street Naming and Numbering

Weekly list date: 04/09/2023 and 09/09/2023

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.

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/23/2158

DM/23/2275

DM/23/2192

DM/23/2172

DM/23/1973

DM/23/2180

WSCC Public Rights of Way

TO:	Mid Sussex District Council FAO: Joseph Swift
FROM:	WSCC Highways - Public Rights of Way
DATE:	3 October 2023
LOCATION:	Land South Of The Old Police House Birchgrove Road Horsted Keynes West Sussex
SUBJECT:	DM/23/2172 The erection of 25 dwellings and associated access, car parking, landscaping, balancing pond, creation of biodiversity area and infrastructure works.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 9HK
RECOMMENDATION:	Advice / No Objection
S106 CONTRIBUTION TOTAL:	n/a

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

As stated in the NPPF, para 100, *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

Defra Rights of Way Circular (1/09) states *The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way.*

Bearing the above in mind, my comments are as follows:

I note Public Right of Way (PRoW) Footpath (FP) 9HK runs through the site and a diversion will be applied for through Mid Sussex District Council under Section 257 of the Town & Country Planning Act 1990. The planned diversions, both in the northern and southern sectors, appear reasonable and acceptable. West Sussex County Council will be a formal consultee in the process and its prior agreement to a specification will be required before lending formal support to any diversion proposal. Please submit all details to do with the diversion as outlined in the PRoW note.

The diversion may be applied for now whilst the application is under consideration but won't be capable of confirmation until the application is approved. It is only at this stage that any temporary closure of the path required for development may be applied for through West Sussex County Council. See [here](#) for more details. Development affecting the currently recorded legal line of the Footpath must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

With regards treatment of the PRoW, I note that the northern portion of the site will see FP9HK running alongside the carriageway which may be adopted under a Section 38 agreement (Highways Act 1980). If this is so, its surfacing will need to be agreed by Highways as they will be responsible for maintaining it. If not being adopted, a 2m path with a tar spray and chip surface in a buff colour is acceptable.

A mown 2m grass footpath around the balancing pond in the southern portion of the site is also acceptable given the limitations placed on this area and the fact that 25 dwellings are unlikely to give rise to a significant increase in use. I note a management company will be responsible for mowing it.

Please ensure there is no risk of the balancing pond flooding the footpath (other than in extreme circumstances).

Where FP9HK meets Danehill Lane, my desktop study indicates there is currently a stile and overgrown vegetation. It would be useful if the landowner of the southern portion would allow the removal of this stile and clearance of the overgrown vegetation to improve accessibility. Please pursue this.

General Notes:

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PRoW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PRoW Team.

Where the ground levels adjacent to the PRoW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PRoW Team prior to development commencing.

It is an offence to damage the surface of a PRoW without the prior consent of the WSCC PRoW Team. The applicant must supply a specification and secure the approval of the WSCC PRoW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PRoW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PRoW Team.

(Mapping reproduced from or based upon 2023 Ordnance Survey material, WSCC licence AC0000849983. Rights of Way information is not definitive).

MSDC Conservation Officer:

The application site constitutes a pair of open fields located to the south side of Birchgrove Road, adjacent to its junction with Danehill Lane. The site is not within the Horsted Keynes Conservation Area, but part of the western boundary of the site is shared with the south eastern edge of the Area, and it would be considered to be within its setting, both in terms of this relationship, and of the impact that the site has on the character of the approach to the Conservation Area along Birchgrove Road.

Also within the vicinity of the site is a listed building (Lucas Farm). This former farmhouse is Grade II listed and dates from the list description from the 18th century. There is a surviving outbuilding to the north west of the house which appears to date from the 19th century or earlier and is likely to be regarded as curtilage listed. Lucas Farm is recorded in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the post medieval period.

Although we do not have an adopted character appraisal for the Horsted Keynes Conservation Area, the Council's document '*Conservation Areas in Mid Sussex*' contains a brief high level analysis of the key features of the area, which are noted to include the extensive views of the countryside from within the Area. In my opinion, the significance of the Area lies in its nature as the two centres (church and village green) of a Sussex village which has grown up over many centuries in close connection with the surrounding rural landscape. As such, the surviving rural setting of the Conservation Area, including the countryside views mentioned above, make a strong positive contribution to its significance, and how this is appreciated.

The application site, as above, is adjacent to the western boundary of the Conservation Area, and is also adjacent to a key approach into the Area from the surrounding countryside along Birchgrove Road. There is also a public right of way (PROW) which runs south from Birchgrove Road through the site before turning east to meet Danehill Lane. The fields of the site are currently open and undeveloped, retaining their rural character, and make a positive contribution to the setting of the Conservation Area, its significance, and the manner in which this is appreciated, including the approaches to it along both Birchgrove Road and the above mentioned PROW.

The farmhouse at Lucas Farm is considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of a Sussex farmhouse of its period, and aesthetic value based partly on the use of vernacular materials viewed within the landscape from which they were drawn. It also has group value with the surviving curtilage listed outbuilding, as constituent parts of the historic farmstead. The surviving rural setting to the north, east and south of the farmstead makes a strong positive contribution to the special interest of the listed and curtilage listed buildings, and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The application site constitutes the closest part of the rural setting to the south of the farmstead and affects not only views from the house and its immediate garden setting, but also the character of the landscape within which the buildings are appreciated in views and vistas from Birchgrove Road and Danehill Lane. In its current open and rural state the site makes a strong positive contribution to the setting of the farmhouse and farmstead, its special interest, and the manner in which this is appreciated. This contribution is enhanced by the historical relationship between the site and Lucas Farm, as the fields were at one point part of the farmlands associated with the farmstead (ref. the submitted Heritage Statement).

The current proposal is for the construction of 25 new houses with associated access from Birchgrove Road, car parking, landscaping, balancing pond and biodiversity area. The built form is confined to the northern field, with the southern field left open, although with some regrading to create the balancing pond.

The proposal has been the subject of pre-application advice, and has been amended on the basis of this advice- for example by the inclusion of further tree, hedge and scrub planting along the site boundaries to provide further screening of the development. Also, although I will not comment in any detail on the design of the development or the architectural treatment of the houses, I note that this is intended to reflect the local vernacular in both design and materials.

Notwithstanding this, the proposal will have a fundamental impact on the character of the site, in particular the northern field, which will become suburbanised. This will remove and reverse the positive contribution which this part of the site currently makes through setting to the significances of the above mentioned heritage assets. The proposed screening to the site boundary will have some mitigatory affect, but is unlikely to be entirely successful in hiding the new housing from view, and due to its nature must be regarded as both seasonally variable and potentially ephemeral. It will also not have any affect in terms of the character of the approach to the Conservation Area along the PROW, which runs right through the new housing.

For this reason, I consider that the proposal will be contrary to the requirements of both DP34 (Listed Buildings and Other Heritage Assets) and DP35 (Conservation Areas). In terms of the NPPF, I would consider the harm caused in both cases be less than substantial, such that paragraph 202 and the balancing exercise set out within in will apply. I would place the harm caused to the Conservation Area as at the low-mid end of that scale, and to Lucas Farm at the mid range.

