

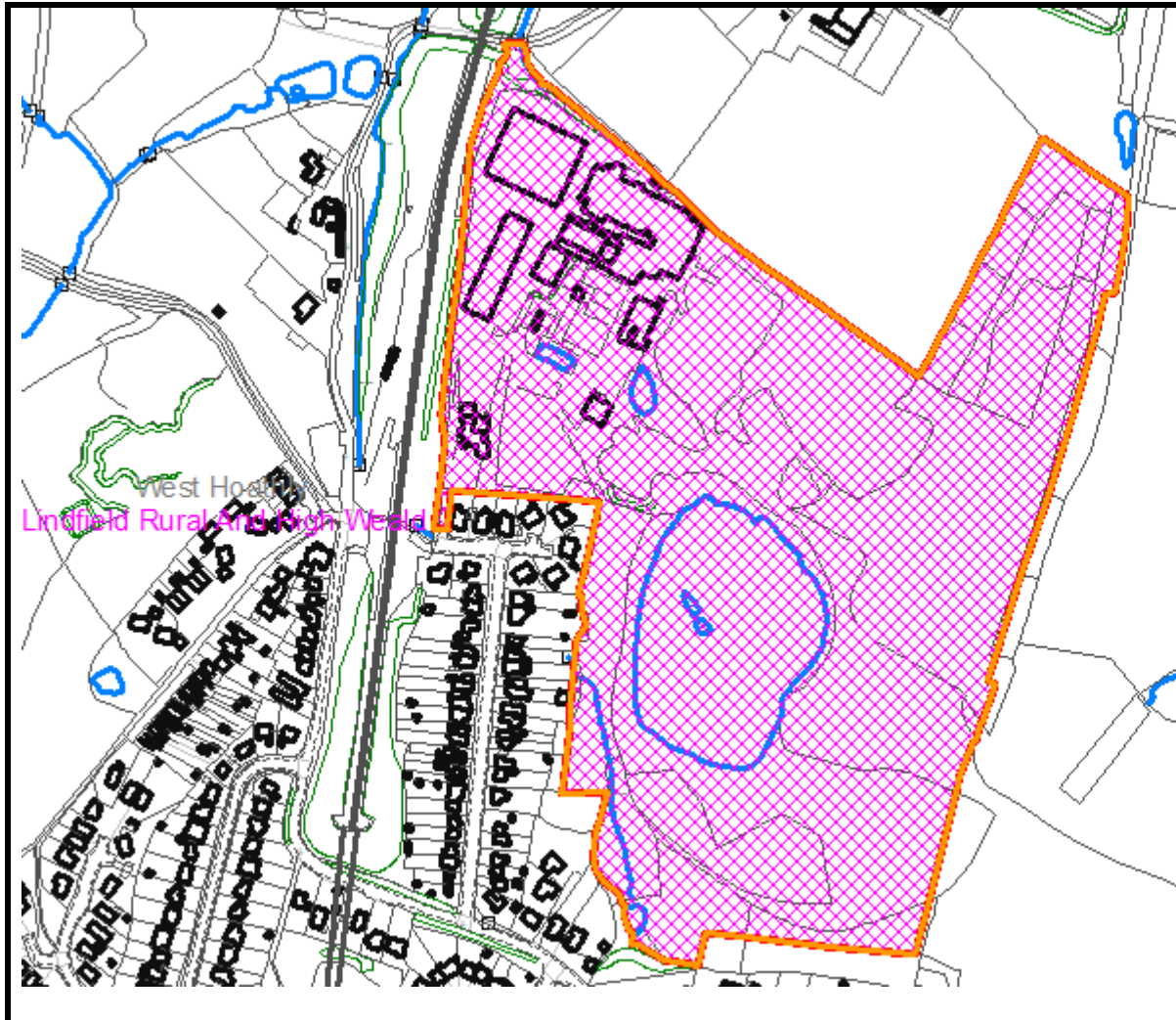
District Planning Committee



Recommended for Permission

21st March 2024

DM/23/0827



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Site:	West Hoathly Brickworks Hamsey Road Sharpthorne East Grinstead West Sussex
Proposal:	Full planning application for the demolition of existing structures and redevelopment of the site to provide 108 residential dwellings (Class C3) and associated works, including the provision of an on-site SANG, access, landscaping, parking and associated works. (Amended plans received showing minor changes to scheme, as detailed in applicant's letter dated 13th November)
Applicant:	Ashill Regen Ltd
Category:	Largescale Major Dwellings

Target Date:	29th March 2024
Parish:	West Hoathly
Ward Members:	Cllr Paul Brown / Cllr Lorraine Carvalho /
Case Officer:	Stuart Malcolm

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RS18RZKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

2.1 This application seeks full planning permission for the demolition of the existing structures and redevelopment of the site to provide 108 residential dwellings and associated works, including the provision of an on-site Suitable Alternative Natural Greenspace (SANG), access, landscaping and parking.

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.

2.3 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

2.4 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 (DPD), West Hoathly Neighbourhood Plan and The West Sussex Joint Minerals Local Plan.

2.5 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.

2.6 Whilst there is some compliance with Policy DP12, insofar as the development is deemed to enhance the quality of the rural and landscape character, the principle of the application does conflict with the Development Plan in terms of what type of development is allowable under Policy DP12. Furthermore, the application does not accord with any of the housing in the countryside exceptions permissible under Policy DP6 or DP15 of the District Plan.

- 2.7 The site as existing has a negative impact on the surrounding Area of Outstanding Natural Beauty (AONB). It is considered that the scheme has been well designed and takes the opportunity to introduce a development which is far more sensitive to its landscape setting than the site in its current condition. Whilst this may be a consequence of developing on previously developed land, rather than a greenfield site where the ability to demonstrate an enhancement would be significantly harder, it is considered that the AONB will be enhanced by this development. This enhancement to the AONB must be given great weight in the decision making process.
- 2.8 Para 183 of the NPPF states that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It is considered that there are such exceptional circumstances in this case and it can be demonstrated that the development is in the public interest. These primarily being the fact the site for the residential element is previously developed land and that the redevelopment of this land as proposed will enhance the High Weald AONB. There are therefore a number of environmental, social and economic benefits associated with the development, as highlighted in this report, which result in the para 183 test being met.
- 2.9 Although part of the site (where the brickmaking process was carried out) is identified as an 'existing employment site', it is concluded that the marketing and viability evidence provided by the applicant adequately demonstrates that the loss of the existing employment land is justifiable and the proposal is development plan policy compliant in this respect.
- 2.10 Although the proposal will change the appearance of the site when viewed from the neighbouring properties the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 2.11 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. Offsite highways works are to be provided and the proposal also includes improvements to the existing public rights of way network in the vicinity of the application site which should be given positive weight in the planning balance.
- 2.12 It is considered that the site can satisfactorily retain any important trees. Detailed tree protection measures and additional planting, as well as a long term management plan for the landscaped areas, will also be secured. The ecological impacts of the development have been robustly assessed and considered acceptable. Biodiversity net gain is not mandatory for this application but is being provided by the applicant and will be secured through the legal agreement/planning conditions so this should be given positive weight in the planning balance.
- 2.13 The legal agreement would also secure the required infrastructure contributions, the on-site affordable housing provision of 30% (33 units) and the requisite Ashdown Forest SAMP and SANG mitigation. The SANG mitigation in this case takes the form of a bespoke, onsite SANG which has the support of planning officers and Natural England.

- 2.14 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate.
- 2.15 Officers consider that the sterilisation of the minerals within the application site would not occur and that the proposed development would result in wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use.
- 2.16 The proposal preserves the setting and special interest of Grade II listed Old Coombe House, meeting the requirements of District Plan Policy DP34 and the NPPF. The proposal will result in the complete loss of significance of the non-designated heritage asset (The Old Workshop) but this would be relatively low level within the local context. As such planning officers consider that, when coming to a balanced judgement as per the para 209 of the NPPF requirements, the identified benefits of the scheme outweigh the low level of loss of significance of the non-designated heritage asset.
- 2.17 In this case, there would be clear social and economic benefits from the development of 108 houses which includes 33 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. These factors should be given weight in the planning balance.
- 2.18 The application therefore complies with policies DP1, DP4, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10, SA34 and SA38 of the Mid Sussex Site Allocations DPD, Policies WHP1, WHP3, WHP4, WHP10 and WHP12 of the West Hoathly Neighbourhood Plan, Policies M9, M10 and M24 of the West Sussex Joint Minerals Local Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
- 2.19 Although the application must be assessed against the policies of the Development Plan taken as a whole, this assessment has identified conflict with the Development Plan. This being in respect of what types of development are allowable under Policies DP12, DP6 or DP15 of the District Plan.
- 2.20 In this case however there are material planning considerations that indicate a decision should be made that is not wholly in compliance with the Development Plan. There are environmental benefits, chiefly that the proposal enhances the AONB and this must be given great weight. The proposed development makes good use of previously developed land where there is little reasonable likelihood of long term employment use returning. There are also economic and social benefits cited elsewhere in this report associated with the provision of 108 houses, of which 33 are affordable, that will also help boost the Council's housing supply.

These material planning considerations are considered to outweigh the identified conflict with the Development Plan.

The application is therefore recommended for approval based on the following dual recommendation.

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 infrastructure contributions, the necessary affordable housing, the onsite SANG, the PROW improvements and the Travel Plan.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 21st June 2024 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 infrastructure contributions, the necessary affordable housing, the onsite SANG, the PROW improvements and the Travel Plan. The application therefore conflicts with Policies DP17, DP20, DP21, DP22 and DP31 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

- 4.1 A total of 368 representation documents have been received across the consultation periods. The representations have raised a number of issues, which can be summarised as follows:

Principle

- Would support smaller scale development
- Amended plans do not address initial concerns
- Population increase too much
- Conflicts with village plan
- Conflicts with district plan
- Not allocated in development plan
- MSDC has a 5 year supply of homes and targets met
- Housing targets no longer applicable
- Highlighted benefits not realistic
- Other more suitable sites are allocated for housing
- Not all of site is previously developed
- No policy support for SANG and is it needed?
- No need for so many 4/5 bed houses
- Not a sustainable development
- Loss of employment not justified
- Some employment should be provided on site
- Approving the application would be un-democratic
- Will affect community spirit of Hamsey Road

Visual impacts

- Too big for the village and overdevelopment
- Will harm the AONB and is an eyesore
- Dwellings not suitably designed for this location in AONB

- Encroaches onto greenfield land
- Some buildings too high and three storeys apartments out of keeping
- Light pollution and impact of site at night
- Estate out of keeping with village
- SANG not compatible with AONB
- Impacts on views
- Urbanises rural area
- Materials out of keeping
- Development should be more spread out over other parts of site to reduce visual impact
- Better examples of rural themed housing sites
- Housing appears standard and not innovative
- Lack of vision and imagination on proposed scheme
- Suburban layout
- Not sustainably designed

Residential amenity

- Construction work will have significant impact on noise, disturbance, pollution and vehicle movements for a long period of construction
- Significant impact from additional vehicles on nearby streets causing noise and disturbance
- Additional pollution – air and noise
- Loss of conifers down western side will increase noise and loss of privacy for residents to west
- Will construction noise occur during unsocial hours?

Infrastructure

- Not enough infrastructure to support development – local pressures on water, Sewage, doctors, dentists, schools, electricity, wi-fi, dentists, no piped gas, shop not big enough
- Lack of capacity at local school will mean additional car trips
- Need better local public transport
- Pressures on water supply and local treatment plant
- Should NHS money go to hospital rather than GP?
- Contributions required for village

Traffic

- Existing access is unsuitable
- Is there not an alternative directly onto Top Road or Grinstead Lane?
- Adverse impact on road safety
- Local junctions will be more hazardous
- Too many additional car movements down narrow, heavily parked residential streets
- Deliveries to residents may not get through
- Stated trip figures in submissions seem reduced to reality
- No up to date traffic count figures
- Was Safety Audit conducted at appropriate time
- Will add to congestion and safety fears on Top Road
- Pedestrian safety concerns
- Additional physical damage to road surfaces
- Should a mini roundabout be installed on Top Road
- Detailed Construction Management Plan required

- No waiting place for larger vehicles and no haul road
- Traffic will be far greater than site operating as a brickworks
- Is there enough car parking?
- Conflicts with school coach and other larger vehicles
- Construction impacts on local parking
- Large vehicles associated with restoration works have caused problems down Hamsey Road
- Viewing area will encourage non-resident traffic
- Local services not readily accessible on foot or by bike
- Rural roads around village cannot accommodate more cars
- Emergency service access to surrounding homes compromised
- Character of Hamsey Road will be changed
- Flaws in the data in the Transport Assessment
- Muddy roads during construction being a hazard
- Local parking restrictions should be considered

Ecology

- SSSI impact
- Adverse impact on wildlife and habitats
- Protected species on the site and non-protected
- Wildlife enhancements should be shown

Flooding and Water Environment

- Concerns about proposed use of existing drainage channel leading from site and into Bluebell railway land
- Could drinking water be affected
- Local streams will flood
- Loss of trees will increase flooding
- Increased flooding elsewhere

Other

- What will happen to the footway crossing over the Bluebell Railway?
- What will happen to railway crossing over the Bluebell?
- Could some buildings not be retained?
- Can the applicant deliver the footpath link in the northern corner of the site?
- Footpath link cannot be dedicated a PROW by the applicant
- How would the SANG be maintained and paid for?
- Not enough community engagement by developer
- Will this affect the railway? And views from it
- Historic iron working site and archaeologist should be consulted
- Adverse impact on Gravetye Estate due to additional population
- Some historic inaccuracies in Heritage Statement
- Will affordable homes be delivered?
- Will water bodies in SANG be safe?
- Affordable homes should be for people with local connection
- Will demolition and waste removal be safe?
- Consultation period not long enough

One letter of support

- Removal of previous use and building of houses welcomed

CPRE comments

- Would support refusal of the application as contrary to District Plan, Neighbourhood Plan and national policy
- Support reuse of brownfield sites in principle
- Support principle of SA34 using ex employment sites for other business use or where that is not feasible, for housing
- But the above does not mean any proposal that may come forward for its redevelopment is sustainable or appropriate
- Scheme not sustainable
- Does not comply with NPPF AONB major development exceptions
- Over-sized for local needs, not limited in scale and not allocated
- Design out of keeping
- SANG risks harm to SSSI and Ancient Woodland
- Occupiers reliant on car as no sustainable travel options
- Will cause harm to AONB
- Limited benefits would not outweigh harm
- Alternative, smaller scale proposal should be explored

Woodland Trust

- Object on basis of potential deterioration and detrimental impact to of Grinstead Wood
- Concerns for this proposal relate to:
 - Intensification of human activity and recreational disturbance.
 - Additional noise, light and dust pollution.
 - Threats to long-term retention of trees from increased safety concerns.
 - Potential introduction of invasive non-native species to the woodland.
 - Potential for increased boundary issues.
 - Cumulative effect of the above impacts resulting in long-term deterioration.
- Mitigation measures should be considered
- Should seek to provide larger buffer zone areas to ensure that Grinstead Wood will not be detrimentally impacted

5.0 Summary of Consultees

- 5.1 **MSDC Planning Policy:** Reference is made to a number of issues to consider relating to the principle, the AONB, the Ashdown Forest, the onsite SANG, the employment use and biodiversity net gain.
- 5.2 **MSDC Urban Designer:** No objection subject to conditions
- 5.3 **MSDC Tree Officer:** No objections, but some of the proposed planting species are not appropriate so full details required via condition.
- 5.4 **MSDC Conservation Officer:** No objections, complies with Policy DP34 in respect of impact on Grade II listed building. Low level loss of significance of the non-designated heritage asset.
- 5.5 **MSDC Landscape Consultant:** No objections subject to conditions
- 5.6 **MSDC Ecological Consultant:** No objection subject to conditions, BNG of approx. 39% is welcomed

- 5.7 **MSDC Housing:** No objections subject to the required affordable housing being secured on site
- 5.8 **MSDC Drainage Officer:** Drainage strategy is acceptable in principle so no objection subject to conditions
- 5.9 **MSDC Leisure Officer:** Financial contributions towards infrastructure requested. Play area and fitness trim trail to be provided on site with full details needed via condition.
- 5.10 **MSDC Contaminated Land Officer:** No objection subject to conditions
- 5.11 **MSDC Environmental Protection:** No objection subject to conditions
- 5.12 **MSDC Archaeological Consultant:** No objection subject to conditions
- 5.13 **West Sussex Highways:** No objection subject to conditions
- 5.14 **West Sussex Rights of Way:** No objection subject to footpath improvements being secured
- 5.15 **West Sussex County Council Infrastructure:** Financial contributions towards infrastructure requested
- 5.16 **West Sussex County Council Minerals and Waste Planning Authority:** Reference is made to a number of issues to consider relating to compliance with Policy M10 although complies with M9 and no apparent conflict with M24.
- 5.17 **West Sussex County Council Lead Local Flood Authority:** Refer to MSDC Drainage
- 5.18 **West Sussex Fire and Rescue Service:** No objections subject to fire hydrant conditions
- 5.19 **High Weald AONB Unit:** No objection subject to a number of conditions
- 5.20 **Southern Water:** No objections, is satisfied that the proposed development does not constitute a significant risk to operations at the West Hoathly WwTW with regard to odour.
- 5.21 **Natural England:** No objection to development or proposed SANG Masterplan - subject to appropriate mitigation being secured.
- 5.22 **Environment Agency:** No objection subject to conditions
- 5.23 **NHS Sussex:** No objection subject to securing £163,963 health services contributions
- 5.24 **Sussex Police:** Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to their observations, concerns and recommendations being satisfactorily addressed / given due consideration by the applicant.

6.0 West Hoathly Parish Council Observations

- 6.1 Comments (December 2023): The Parish Council agreed that our previous objections still stand. After considering the updated application and drainage issues that have been brought to our attention, West Hoathly Parish Council have major concerns over the drainage plans and the responses from Southern Water who have not commented on the ability of the New Coombe Wastewater Treatment Plant to cater for the additional wastewater, or on surface water drainage from the application site, both of which flow into Coombe Brook and Weirwood Reservoir. The Parish Council additionally objects on these grounds.
- 6.2 Comments (September 2023): West Hoathly Parish Council has considered the revisions made to this application and recently readvertised for consultation. We are disappointed that none of the issues raised in our representation of the 25th April 2023 have been addressed by the applicant. The amendments to the submitted plans may improve the design and layout of the proposed development slightly, but they do not engage with any of the wider questions about the appropriateness of major development in the AONB, the sustainability of the site, highway access or the justification for the proposed SANG. Nor is there any response to our concerns about the effect of development on local infrastructure. In our earlier representation we set out why the application does not comply with policies in the Development Plan and should be refused. The amendments made have not changed our position.

It remains our view that approving this application would mean that the opportunity to test a wider range of options for the site and adjacent land will be lost. Although these would need careful consideration at planning policy and community level, they could create a better outcome for all involved.

We do however note that there are no objections to the application from a number of consultees and with this in mind we reiterate the following points if, against our advice, you are minded to accept their recommendations:

- any arrangements for the management of the SANG must ensure that no burden, financial or otherwise, falls on the local community or West Hoathly Parish Council. Those arrangements need to be robust and work successfully over the long-term.
- the preparation of an effective and enforceable Construction Management Plan is essential and West Hoathly Parish Council should be formally consulted about the content so that it can represent the concerns of residents.
- the impact of the development on the interests of the William Robinson Gravetye Charity must be taken into account and the applicant required to make reasonable arrangements to mitigate these.

West Hoathly Parish Council would be very willing to participate in further discussions about the application, perhaps to include provision of a second access and peripheral light industrial employment, prior to you writing up your report and recommendations.

- 6.3 Comments (April 2023): Due to their length, the original West Hoathly Parish Council comments are set out in full at the end of Appendix B (Consultations).

The 'Highway, Transport and Accessibility Review' commissioned by the Parish Council is set out in full on the Planning Register under the application documents.

7.0 **Introduction**

7.1 The application seeks full planning permission for the demolition of the existing structures and redevelopment of the site to provide 108 residential dwellings and associated works, including the provision of an on-site SANG, access, landscaping and parking.

8.0 Relevant Planning History

8.1 WSCC/081/14/HO – Variation of conditions 2, 4, 5, 6 and 17 of planning permission HO/36/98 to extend the time limit for working and final restoration of the Site from 31 March 2018 to 31 March 2028 (Approved by West Sussex County Council February 2015).

8.2 The permanent cessation of winning and working of minerals was confirmed on the 5th August 2020, so Condition 20 was then triggered requiring a revised restoration scheme to be submitted by 5th August 2021. The restoration plan was subsequently approved by West Sussex County Council.

9.0 Site and Surroundings

9.1 The site measures 16.35 hectares in total and is located on the northern side of the village of Sharpthorne.

9.2 The site currently consists of two distinct parts; the area of developed land where brickmaking activities took place which measures 4.61 hectares in total, and the land to the east where mineral extraction took place which measures 11.74 hectares.

9.3 Mineral extraction ceased in 2020 on the application site, with the brickmaking activities winding down from that point onwards with no such activities now taking place on site.

9.4 The part of the site where brickmaking activities took place consists of a substantial area of hardstanding and a number of large, industrial style buildings associated with the brick making process. The applicant has provided the following details on the quantum of the existing development:

- Footprint: 9,816 square metres
- Volume: 55,634 cubic metres
- Hardstanding: 34,806 square metres

9.5 The land to the east has been restored in accordance with the agreed restoration plan referenced in the Planning History section. This area includes grassland, woodland, tree belts and water bodies. There is an area of ancient woodland within the site along the western boundary of this area where the site adjoins the rear gardens of the Hamsey Road properties. There is also a Site of Special Scientific Interest (SSSI) located in the south east corner of this part of the site (ref: PR/00311/SSSI).

9.6 To the south of where the brickmaking took place (the north western part of the site) the site borders the rear northern boundaries of some Hamsey Road properties (numbers 36, 38, 40, 42 and 44). The rest of the site, which largely slopes up to the south, borders other properties along Station Road and Highcroft Road.

- 9.7 To the east of the site lies land that is outside of the application site but was also part of the mineral extraction area. This land is not within the applicant's control and it appears the agreed restoration works are not yet complete here.
- 9.8 As noted at para 9.5, part of the western boundary of the site borders the rear garden boundaries with a number of properties along Hamsey Road. In the north western part of the site on the area used for brickmaking the site borders the Bluebell Railway line. The line is down a vegetated embankment, with further , denser, woodland beyond. The northern part of Station Road is located further west where there are a number of properties including the Grade II listed Old Coombe House.
- 9.9 To the north the site immediately slopes down to some fields with New Coombe Farm located further to the north. Public footpath 2WH is located just to the north of the site.
- 9.10 In planning policy designation terms, the site is located within the defined Countryside, with only the site entrance being within the built up area of Sharpthorne. Part of the site, where the brickmaking works have taken place, is also listed in Appendix A of the MSDC Site Allocations DPD as an existing employment site (Policy SA34).
- 9.11 The site is also located within the High Weald Area of Outstanding Natural Beauty (AONB).

10.0 Application Details

- 10.1 The application seeks full planning permission for the demolition of the existing structures and redevelopment of the site to provide 108 residential dwellings and associated works, which include the provision of an on-site SANG, access, landscaping and parking.
- 10.2 This will consist of the following mix of units:
- 7 x 1 bed
 - 29 x 2 bed
 - 48 x 3 bed
 - 24 x 4 bed
- 30% of these are to be affordable, which equates to 33 units
- 10.3 The existing access point into the site off Hamsey Road Harlands Road will be utilised to create the permanent access to the site. This will be for pedestrians as well as the sole vehicular access.
- 10.4 The new dwellings are located on the north western part of the site that has been used for the brickmaking process, rather than mineral extraction itself which took place on the eastern part of the site
- 10.5 The onsite SANG, also referred to as a Nature Park in some of the applicant's submissions is 11.74 hectares in area. This is on land where the agreed restoration works, following cessation of the mineral extraction operations, have taken place.

10.6 The applicant has described their proposals as a '*bespoke design seeking to complement the character of the surrounding area and that their landscape led approach provides green spaces throughout the development*'. In design terms, the applicant has stated that:

"The architectural approach takes cues from the surrounding area and is of a recognisable language. This is achieved through the use of materials which reflect local vernacular and the former use of the Site as a Brickworks. The result is a contextual, characterful architectural language which maintains a traditional character drawing from historic precedent and adopting an elevational palette which makes the new development cohesive within the wider area."

10.7 The predominant height of the buildings is 2 to 2.5 storeys although the two modest apartment blocks that contain 12 units in total are 3 storeys. All the larger height buildings are located towards the centre of the site.

10.8 The landscape strategy includes the SANG area to the east of the housing but also includes extensive landscaping throughout the built development as well. The applicant describes the key landscape features as follows:

1. Existing access retained with street tree planting;
2. Linear green space following the existing watercourse, including SuDS features and play on the way;
3. Green streets providing north/south permeability;
4. Northern boundary enhanced with additional planting and a footway link to connect into the adjacent SANG to the east and PROW to the north-west;
5. Existing boundary vegetation retained and enhance where possible to provide wildlife foraging corridors, proposed railings following the existing fencing and circular footway loop;
6. Proposed footway link to the existing PROW to the north;
7. Proposed LEAP play area within the open space, positioned with houses fronting onto the play area providing natural surveillance. Play area design with timber play equipment to provide an exciting and attractive play area;
8. Landscaped attenuation basin within the lowest area of ground, designed as a natural landscape feature and following the location of an existing water feature;
9. Proposed adjacent SANG within the restoration land, offering walking routes within a natural landscaped environment;
10. Additional planting along the southern boundary, with circular footway link, footway pulled away from Ancient Woodland boundary and crushed hoggin gravel surfacing."

10.9 No mature trees, no category 'A' or 'B' trees and no trees of high landscape or biodiversity value are to be removed. The proposal does though involve the loss of 18 individual trees and 13 groups which fall within the category 'C' classification, with these being young, semi-mature or of small ultimate size.

10.10 The applicant's submissions indicate that the scheme will generate a biodiversity net gain of just under 40% in habitat units. They have confirmed that units generated above the 20% threshold are proposed to be sold on the market, citing this as being consistent with DEFRA's position that it is appropriate to sell "excess biodiversity units as off-site gains for another development".

10.11 In terms of car parking, the applicant's submissions indicate that there will be 272 spaces in total to serve the residential development with this including largely allocated spaces, together with some unallocated, visitor and disabled spaces. The

SANG also has a small car park for 6 vehicles. The applicant states that all houses would be provided with an Electric Vehicle charging socket. Cycle parking is also proposed for the houses and flats.

- 10.12 Some offsite highways works are proposed with the replenishment of road markings and anti-skid surfacing at the Top Road / Station Road junction and improvements to the Hamsey Road hammerhead. Improvements to nearby public rights of way are also proposed and new pedestrian access to the public rights of way network is proposed in the northern corner of the site.
- 10.13 In terms of drainage, the applicant states that the low permeability of the underlying soil at the site is not suitable for infiltration techniques to be adopted. As such the proposed drainage will mimic the existing conditions by discharging into the adjacent ordinary watercourse. The open space includes space for two attenuation basins which are connected by a conveyance swale whilst a feature wet pond is proposed below the attenuation basin at the western end of the central amenity space.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Using this as the starting point, the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD), the West Hoathly Neighbourhood Plan and the West Sussex Joint Minerals Local Plan (2018).
- 11.3 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

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

DP1 – Sustainable Economic Development
DP4 – Housing
DP6 – Settlement Hierarchy
DP12 - Protection and Enhancement of Countryside
DP13 – Preventing 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
DP37 - Trees, Woodland, Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

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

SA10 – Housing
SA34 – Existing Employment Sites
SA38 – Air Quality

The West Hoathly Neighbourhood Plan

- 11.6 The West Hoathly Neighbourhood Plan was made in April 2015 so forms part of the Development Plan. Relevant policies are:

WHP1 Landscape.
WHP3 Rights of Way
WHP4 Visualisations.
WHP10 Alternative Green Space
WHP12 Existing Employment Sites.

11.7 The West Sussex Joint Minerals Local Plan (2018)

The West Sussex Joint Minerals Local Plan was adopted in July 2018. The relevant policies are considered to be consistent with the NPPF 2023 and should be afforded full weight. The relevant policies are:

M9 - Safeguarding Minerals
M10 - Safeguarding Minerals Infrastructure
M11 - Strategic Minerals Site Allocations
M24 - Restoration and Aftercare

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.7 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks. At this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections and therefore only minimal weight can be given to the Plan.

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
DPN4 - Trees, Woodland and Hedgerows
DPN6 - Pollution
DPN7 - Noise Impacts
DPN9 - Air Quality
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPT1 - Placemaking and Connectivity
DPT3 - Active and Sustainable Travel
DPH1 – Housing
DPH2 - Sustainable Development – Outside the Built-up Area
DPH7 - Housing Mix
DPH8 - Affordable Housing
DPH11 - Dwelling Space Standards
DPH12 – Accessibility
DPI1 - Infrastructure Provision
DPI2 - Planning Obligations

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.8 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)

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

National Planning Policy Guidance (NPPG)

National Design Guide

Listed Building and Conservation Area (LBCA) Act 1990

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

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

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

The High Weald Housing Design Guide

12.0 Assessment

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

- Principle of Development
- Design, Visual Impact and the AONB
- Highways, Access and Parking
- Public Rights of Way
- Residential Amenity and Pollution
- Trees
- Ecology
- Minerals
- Heritage Assets
- Ashdown Forest
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Sustainability
- Housing Mix
- Other Issues

Principle of Development

The Development Plan position

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. It states that additional dwellings (for example windfalls) will be delivered through Neighbourhood Plans or through the Development Management Process.
- 12.5 The NPPF (December 2023) paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing. Paragraph 226 states that, for decision making, a minimum four years' worth of housing is required for authorities with an emerging local plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need. This is applicable for Mid Sussex District Council. The Council's published land supply position, supported during an appeal in Albourne determined in October 2023 (reference DM/22/2416), is that it can demonstrate 5.04 years supply. The tilted balance is therefore not engaged in this respect.
- 12.6 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Sharpthorne as defined by the District Plan. As such the site is located within the defined Countryside.
- 12.7 Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The following subsection makes clear that Whilst part of the site (where the brickmaking process was carried out) is categorised as an existing employment site by virtue of Policy SA34, it is not allocated for residential development.
- 12.8 Policy DP6 of the District Plan states in part that:
- "Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy."*
- The proposed residential development does not meet any of these criteria.
- 12.9 Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met

The proposed residential development does not meet any of these special justifications.

- 12.10 There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to enhance the quality of the rural and landscape character as demonstrated in the visual amenity/AONB sub-section, the principle of the application does conflict with the Development Plan in terms of what type of development is allowable under Policies DP6, DP12 and DP15. As per planning legislation (see para 11.1), a decision must be made in accordance with the Development Plan unless there are any material planning considerations which indicate otherwise.

Material Planning Considerations

- 12.11 An important material planning consideration to take into account in this case is that the proposed development is, at least partially, on previously developed land.
- 12.12 The Brickworks was in operation from the late 1800s with the existing accommodation being primarily constructed in the 1970s and 1980s. The use ceased in 2020. Although the site has since been decommissioned, its planning use has not changed.
- 12.13 The now closed brickworks, which occupies the north western part of the application site can be classed as previously developed (or brownfield) land. It is on this previously developed land that the residential element of the scheme is proposed.
- 12.14 It should be made clear however that the land to the east of the brickworks, where the mineral extraction took place, does not constitute previously developed land. The mineral extraction permission was subject to the approved restoration (see section 8) and is, in effect restored greenfield land. It is on this undeveloped land that the onsite SANG is located.
- 12.15 Para 11.9 of this report makes clear that the NPPF is an important material planning consideration. There are a number of relevant paragraphs from the NPPF that lend support to the principle of a residential development on the previously developed land.
- 12.16 For example, para 123 (Chapter 11: Making Effective Use of Land) states that:
“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. (Footnote: Except where this would conflict with other policies in this Framework)”
- 12.17 The following paragraph in the same NPPF Chapter, 124, is also relevant when assessing the use of previously developed land for new development. It states, in part that:
“Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”

12.18 The NPPF also makes clear the importance of significantly boosting the supply of homes. Para 60 (Chapter 5: Delivering a Sufficient Supply of Homes) 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. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”

Developing on a previously developed site will undoubtedly help achieve this objective.

12.19 Although the Council can demonstrate a 5 year supply of housing (see para 12.4), there is still a need to approve housing developments that are submitted as windfall developments, if they are deemed acceptable in planning terms. As referenced in para 12.3, Policy SA10 of the Site Allocations DPD recognises that windfall developments are required.

12.20 The impact on the AONB is also a material planning consideration. The following sub-section of this report assesses the visual impacts of the development and the subsequent effects on the landscape and scenic beauty of the High Weald AONB.

12.21 The assessment makes clear that officers consider the site as existing has a negative impact on the surrounding AONB. Furthermore, officers conclude that the scheme has been well designed and takes the opportunity to introduce a development which is far more sensitive to its landscape setting than the site in its current condition. Whilst this may be a consequence of developing on previously developed land, rather than a greenfield site where the ability to demonstrate an enhancement would be significantly harder, it is considered that the AONB will be will enhanced. This enhancement to the AONB must be given significant weight.

12.22 In respect of the AONB, para 183 of the NPPF is relevant when assessing the principle of the development, which is considered to be a major development for the purpose of the paragraph. This 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 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.”*

12.23 The applicant has addressed this paragraph in their submissions and commented that:

“Criteria a). We note that that there is significant need for housing, both in a local and national context. Furthermore, the Development has the potential to generate local economic benefits including:

- The generation of an anticipated 60 full time jobs sustained for the full 3.5 year construction period as well as being worth an anticipated £14m to the regional economy;*
- A significant contribution to the local economy following completion. It is expected that around 60% of residents will be of working age, and across all household types the total retail and leisure expenditure controlled by future residents is estimated at £854,000 per annum thus creating a boost for local businesses;*
- The generation of up to £205,000 per annum in Council tax receipts, therefore supporting the delivery of local services; and*
- S106 contributions to support the provision of local infrastructure.*

Criteria b) The Site is an allocated site for development (employment land) and therefore the local plan already accepts the principle of development.

Criteria c) The Proposals would have no detrimental effect on the environment, landscape and recreational opportunities. In fact, the Development would have a positive effect including:

- Reusing PDL;*
- Significant reductions from the current layout in terms of footprint, hardstanding and volume and significant increase in landscaping;*
- The provision of on-site Nature Park;*
- The provision of significant areas of Public Open Space (11,659sqm in total), which includes the Green Heart, the LEAP and Play on the Way;*
- Beneficial effects to the landscape character and visual amenity of the AONB; and*
- The provision of a pedestrian access to the countryside.”*

12.24 Although it should be made clear that in respect of Criteria b, the fact the site is an existing employment site by virtue of Policy SA34, this does not mean the site is allocated for residential development. Planning officers do however raise no issues with the other points made by the applicant.

12.25 Overall, planning officers consider that there are exceptional circumstances in this case and it can be demonstrated that the development is in the public interest. These primarily being the fact the site for the residential element is previously developed land and that the redevelopment of this land will enhance the High Weald AONB. The enhancement to the AONB needs to be given great weight.

There are a number of social and economic benefits associated with the development of 108 houses, 33 of which are to be affordable, with these summarised in para 12.22 and within the Executive Summary and Conclusion. Officers consider therefore that the application accords with the exceptions permissible under para 183 of the NPPF.

Loss of employment land

- 12.26 As indicated, part of the application site is classed as an existing employment site by virtue of Policy SA34 and Appendix A of the Site Allocations DPD. Policy SA34 states in part that:

“Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises are no longer needed and/or viable for employment use.

Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses, is not viable, through the provision of:

- (i) Details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing marketing conditions; and*
- (ii) A financial appraisal that demonstrates that the development of any employment generating use is unviable.”*

- 12.27 This Policy follows on from Policy DP1 of the District Plan which states in part that: *“Effective use of employment land and premises will be made by:*

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;”

- 12.28 There is also a similar policy in the Neighbourhood Plan, with *WHP12 (Existing Employment Sites)* stating that:

“There will be a general presumption against the loss of employment sites. Redevelopment of an existing employment site for alternative uses, including housing, with some employment opportunities retained on site will be permitted only where it can be demonstrated that the use of the site solely for employment is no longer viable.”

- 12.29 To address the policy requirements associated with the proposed loss of employment use on the site, the applicant has submitted an Employment and Commercial Land Report and a Marketing Statement with financial appraisal. These details have been assessed by planning policy officers who specialise in employment land provision in the District.

- 12.30 Policy officers have commented on the marketing information submitted in respect of criterion i) of SA34: *“the Marketing information sets out that the site has been marketed over two periods between June 2021 – June 2022 and June 2022 – present (details are still available on their website). The first round of marketing was*

by Ibstock and the second by the applicant – the marketing exercise appears to have gained limited interest in the site for employment purposes with those showing interest initially, not progressing on issues relating to access difficulties, distance from the strategic network and nearby residential properties.”

- 12.31 The submitted Employment and Commercial Land Report analyses the employment land characteristics and commercial market dynamics in the vicinity of the site and more widely across Mid Sussex. Policy officers state this report:

“sets out justification for loss of the site for employment purposes these include matters relating to the recently ceased use as a brickworks for which the site and buildings were designed to support and are not well suited to adapt to alternative employment use. The condition, layout of the existing buildings and cost associated with bringing them up to an appropriate state for alternative use along with the site’s location which is remote from the District’s commercial centres and the strategic road network among other matters are also referred to. The report also takes account of the findings of the Economic Growth Assessment and existing employment land availability/ supply.”

- 12.32 Policy officers have also commented on the viability information submitted in respect of criterion ii) of SA34:

“the applicant’s submitted viability assessment assesses the rental income/ value potential for the site as a mixed use employment generating site. The report highlights various constraints that would limit uptake/demand along with low rents and high build costs and contests that although they were not commissioned to carry out a comprehensive development appraisal, from the evidence before them it is likely to fail a viability assessment. On this however, it is noted that the Gerald Eve report does include a financial appraisal which although high level, sets out a significant negative residual land value.”

- 12.33 Planning policy officers conclude that this evidence combined therefore demonstrates the requirements of Policy SA34 have been met. It follows that the requirements of DP1 And WHP12 are also met. The applicant has therefore adequately demonstrated that the loss of the existing employment land is justifiable and the proposal is development plan policy compliant in this respect.

Design, Visual Impact and the AONB

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

- 12.35 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.”*

12.36 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.*”

12.37 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.”*

12.38 At Neighbourhood Plan level Policy WHP1 (Landscape) requires that proposals for development should demonstrate that the viewpoints and spaces identified on Map B will be preserved.

12.39 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 DG18 (Integrate parking to support attractive streets and spaces)
- Principle DG25 (Enhance the environment and sense of place through open spaces)
- Principle DG37 (Deliver high quality buildings that minimise their environmental impact)
- Principle DG38 (Design buildings with architectural integrity and a sense of place)
- Principle DG40 (Design buildings that respond to and animate the street space)

12.40 The detailed design and visual impacts of the proposal have been subject to comments from the Urban Designer. The Council's Landscape Consultant and the High Weald AONB Unit have also been consulted on the proposals largely in respect of the effects on the wider landscape.

12.41 The application has been subject to a number of pre-application meetings that has seen the design evolve as the applicant has sought to address comments raised by officers. The application has also been amended during the course of the application itself as the applicant has made changes in response to comments from consultees.

12.42 The Urban Designer has concluded:

"the design is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultations and DRP. The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application."

It is worth confirming that at pre-application stage the DRP confirmed the proposal had the potential to be a very good scheme and welcomed the traditional design approach in a number of respects.

12.43 In order to secure the quality of the design, the Urban Designer has requested further details on a number of specific matters which include:

- Hard and soft landscaping details
- Details and samples of materials
- 1:20 sections and front elevations of typical house and typical features
- Sustainability strategy details, including 1:20 scale sections showing the solar panels within the roof slope

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

12.45 When making the assessment of visual impact, it is a material planning consideration to take into account the impacts of the site as it is existing. As noted, the part of the application site where the residential element of the scheme is proposed, is the site of the former Brickworks where there is an extensive amount of hardstanding and a number of industrial style buildings associated with the use. The applicant has provided some comparative figures to demonstrate the difference

between the built form on the previously developed part of the site as existing, and as proposed:

The existing quantum of development is:

- Hardstanding: 34,806sqm;
- Volume: 55,634cbm;
- Footprint: 9,816sqm; and
- Landscaping: 1,453sqm.

The proposed quantum of development is:

- Hardstanding: 16,247sqm = 53% decrease;
- Volume: 52,200cbm = 6% decrease;
- Footprint: 7,533sqm = 23% decrease; and
- Landscaping: 22,295sqm = 1,434% increase.

- 12.46 In terms of the wider landscape impact, the applicant has submitted a Landscape and Visual Appraisal (LVA) to inform the assessment of the impacts on landscape character and visual amenity. The LVA states that the land which would be affected by the proposed residential development does not reflect features characteristic of the natural character and scenic beauty of the High Weald AONB. As such the applicant argues that the proposed residential development would enable the introduction of a more sensitive landscape setting and integrated landscape infrastructure which reflects local landscape character. The LVA concludes:

“that there would be a number of beneficial effects to the landscape character and visual amenity of the AONB associated with removal of the brickworks and replacement with a combination of residential development and a substantial open space in the form of the SANG.”

- 12.47 The contents, methodology and conclusions of the LVA, as well as the other submissions made by the applicant, have been independently assessed by the Council’s Landscape Consultant.
- 12.48 The Council’s Landscape Consultant agrees with the judgement that whilst there is a high landscape receptor sensitivity to development, owing to the location within the AONB, the site features are considered to have a low landscape receptor sensitivity considering the current extent of hardstanding and former brickworks buildings located on site.

- 12.49 It is concluded by the Council’s Landscape Consultant that:

“the overall significance of visual effects would be ‘negligible’ or ‘minor beneficial’, which is by virtue of density of woodland cover and the vegetated landscape framework within which the Site is embedded. Generally speaking, we agree with the methodology and support the majority of the visual effects judged. Where our judgements may differ, these are not deemed substantial and would not alter the overall stance on the proposed development.”

- 12.50 In their recommendations, the Landscape Consultant has suggested securing details on a number of matters which planning officers consider can be adequately addressed via condition where more information is believed to be needed. As such full details on both the hard and soft landscaping and a comprehensive landscape management plan are set out as conditions in Appendix A.

- 12.51 The High Weald AONB Unit has noted the negative impact the site as existing has on the surrounding landscape:
- “The quantum of existing industrial buildings on the previously developed part of the site, their scale, footprint and poor quality visual appearance, the extent of existing hardstanding on the site, along with the impacts on the perceptual qualities of the AONB of the previous use in terms of noise and activity, could cumulatively be considered to have a negative impact on the landscape and scenic beauty of the High Weald AONB.”*
- 12.52 The High Weald AONB Unit has been involved in the design evolution of the scheme and commented that:
- “The layout and design of the proposed development has progressed through a series of amendments, and is now considered to be an acceptable response to the High Weald Housing Design Guide. While the proposed development grain, streetscene rhythm and architecture is somewhat more formal in character than would usually be appropriate in housing developments in and around villages in the High Weald AONB, it is noted that the settlement of Sharpthorne is atypical of settlements in the High Weald, being almost entirely twentieth century in origin.”*
- 12.53 A number of other positive features of the scheme have been identified by the High Weald AONB Unit in their response:
- Proposed layout and design follows the design themes of the HW Housing Design Guide (creating a positive place and street character, with buildings defining streets in a strong and successful manner)
 - Public and private realm is well-defined (private curtilages clearly defined and enclosed with front plot boundary treatments - a key feature of High Weald streetscenes as set out in the Guidance)
 - The green space public realm within the site is successfully lined with buildings and addressed with building fronts, as per the Guidance.
- 12.54 The HWAONB Unit does not object to this proposal subject to the inclusion of suitable conditions as follows:
- Details of facing materials
 - Boundary treatments
 - Lighting controls
 - Protection of habitats and species
 - Minimising soil disturbance in the SANG
- 12.55 These matters are secured through the conditions listed in Appendix A, although the SANG issue is a matter that will be controlled via the details that will be secured via the legal agreement.
- 12.56 The location and scale of the proposal immediately adjacent to the settlement of Sharpthorne will ensure that the coalescence of settlements does not occur as per the requirements of Policy DP13 of the District Plan.
- 12.57 In terms of the two relevant West Hoathly Neighbourhood Plan policies, officers do not consider there is any conflict. As per WHP1 (Landscape) requirements, planning officers consider that the viewpoints identified on Map B of the Neighbourhood Plan will be preserved.

- 12.58 To conclude on the landscape issues, it is acknowledged that the site is sensitive given its AONB location but it is also considered that the site, as a result of the presence of built form associated with the brickmaking use, has a negative impact on the surrounding AONB. The scheme has been well designed to respond to its unique characteristics and setting. The proposal takes the opportunity to introduce a development which is far more sensitive to its landscape setting than what is offered by the site in its current condition.
- 12.59 No objections have been raised by the Council's Urban Designer, the Landscape Consultant nor the High Weald AONB Unit. A number of comprehensive conditions will give further control over the scheme to ensure that a number of detailed elements are wholly compatible with the site and surroundings to ensure that the scheme is as high quality as it can be.
- 12.60 Officers consider overall therefore that the character and appearance of the High Weald Area of Outstanding Natural Beauty will be enhanced. As per the requirements of para 182 of the NPPF, this enhancement should be given '*great weight*' by the decision maker.
- 12.61 As Members will be aware, an assessment needs to be made of the scheme that is before them. It is worth noting however that the approval of this residential scheme, which officers consider acceptable on its own merits, will secure a use on the site in the long term. In the absence of an alternative proposed development coming forward on the site, and the 'loss of employment' analysis makes clear that anything other than a residential scheme would appear unlikely, there is concern that the unused site would deteriorate by falling into a state of disrepair and become unsightly. This would clearly not be desirable in respect of the impact on local landscape character in this part of the High Weald AONB.
- 12.62 As such it is considered that the application complies with Policies DP13, DP16 and DP26 of the District Plan, Policy WHP1 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

- 12.63 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.”

- 12.64 The NPPF makes clear at para 115 that: “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 12.65 It is clear from the representations received, as summarised at para 4.1, as well as the Parish Council’s specific ‘Highway, Transport and Accessibility Review’, that local highways issues are a significant concern for the local community.
- 12.66 To inform the assessment of these highways issues West Sussex County Council as the highways authority has been consulted on the merits of the application. Their comments are set out in full within Appendix B.
- 12.67 Regarding the access, the existing vehicular access into the site from Hamsey Road will be utilised with a 1.5 metre wide footway being provided on the western side. WSCC has confirmed that with this widening there is still sufficient width to enable two cars to pass and that where footway widening takes place opposite no.44 Hamsey Road, a carriageway width of 6.4 metres is retained . WSCC has confirmed that the access arrangements and highway alterations have been the subject of a Stage 1 Road Safety Audit which has been satisfactorily completed.
- 12.68 Access to the wider highways network (Top Road) is achieved via Hamsey Road and Station Road as it is at present. A number of representations cite concerns about this and WSCC has responded as follows:

“Hamsey Road has a kerb to kerb width of approximately 6.1 metres along much of its length with Station Road being slightly narrower. On-street parking is recognised as taking place regularly particularly on Hamsey Road. Opposing vehicles may consequently have to give way if there is insufficient passing space. This situation is no different to many other situations in urban areas and is not expected to result in unacceptable safety issues.”

12.69 In respect of vehicular trip generation and the highways impact, the applicant has based their trip rates upon surveys of comparable sites and show the AM and PM network peak hours (these being the most sensitive to change) as being:

- 69 (18 arrivals, 51 departures) two way movements in AM peak hour; and
- 71 (48 arrivals, 23 departures) two way movements in the PM peak hour.

The applicant has also undertaken further traffic surveys from dwellings in the local area to derive trip generation numbers which have then been used to assess the appropriateness of the trip rate taken from TRICS. The two figures are similar but the applicant has applied the higher TRICS trip rate to the assessments.

12.70 WSCC has assessed this data and methodology and stated that:

“Applying the above, the only junction that has been formally assessed is that of Top Road/Station Road. Even accounting for the additional development trips, it’s apparent that this proposal would have a negligible impact on the operation of this junction. Beyond this junction, the development trips would quickly disperse across the highway network.”

12.71 WSCC has also confirmed that the highway impact assessment does not factor in vehicle trips associated with the historic or potential fallback use; the assessment is based solely upon the trips estimated to arise from the residential development, and that this is deemed acceptable.

12.72 In terms of the location and settlement hierarchy, Sharpthorne is classed as a Category 3 Settlement within Policy DP6 of the District Plan, with these defined as: *“Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.”*

12.73 It is acknowledged that being located on the edge of the village of Sharpthorne, the range of facilities and services within the local area is limited. Para 114 of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. WSCC acknowledge that those services present within the village are within reasonable walking distance with existing footways in place to enable these to be reached. As such, and given that the application is seeking to develop a previously developed site, the location of the site is not considered to be a reason to resist the proposal despite what will likely be a relatively high reliance on the private car.

12.74 WSCC also acknowledges that there are no dedicated provisions for cycling in the local area and the development would not generate that many additional trips meaning it would be unreasonable to require any significant improvements to cycling infrastructure. Similarly for bus services, this development would generate

few additional trips by bus making it unreasonable to seek bus service enhancements.

- 12.75 Whilst acknowledging the limitations of the location to promote active travel modes, the developer is still proposing some minor improvements to the uncontrolled crossings in and around the Top Road/Station Road junction as well as a new east bound bus shelter. The developer is also proposing to refresh the existing anti-skid surfacing and lining on the junction. These off site works have the support of West Sussex highways. A number of improvements are also proposed to existing public rights of way to improve the existing routes and these are discussed in the following sub-section.
- 12.76 A Travel Plan has been submitted by the applicant which has been considered to be acceptable to West Sussex. WSCC has stated that it is considered appropriate in light of the local context to have a 5% target on reductions in single occupancy vehicle movement with there being a commitment included in the travel plan to revisit this if the initial target is being too easily achieved. Implementation and monitoring will be secured through the legal agreement.
- 12.77 As noted previously within this report, there are proposed to be 272 spaces in total to serve the residential development. WSCC has confirmed that this provision has been assessed against the WSCC Parking Guidance, to which it fully complies.
- 12.78 There is therefore no highway safety reason to resist this level of car parking and planning officers are content with the level of provision. There are also proposed to be 204 cycle spaces to help promote sustainable travel with these spaces being secured through condition to the satisfaction of WSCC.
- 12.79 Sufficient EV charging points to serve the development will be a requirement of building regulations. The applicant has also indicated that each home will be fitted with an electric vehicle charging socket.
- 12.80 Regarding the internal layout, WSCC has commented that:
- “Whilst the adoption of the proposed internal carriageways and footways is not a material planning consideration, the application form nevertheless indicates that the on-site roads are to remain private. The site layout plan indicates a mix of conventional 5.5 metre wide carriageways with 2 metre wide segregated footways along with 4.8 metre wide (narrowing to 3.7 metres in places) shared surfaces where pedestrians and vehicles share the same space. There are no in principle issues with the arrangements shown.”*
- 12.81 West Sussex highways has concluded their comments by confirming that:
- “In highways and transport terms, viewed against the National Planning Policy Framework, the proposals are not anticipated to result in any severe or otherwise unacceptable safety impacts. No objection would be raised.”*
- 12.82 There are therefore no technical objections to the access or parking arrangements from the local highways authority. Conditions are recommended, and are included in Appendix A, to secure the following matters:
- the vehicular access arrangements
 - car parking
 - cycle parking

- the crossing improvement
- construction management plan

The travel plan implementation and monitoring will be secured through the legal agreement.

- 12.83 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policy DP21 of the District Plan and the NPPF. The objections of local residents are understood, but there are no sustainable planning reasons to object to this application on highways grounds.

Public Rights of Way

- 12.84 Policy DP22 of the District Plan states that:

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

Access to the countryside will be encouraged by:

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

- 12.85 At Neighbourhood Plan level, Policy WHP3 (Rights of Way) states that *“development proposals that will enhance the rights of way network, whilst meeting other policies of this Plan, will be supported.”*

- 12.86 The NPPF at para 104 saes that *“planning 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.”*

- 12.87 The West Sussex Rights of Way officer has been consulted on the scheme and is supportive of the proposals. They have stated:

“The developer’s proposals to undertake the obligation to provide mitigating improvements to the local Public Right of Way (PRoW) network in line with para 100 of the NPPF are welcomed. It is pleasing to see the Transport Assessment acknowledge the importance of the local walking routes to enhance off-street pedestrian connectivity, promote active travel and provide safe, quality environments for movement and access.”

The required footpath improvements, which are to be secured through the legal agreement, can be summarised as follows:

FP1WH

Resurfacing to mitigate increased usage (using geotextile membrane (eg. Terram), wrapped around large particulate to be laid beneath a roll stone surface, cross rolled to the left. No steps are to be installed but a handrail would be welcomed.

BW43WH

Resurfacing along some of its length to mitigate increased usage.

FP3770

Improved handrailing.

- 12.88 In addition, the proposal also seeks to improve other pedestrian links. This is to be done through the footpath connection up to the boundary with the land to the north. This will be secured through the legal agreement and provides a pedestrian link to public footpath 2WH which is to the north of the site and runs west/east. This application therefore secures a further link that would benefit pedestrian connectivity with the local footpath network. This element of the proposal also has the support of the West Sussex Rights of Way officer.
- 12.89 Accordingly it can be concluded that the application complies with Policy DP22 of the District Plan, Policy WHP3 the Neighbourhood Plan and the NPPF.

Residential Amenity and Pollution

- 12.90 As noted in para 4.1, a number of concerns have been raised by local residents about the impacts on their amenity.
- 12.91 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).'*
- 12.92 The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm. It is accepted that a number of existing neighbours will clearly be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute significant harm.
- 12.93 In addition, 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;”*

12.94 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.”

12.95 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.”

12.96 Chapter 8 of the Mid Sussex Design Guide is also relevant with Principles DG45, DG46, DG47 and DG48 all seeking to protect neighbouring and future amenity.

12.97 The neighbouring properties most likely to be affected by the proposals are those at on Hamsey Road and Station Road.

12.98 Of these neighbouring properties, it is numbers 36, 38, 40, 42 and 44 Hamsey Road (36-44) whose rear gardens border the southern part of the site where the houses are located. The nearest houses within the new proposed development are plots 1, 11 and 12.

12.99 21 metres is the widely accepted minimum separation distance in a back to back distance between properties to ensure that unacceptable harm through overlooking does not occur. In this case, the houses at 36 – 44 Hamsey Road are sited between 15 and 22 metres away from the nearest new plots. The new plots are however all orientated west/east which differs from the Hamsey Road houses which are north/south (although 36 and 38 are at 45 degrees to this). This means that there are no facing habitable windows at first floor level of the new development that breach the 21 metre separation distance. Although there is a first floor facing window in the south elevation of both plots 11 and 12 at first floor level, this serves a bathroom in each house and will be conditioned to be fitted with obscured glazing.

12.100 Therefore the design/orientation and separation distances, coupled with the proposed new tree planting along the southern boundary of the application site, will ensure that significant harm will not occur through overlooking or loss of privacy. These factors also ensure that there will no significant harm through a loss of outlook or light for the existing neighbours.

- 12.101 Other neighbouring properties that border the site, from number 34 Hamsey Road and southwards and those along the southern part of Station Road, all border part of the site where the SANG is proposed. There are therefore no residential buildings directly behind these properties. The SANG footpath is shown on the Masterplan as being in relatively close proximity to some of the rear garden boundaries but this in itself would not cause significant harm though loss of amenity.
- 12.102 Other neighbouring properties on Station Road to the west of the railway and at New Coombe Farm to the north are located a substantial distance away from the development site and will not be significantly impacted by the proposals.
- 12.103 The Council's Environmental Protection Officer has also 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.
- 12.104 It is acknowledged by planning officers that there would be some degree of disruption during construction work but this would not merit a refusal of the application as they would be temporary in nature and are necessary to facilitate the development. The Environmental Protection Officer has suggested a Construction Management Plan condition that will be aimed at minimising construction impacts by securing details on matters such as site set up, contractor parking and other mitigation measures. Both a working hours and a construction delivery times condition will also be used.
- 12.105 In addition, given that this development proposes the provision of 108 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.
- 12.106 In their original comments Southern Water requested that the applicant carry out an Odour Assessment to ensure that no sensitive development is located within a 1.5 OdU odour contour. This is because of the location of West Hoathly Wastewater Treatment Works approximately 360 metres away to the north. The applicant subsequently provided the requested Odour Assessment. Following assessment of this document, Southern Water confirmed their satisfaction that the proposed development would not constitute a significant risk to operations at the West Hoathly Wastewater Treatment Works with regard to odour.
- 12.107 In respect of future amenity, all of the proposed dwellings each have their own private garden whilst the occupiers of the flats will have access to communal amenity space. The applicant has confirmed that all of the dwellings meet or exceed the minimum nationally described space standards referenced by Policy DP27.
- 12.108 To summarise, neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the site, but significant harm as per DP26 of the District Plan is a high bar and planning officers do not consider that threshold has been reached.
- 12.109 The proposal therefore complies with the Development Plan in respect of the effects on amenity issues as significant harm cannot be demonstrated.

Trees

12.110 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*
- Issues to includes here 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.”*

12.111 Design Guide Principle DG27 (Integrate tree planting and soft landscape) requires that there should be a clear landscape strategy that is an integral part of the design of new development.

12.112 The applicant’s submissions show that 18 individual trees and 13 groups are to be removed to facilitate the development. The submissions also indicate that these trees fall within the Category ‘C’ classification of trees and are all young, semi-mature or of small ultimate size. This means that there are no category ‘A’ or ‘B’ trees to be lost. The applicant also indicates that no mature trees, and no trees of high landscape or biodiversity value are to be removed.

12.113 In terms of tree protection, the applicant indicates that any incursions into the Root Protection Areas of trees to be retained are minor, and subject to implementation of the measures recommended on the Tree Protection Plan so that no significant or long-term damage to their root systems or rooting environments will occur. In addition, the applicant contends that none of the proposed dwellings or private gardens are likely to be shaded by retained trees to the extent that the occupier’s amenity will be affected to a degree that would lead to the pressure on their removal or pruning.

12.114 To inform the assessment of the impact of the development, the views of the Council’s Tree Officer have been sought and their comments are set out in full within Appendix B.

- 12.115 No objections have been made by the Tree Officer in respect of the tree loss and officers are content that the loss is acceptable in that no significant species are to be lost. The Tree Officer does however raise some criticisms of some of the species proposed within the planting proposals.
- 12.116 The Tree Officer concerns are noted and can be adequately addressed via condition. Further details have therefore been requested on the following matters:
- Full details of hard and soft landscaping , including boundary treatments
 - Planting schedule with planting and maintenance details, including details of planting pits and soil volumes
 - AIA with tree protection plan and method statement, including full details of incursions within RPAs
- 12.117 An appropriate condition is therefore set out in Appendix A that will address all the matters that the Tree Officer still wishes to have detail on. The details will need to demonstrate appropriate planting species that are compatible with the proposed planting pits.
- 12.118 With final details on the landscaping reserved by condition, the application accords with Policy DP37 of the District Plan and the Mid Sussex Design Guide.

Ecology

- 12.119 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.”

12.120 At national level, the NPPF states in part 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;”

12.121 The application is supported by a full ecological impact assessment supplemented by a Defra Metric Assessment for biodiversity net gain. It should be noted that this application was submitted prior to the mandatory biodiversity requirements coming into force.

12.122 The Council’s Ecological Consultant has reviewed all the submissions and their full comments are set out in Appendix B.

12.123 In respect of protected species impact, the applicant’s submissions confirm the presence of bats within two of the existing buildings. The Council’s Ecological Consultant has confirmed that no further survey work is required as no trees with bat roost potential have been identified but that the details of the bat licence should be secured by condition.

12.124 Similarly, the Council’s Ecological Consultant has confirmed that details of the great crested newt licence should be secured by condition. They support the great crested newt mitigation strategy already in place on the site through the minerals consent which identifies a receptor site in the north east of the site for translocation where necessary.

12.125 Precautionary Method Statements have been provided by the applicant in respect of the hazel dormouse impact (although impacts are unlikely as majority of woody vegetation is retained) and the reptile impact (Slow Worm, Grass Snake and Common Lizard have been recorded on site). The Council’s Ecological Consultant recommends these are secured by condition.

12.126 In respect of biodiversity net gain, the applicant’s submissions indicate a gain of 38.92% for habitat units, a gain of 101.85% for linear hedgerow units and 19.37%

for river units. The Council's Ecological Consultant welcomes such net gains. They have stated that:

"The proposed habitats, including the gapping up and creation of native species-rich hedgerows, lines of trees, neutral grassland, mixed woodland, ponds and ditches, and lowland mixed deciduous woodland, 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."

- 12.127 In terms of securing the offsite Biodiversity Net Gain, this will be done through the use of conditions, as set out in Appendix A, and the Section 106 Legal Agreement. The Agreement has not yet been completed, see Recommendation A, but the broad principles of the obligation contained within the 106 Agreement on the net gain issue will likely be restricted to the monitoring details as the conditions will secure the other relevant, technical matters.
- 12.128 As confirmed within Section 9 of the report, there is a small area of land in the south east corner of the proposed on site SANG that is registered as a Site of Special Scientific Interest (SSSI). It has been registered a SSSI as a Geological Conservation Review (GCR) site owing to its Wadhurst Clay Formation location. The area should be kept clear of scrub growth so that it is possible to access the specific areas of geological interest. The proposed development, with this part of the site being where the SANG is located with part of the SANG footpath located on the surface, will not conflict with the SSSI designation. Natural England, the body responsible for the designation of SSSIs, has not raised any objections to the impact of the development. It can be concluded that the SSSI is therefore protected in accordance with Policy DP38 of the District Plan.
- 12.129 Section 9 of the report also confirms the location of some Ancient Woodland to the immediate west and south of what is proposed to be the onsite SANG land. The housing part of the development is designed and located in a manner that ensures there is no development within a 15 metre buffer. The site perimeter footpath and the SANG footpath for the development do however partly encroach into the 15 metre buffer zone
- 12.130 The applicant has addressed the Ancient Woodland impact as follows:
- "There are no incursions into the ancient woodland (Grinstead Wood). Whilst the proposed site perimeter footpath and the SANG footpath both encroach into the associated 15m buffer zone, neither footpath will result in the loss of ancient woodland. The footpath necessitates the removal of three moribund ash trees and the partial removal of the understorey growth within the buffer zone only. However, this is mitigated as the footpaths will be semi-natural in appearance and make-up and because the Proposed Development includes the enhancement of planting of the ancient woodland buffer which will mitigate the tree loss and result in an improvement to the current condition of the buffer zone in the long-term. The Proposals will therefore avoid any potentially harmful effects on the woodland."*
- 12.131 The more formalised perimeter footpath details will be secured by condition and the less formal SANG footpath details will be secured through the legal agreement. It should be noted that there is already an encroachment into the buffer zone from works associated with the brickmaking process in this part of the site where the perimeter footpath is to be located with what appears to be an external storage area. This land also falls outside of the restoration plan area. As such the applicants' landscape proposals will, overall, result in a stronger buffer zone than

what is on the ground at present despite the location of the footpath. The footpath locations are therefore acceptable.

- 12.132 There is no objection in principle to the footpath locations made by Natural England, the Council's Ecological consultant or planning officers because the Ancient Woodland will be adequately protected.
- 12.133 The Ecological consultant has concluded their comments by confirming the ecological impacts will be minimised such that the proposal is acceptable and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim. A number of conditions are recommended, with these all found listed in Appendix A and summarised as follows:
- Ecological appraisal recommendations
 - Bat Licence details
 - Great Crested Newt Licence details
 - Construction environmental management plan for biodiversity
 - Biodiversity Enhancement Layout
 - Landscape and ecological management plan
 - Wildlife sensitive lighting design scheme
- 12.134 Given the comments from the Council's Ecological consultant, and because the mitigation and enhancement measures can be secured via condition, with some biodiversity net gain requirements also secured via the legal agreement, it can be concluded the application complies with Policy DP38 of the District Plan and the NPPF.

Minerals

- 12.135 Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) relates to the safeguarding of minerals and seeks to achieve this by safeguarding mineral extraction sites from non-mineral development that prejudices their ability to supply minerals as well as safeguarding against sterilisation.
- 12.136 Policy M10 of the JMLP relates to safeguarding mineral infrastructure and states, in part, that:
- “(a) Development on, or near to, sites hosting permanent minerals infrastructure, that would prevent or prejudice its operation will not be permitted unless:*
- (i) the site or infrastructure is no longer suitable for continued minerals use; or*
 - (ii) redevelopment of the site or loss of the infrastructure would form part of strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use; and,*
 - (iii) a suitable replacement site or infrastructure has been identified and is available;”*
- 12.137 Policy M11 of the JMLP allocates West Hoathly Brickworks for the extraction of clay for brick making. Policy M24 of the JMLP sets out the restoration and aftercare requirements for mineral extraction sites.
- 12.138 The applicant has submitted a Minerals Statement which is available to view in full on the planning file, and West Sussex County Council, as the Minerals and Waste Planning Authority (MWPA), has assessed all the submissions with the application.

12.139 As noted previously in this report, clay extraction ceased in 2020 at the application site. The applicant's submissions indicate that the proposed development would not result in the sterilisation of any mineral reserve given the clay resource within the application site has been extracted/exhausted and the restoration of the land is well underway. The MWPA concur that sterilisation of the mineral within the application site would not occur, and thus the proposal accords with Policy M9.

12.140 In respect of compliance with Policy M10, the MWPA has stated that the local planning authority needs to come to a balanced judgement:

"With regard to Policy M10 (i); although the permanent cessation of clay extraction on land with the application site is acknowledged, the applicant has provided limited demonstration that the brickworks would no longer be suitable for continued mineral use (e.g. has not assessed the environmental and economic feasibility of the existing facilities or potential to process clay from elsewhere).

Policy M10 (ii) therefore requires the LPA to consider whether the proposed development would result in wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use. The benefits of the proposals are for the LPA to determine, however, in coming to this balanced judgement the LPA may wish to seek further confirmation regarding any future viability of this minerals infrastructure for brickmaking use. Subject to the LPA being satisfied that this is achieved, the development would accord with Policy M10."

12.141 Planning officers consider that there are a number of benefits to this scheme. In this case there would be clear social and economic benefits from the development of 108 houses, including 33 affordable homes, on a previously developed site. 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. There will also be environmental benefits as a result of the biodiversity net gain and the positive impacts on the High Weald Area of Outstanding Natural Beauty. In addition, there would also be environmental concerns about the use of the Brickworks utilising clay from elsewhere. As such planning officers consider that the development accords with Policy M10 of the JMLP.

12.142 In this case, the land subject to the agreed restoration works following cessation of the brick extraction works falls partly on land that is proposed to form the new on-site SANG. It is important therefore to ensure that the two elements are compatible and that there is no conflict. Planning officers at Mid Sussex and within the MWPA are satisfied that the proposed SANG area, its layout and its key features are consistent with the agreed restoration scheme with there being no significant conflicts as a result. There is therefore no conflict with Policy M24 of the JMLP.

12.143 Overall on the minerals issues, it can be concluded that the application complies with Policies M9, M10 and M24 of the West Sussex Joint Minerals Local Plan.

Heritage Assets

12.144 As confirmed by the Council's Conservation Officer having assessed the Heritage Statement, it is considered that the site is within the setting of two heritage assets, one of which is non-designated:

- Old Coombe House - a Grade II listed building to the west of the application site beyond the railway line.
- The Old Workshop - a late 19th Century building within the application site (non-designated)

12.145 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.”

12.146 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.”

12.147 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.”

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

12.149 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.”

- 12.150 The NPPF, Chapter 16 Conserving and enhancing the historic environment, also 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.

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

- 12.151 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.”

- 12.152 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.
- 12.153 Regarding the impact on Old Coombe House (the Grade II listed building to the west), it is acknowledged that the rural setting of fields and woods which surround the listed building and farmstead would be considered to make a strong positive contribution to the special interest of the heritage assets. The Conservation Officer considers that the application site itself makes a neutral contribution to the setting of Old Coombe House and has confirmed that:

“Given the screening and lack of intervisibility, and the limited impact which the site has on the wider setting of Old Coombe House, the proposal is not considered to have a material impact on the character of the setting of the listed building. It is likely that residential development will replace the industrial buildings which currently can be glimpsed from the PROW to the north east of the farmstead, but this is unlikely to adversely affect the overall rurality of the wider setting.”

The proposal is therefore considered to preserve the setting and special interest of Old Coombe House, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.”

- 12.154 Regarding the impact on The Old Workshop (the non-designated heritage asset within the site), the site is included in the West Sussex Historic Environment Record as a non-designated heritage asset, and is considered to be of some interest within the local context as an example of a locally important industry. The workshop building itself dates from the late 19th century and is the oldest surviving building on the site. The proposal will result in the demolition of all the existing structures on the site, including The Old Workshop and other buildings that relate to the former brickworks use. On this the Conservation Officer has commented that:

“This will entail a complete loss of significance of the NDHA, which given the relatively modern nature of the majority of buildings on the site I would suggest to be of a relatively low level within the local context. This impact should form part of the assessment of the merits of the proposal as set out in paragraph 209 of the NPPF.”

- 12.155 Planning officers agree with the overall conclusions of the Conservation Officer in respect of the impact of the proposals on both the designated (Old Coombe House) and non-designated heritage assets (The Old Workshop). It is agreed that the proposal preserves the setting and special interest of Old Coombe House, meeting the requirements of District Plan Policy DP34 and the NPPF. It is also agreed that para 209 of the NPPF is engaged regarding the impact on The Old Workshop. As noted above, para 209 requires decision makers to take into account the significance of a non-designated heritage asset and come to a balanced judgement having regard to the scale of any harm or loss to its significance.

- 12.156 In this case, and as noted in the preceding sub-section, there would be clear social and economic benefits from the development of 108 houses, including 33 affordable homes, on a previously developed site. 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. There will also be environmental benefits as a result of the biodiversity net gain and the positive impacts on the High Weald Area of Outstanding Natural Beauty.
- 12.157 As confirmed by the Conservation Officer's expert view, the proposal will result in the complete loss of significance of the non-designated heritage asset but this would be relatively low level within the local context. As such planning officers consider that, when coming to a balanced judgement as per the para 209 of the NPPF requirements, the identified benefits of the scheme outweigh the low level of loss of significance of the non-designated heritage asset.
- 12.158 In order to mitigate the loss of significance of the non-designated heritage asset, the Conservation Officer has recommended a condition requiring that a more comprehensive photographic survey of the surviving built evidence of the former industrial site is prepared prior to any demolition works, and agreed by the Council, prior to submission for inclusion in the Historic Environment Record. This should include more comprehensive photographs of the interior and exterior of the Old Workshop as well as exterior shots of the other former industrial buildings on the site in context. The Council's Archaeological consultant has also recommended conditions on this issue and such these conditions are set out in Appendix A.
- 12.159 Regarding other archaeological impacts, the Council's Archaeological consultant accepts that the proposed development lies in an area with the potential for archaeological remains, primarily those related to medieval and later mining activity. However, as demonstrated by the applicant's archaeological desk-based assessment, the majority of the proposed development site has already been the subject of 19th-century clay extraction activity that will have removed any surviving archaeological remains.
- 12.160 The Consultant accepts that the current brickworks complex is a largely industrial 20th-century development, the construction of which is likely to have had a major negative impact on any below-ground archaeological remains on the site. As a result, they agree with the applicant's desk-based assessment's conclusion that it is unlikely any significant below-ground archaeological remains will be impacted by the proposals as submitted, and there are no recommendations in that regard.

Ashdown Forest

- 12.161 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).
- 12.162 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.

- 12.163 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.164 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.
- 12.165 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. Policy WHP10 of the Neighbourhood Plan states that all residential development proposals that result in housing growth will provide for one or more Suitable Alternative Natural Greenspace(s) that meet the requirements of the local planning authority.
- 12.166 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.
- 12.167 This planning application is within the 7km zone of influence and generates a net increase of 108 dwellings, and as such, mitigation is required.
- 12.168 An appropriate scale of SAMM mitigation for the proposed development is £126,360.
- 12.169 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM Strategy.
- 12.170 There is however no capacity for this development at either of the strategic SANGs at East Court & Ashplats Wood or Hill Place Farm. As such, the applicant is proposing a bespoke on-site SANG to mitigate the impacts of the proposed development. When there is certainty of delivery of a SANG in a timescale consistent with the first occupation of the development, there will be certainty that the effects of the development on the Ashdown Forest SPA will be appropriately mitigated so as to ensure no adverse effect on the integrity of the Ashdown Forest SPA alone or in combination.
- 12.171 The bespoke SANG has been assessed to consider its suitability, capacity, management arrangements and monitoring, with input from Natural England who have visited the site with planning officers and provided written comments.
- 12.172 The bespoke SANG is considered to be suitable when assessed against Natural England's SANG criteria and there is sufficient capacity to mitigate for the proposed 108 new houses. To ensure the ongoing effectiveness of the SANG, it is recommended that the monitoring of the SANG is undertaken as part of the strategic visitor monitoring for Ashdown Forest and the SANGs. As such a financial contribution to visitor monitoring is included of £233 per unit, with a total of £25,164.

- 12.173 Some concerns have been expressed by the Parish Council about the ongoing management arrangements. The SANG site will need to be created and implemented prior to occupation of the first dwelling. Once the SANG is created and implemented, it will have to be managed and maintained as SANG land in perpetuity. This is taken to mean a minimum of 100 years. Funding to manage and maintain the land will also have to be demonstrated along with any contingency arrangements and this will be secured through the legal agreement. The applicant has indicated that there will be a ringfenced financial endowment. They have also indicated that several providers for the ongoing SANG management have been approached. The precise details and requirements will be set out in the legal agreement but there is sufficient information available at this stage to provide assurance that the SANG can be managed and maintained in perpetuity.
- 12.174 The financial contributions for SAMM mitigation, the SANG visitor monitoring fee and the onsite SANG will be secured through the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990.
- 12.175 Once the Planning Obligation securing the SAMM contribution, the SANG visitor monitoring fee and onsite SANG has been completed, it is considered that the mitigation of the recreational impact to the Ashdown Forest will have been secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan and WHP10 of the Neighbourhood Plan.
- 12.176 Natural England has been consulted on the suitability of the onsite SANG and the appropriate assessment of this proposed development. They have concluded that they have no objection, subject to the appropriate mitigation being secured.

Atmospheric pollution

- 12.177 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.
- 12.178 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.179 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.
- 12.180 The provision of mitigation in the form of both an onsite SANG and the SAMM contribution 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.
- 12.181 No mitigation is required in relation to the Ashdown Forest SAC.

- 12.182 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 and of Policy WHP10 the Neighbourhood Plan.

Infrastructure

- 12.183 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 affordable housing sub section). Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.184 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
 - b) An Affordable Housing SPD
 - c) A Development Viability SPD
- 12.185 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."*
- 12.186 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.187 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.
- 12.188 In this case, in addition to the SAMM and SANG requirements outlined in the previous sub-section, the following contributions are sought through the legal agreement:

West Sussex County Council Contributions

- Library provision: £45,926 (Additional facilities at East Grinstead Library)
- Education Primary: £449,847 (Additional facilities at West Hoathly Primary)

- Education Secondary: £484,142 (Additional facilities at Imberhorne School)
- Education Sixth Form: £113,413 (Additional facilities at Imberhorne School sixth form)

Mid Sussex District Council Contributions

- Formal Sport: £123,459 (Improvements toward formal sports provision, parking and ancillary facilities at North Lane Recreation Ground and / or Hook Lane Recreation Ground and / or Sharpthorne New Playground kickabout area)
- Community Buildings: £72,709 (Make improvements and increase capacity at West Hoathly Village Hall and / or North Lane Recreation Ground to include pavilion and public toilets and / or Sharpthorne Hall and / or Highbrook Hall)
- Local Community: £82,992 (project tbc following discussions with Parish)

Members should note that the development includes on site playspace/kickabout so no financial contribution is required for these elements which are instead secured, along with their management arrangements, through condition as per Appendix A.

Other Financial Contributions

- NHS Sussex: £163,963 (infrastructure needs of NHS GP service site(s) of Modality practices and Moatfield (all with planned site expansion plans)

12.189 In this case the legal agreement will also secure other matters referenced in other sub-sections of the report:

- public footpath improvements
- a pedestrian link within the site to adjoining public footpath
- highway works referred to in highway section (in lieu of TAD)
- Travel Plan implementation and monitoring

12.190 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 the Development Infrastructure and Contributions SPD.

Affordable Housing

12.191 Policy DP31 of the District Plan makes clear that:

“The Council will seek:

- 1. 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;*
- 2. 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;*
- 3. 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;*

4. 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
5. 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."

12.192 In this case the applicant is seeking to accord with Policy DP31 and is therefore proposing 30% affordable housing on site which equates to 33 units.

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

"The applicant is proposing a development of 108 dwellings, which gives rise to a minimum on site affordable housing requirement of 30% (33 units as shown) in accordance with District Plan Policy DP31.

The proposed affordable housing units comprise 7 x 1B/2P flats, 21 x 2B/4P properties (5 x flats and 16 x houses), 3 x 3B/5P houses and 2 x 4B/6P houses. These units include a 1B/2P wheelchair accessible flat @ 70m² and a 2B/4P wheelchair accessible house @ 116m², each with its own private garden space. The occupancy and floor areas of all of the properties meet our requirements.

25% of the units (9) are to be provided as First Homes and 75% (24) are to be provided for social or affordable rent. The proposed unit size split is as follows :

First Homes

*3 x 1B/2P Flats
3 x 2B/4P Flats
3 x 2B/4P Houses*

Rented

*4 x 1B/2P Flats (inc 1 x Wheelchair Accessible flat)
2 x 2B/4P Flats
13 x 2B/4P Houses (inc 1 x Wheelchair Accessible house)
3 x 3B/5P Houses
2 x 4B/6P Houses*

This tenure mix is acceptable.

The clustering of these units as shown on the submitted Tenure Plan is also acceptable, as is the allocated car parking provision shown on the Site Layout."

12.194 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.

Housing Mix

12.195 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;”

12.196 The mix proposed here for the 108 residential units is:

- 7 x 1 bed
- 29 x 2 bed
- 48 x 3 bed
- 24 x 4 bed

12.197 The proposed mix is considered adequate to comply with Policy DP30 of the District Plan.

Flood Risk and Drainage

12.198 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.”*

12.199 The Council's Drainage Officer has been consulted on the merits of this application and assessed the supporting submissions. The officer is also aware of the representations made by the Bluebell Railway regarding drainage matters. The drainage officer has no significant concerns on the flood risk (the submitted Flood Risk Assessment shows a 'very low to low risk') and has confirmed that foul and surface water details can be secured via planning condition.

- 12.200 Regarding surface water drainage, the submitted strategy indicates that the overall approach to drainage of the proposed residential development splits the residential area into two drainage catchments, both utilising attenuation in various forms, before discharging into watercourses adjacent to the site. The overflow from the existing lagoon shall be rerouted through the residential development and discharged into the watercourse adjacent to the northern boundary. Both of these elements are considered acceptable in principle by the drainage officer.
- 12.201 For foul water drainage, the development will utilise a gravity drainage system to serve the entire residential development before discharging into the existing public foul sewer on the western boundary of the site. This is also considered acceptable in principle by the drainage officer.
- 12.202 There are no technical objections to the proposed drainage solutions from the drainage officer. Conditions are recommended, and included in Appendix A, to secure the following matters:
- details of the proposed foul and surface water drainage and means of disposal to include a timetable for its implementation and a management and maintenance plan.
 - Verification Report demonstrating the suitable operation of the surface water drainage system.
 - No part of any concrete foundations and no construction activities shall be within 3.5 metres of any drain or watercourse.
- 12.203 With the relevant 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.

Sustainability

- 12.204 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.'*
- 12.205 The applicant has provided an Energy and Sustainability Statement with the application. This document and submitted plans identify the following matters:
- The design of the development has considered the orientation of the buildings and passive design to try and maximise natural light but avoid overheating.
 - A rated boilers

- The proposed performance of the building's U-values will exceed building regulations and include triple glazing, high air tightness and minimising heat loss.
- The building will have high-efficiency artificial LED lighting
- Air source heat pumps
- Photovoltaic arrays on the roofs

12.206 The proposal will also have to meet Building Regulations and this will include energy reduction measures and the provision of electric vehicle charging points. It is therefore reasonable to use a condition that will ensure the development proceeds in accordance with the details outlined in the Sustainability Assessment although details will be sought on the photovoltaic array and air source heat pumps. With this condition in place, the application complies with Policy DP39 of the District Plan.

Other Issues

- 12.207 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.
- 12.208 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions (as set out in Appendix A) to deal with the risks associated with contamination of the site. This ensures compliance with the NPPF.
- 12.209 The West Sussex Water and Access Officer has requested conditions to secure the provision of fire hydrants for the development with these set out in Appendix A.
- 12.210 A condition will be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28 of the District Plan.
- 12.211 Regarding Policy DP42, it is understood that historic use of mains water for the factory was very high. The applicant has confirmed that South East Water has a mains distribution network to the south of the site which serves the properties on each side of the railway. In response to a capacity enquiry in July 2022, South East Water confirmed to the applicant there is sufficient spare capacity to supply the residential development from their existing infrastructure with no impact on local supply.
- 12.212 A number of visualisations are contained in the applicant's submissions. This ensures compliance with Policy WHP4 of the Neighbourhood Plan which requires that 3D visualisations of the proposed development, in situ, be provided as part of any planning application.
- 12.213 Some of the representations reference the footway crossing over the Bluebell Railway. This is not a public right of way and is outside of the application site so is beyond the control of the applicant. Any decisions made on the future of this crossing are a private matter/decision for the landowner.
- 12.214 The applicant's submissions appear to indicate that they have submitted the correct ownership certificate details. They have confirmed there is no third party land within the red line of the planning application boundary.

- 12.215 Any additional use of the Gravetye Estate by future residents would not result in any impacts that would result in reasonable planning grounds to resist the application. Any financial contributions could not be reasonably sought.

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.
- 13.2 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
- 13.3 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 (DPD), West Hoathly Neighbourhood Plan and The West Sussex Joint Minerals Local Plan.
- 13.4 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.
- 13.5 Whilst there is some compliance with Policy DP12, insofar as the development is deemed to enhance the quality of the rural and landscape character, the principle of the application does conflict with the Development Plan in terms of what type of development is allowable under Policy DP12. Furthermore, the application does not accord with any of the housing in the countryside exceptions permissible under Policy DP6 or DP15 of the District Plan.
- 13.6 The site as existing has a negative impact on the surrounding AONB. It is considered that the scheme has been well designed and takes the opportunity to introduce a development which is far more sensitive to its landscape setting than the site in its current condition. Whilst this may be a consequence of developing on previously developed land, rather than a greenfield site where the ability to demonstrate an enhancement would be significantly harder, it is considered that the AONB will be will enhanced by this development. This enhancement to the AONB must be given great weight in the decision making process.
- 13.7 Para 183 of the NPPF states that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It is considered that there are such exceptional circumstances in this case and it can be demonstrated that the development is in the public interest. These primarily being the fact the site for the residential element is previously developed land and that the redevelopment of this land as proposed will enhance the High Weald AONB. There are therefore a number of environmental, social and economic benefits associated with the development, as highlighted in this report, which result in the para 183 test being met.

- 13.8 Although part of the site (where the brickmaking process was carried out) is identified as an 'existing employment site', it is concluded that the marketing and viability evidence provided by the applicant adequately demonstrates that the loss of the existing employment land is justifiable and the proposal is development plan policy compliant in this respect.
- 13.9 Although the proposal will change the appearance of the site when viewed from the neighbouring properties, the development will not result in significant harm to neighbouring residential amenity whether through loss of light (daylight or sunlight), loss of privacy, by being overbearing, or through noise or light pollution.
- 13.10 It is considered that the proposal will provide safe pedestrian and vehicular access to the site and the local highways authority confirms it is not considered that this proposal would result in any unacceptable highway safety or any other such impacts that may be considered severe. Offsite highways works are to be provided and the proposal also includes improvements to the existing public rights of way network in the vicinity of the application site which should be given weight in the planning balance.
- 13.11 It is considered that the site can satisfactorily retain any important trees. Detailed tree protection measures and additional planting, as well as a long term management plan for the landscaped areas, will also be secured. The ecological impacts of the development have been robustly assessed and considered acceptable. Biodiversity net gain is not mandatory for this application but is being provided by the applicant and will be secured through the legal agreement/planning conditions so this should be given positive weight in the planning balance.
- 13.12 The legal agreement would also secure the required infrastructure contributions, the on-site affordable housing provision of 30% (33 units) and the requisite Ashdown Forest SAMP and SANG mitigation. The SANG mitigation in this case takes the form of a bespoke, onsite SANG which has the support of planning officers and Natural England.
- 13.13 It is considered that the site could be satisfactorily drained and sustainable measures to be incorporated into the development can be secured via condition. The housing mix is considered appropriate.
- 13.14 Officers consider that the sterilisation of the minerals within the application site would not occur and that the proposed development would result in wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use.
- 13.15 The proposal preserves the setting and special interest of Grade II listed Old Coombe House, meeting the requirements of District Plan Policy DP34 and the NPPF. The proposal will result in the complete loss of significance of the non-designated heritage asset (The Old Workshop) but this would be relatively low level within the local context. As such planning officers consider that, when coming to a balanced judgement as per the para 209 of the NPPF requirements, the identified benefits of the scheme outweigh the low level of loss of significance of the non-designated heritage asset.
- 13.16 In this case, there would be clear social and economic benefits from the development of 108 houses on a site allocated for residential development in the Development Plan that includes the 33 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. These factors should be given positive weight in the planning balance.

- 13.17 The application therefore complies with policies DP1, DP4, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA10, SA34 and SA38 of the Mid Sussex Site Allocations DPD, Policies WHP1, WHP3, WHP4, WHP10 and WHP12 of the West Hoathly Neighbourhood Plan, Policies M9, M10 and M24 of the West Sussex Joint Minerals Local Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
- 13.18 Although the application must be assessed against the policies of the Development Plan taken as a whole, this assessment has identified conflict with the Development Plan. This being in respect of what types of development are allowable under Policies DP12, DP6 or DP15 of the District Plan.
- 13.19 In this case however there are material planning considerations that indicate a decision should be made that is not wholly in compliance with the Development Plan. There are environmental benefits, chiefly that the proposal enhances the AONB and this must be given great weight. The proposed development makes good use of previously developed land where there is little reasonable likelihood of long term employment use returning. There are also economic and social benefits cited elsewhere in this report associated with the provision of 108 houses, of which 33 are affordable, that will also help boost the Council's housing supply.

These material planning considerations are considered to outweigh the identified conflict with the Development Plan.

The application is therefore recommended for approval based on the following dual recommendation.

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.

Pre-development

2. Prior to the commencement of any development above ground/slab level a schedule of materials and finishes to be used for the external walls, roofs and fenestration of the proposed buildings shall have 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.

3. No development shall be carried out above slab/ground floor level until the following detailed design issues have been submitted to and approved in writing by the local planning authority:
 - 1:20 sections and front elevations of typical house and the typical features (shown in context) of the other building types including entrance canopies/doors, railing, roof/eaves details, windows, doors, chimneys, rainwater downpipes.

The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure these aspects of the development are compatible with the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan

4. Prior to the commencement of any development, including demolition and the construction of foundations, a scheme of soft landscaping for the site shall have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. It shall also include planting (with planting plans using native species), schedules of trees, hedgerows and plants noting species, plant sizes and proposed numbers/ densities, details of tree pits and soil volumes.

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.

5. Prior to the commencement of any development above ground/slab level a scheme a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall provide images and drawings where required and include all hard surfacing materials, means of enclosure and other boundary treatments, car parking layouts, other vehicle and pedestrian access and circulation areas and other elements used throughout the landscape (for example benches, play on the way, mock bridge, lighting solutions, open pavilion themed on Victorian station canopy). The scheme shall also have reference to the High Weald Design Guide and ensure that close board fences are not used as garden boundaries where they would be viewed from public areas.

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

6. No development shall take place until details of the existing and proposed site 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 amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District 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 residential unit 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. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

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

8. No development shall take place, including any works of demolition, until a Construction and Environmental 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 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, including site contact details in case of complaints;
- measures to control noise and vibration affecting nearby residents;
- artificial illumination;
- pollution incident control; and
- dust control measures.

Reason: In the interests of highway safety and the amenities of the area, to protect the amenity of local residents from noise and dust emissions during construction and to comply with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan.

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

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the District Plan and Policy SA38 of the Site Allocations DPD.

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

- a) A further site investigation, based on the recommendations within the phase 1 and phase 2 geo-environmental and geotechnical factual and interpretive report by RSK GeoSciences, dated the 3rd of March 2023, ref: 1922410-R01 (01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

11. No demolition, development or conversion works shall take place until a Written Scheme of Investigation for a programme of historic building recording work has been submitted to and approved in writing by the local planning authority. This will include a comprehensive photographic survey of the surviving built evidence of the former industrial site.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

12. No demolition, development or conversion works shall take place until the satisfactory completion of the historic building recording fieldwork in accordance with the submitted and approved Written Scheme of Investigation.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

13. Any works which will impact the breeding / resting place of bats, shall not in 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. evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c. 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.

14. Any works which will impact the breeding / resting place of Great Crested Newt shall not in 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 GCN District Level 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
 - c. 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.

15. Prior to commencement of any 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 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.

16. Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Assessment (Ecology Solutions, March 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 & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

17. 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.

18. Prior to the commencement of any development above ground/slab level, details showing the proposed location of the 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.

19. Two affordable housing dwellings (a 1B/2P flat and a 2B/4P house) shall be provided as wheelchair accessible dwellings which meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. No above ground works shall commence on site until the Local Planning Authority has approved final plans/details for the wheelchair accessible dwellings demonstrating that all necessary requirements will be met

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

20. No development shall commence until details of the play area and fitness trim trail have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. The development shall be carried out in accordance with the approved details and the approved play area and fitness trim trail shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of play equipment and space and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP20 of the Mid Sussex District Plan.

Construction phase

21. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, March 2023) and Appendix 5 Defra Metric Assessment (Extracts) (undated), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes a Non-Licensed Hazel Dormouse Method Statement (Sections 5.3.76 - 5.3.92 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on this European Protected Species and a reptile Method Statement (Sections 5.3.61 - 5.3.69 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on these Priority 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.

22. No part of any concrete foundations and no construction activities shall be within 3.5 metres of any drain or watercourse, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural environment and to comply with Policy DP41 of the Mid Sussex District Plan.

23. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

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

26. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework and DP41 of the District Plan.

Pre-occupation conditions

27. A landscape management plan for all the hard and soft landscape areas other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The landscape management plan shall include;
- a) Drawings showing:
 - i. The extent of the Landscape Management Plan.
 - b) Written Specification detailing:
 - i. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
 - ii. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - iii. Furniture (Bins, Benches and Signage) and Play Equipment
 - iv. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
 - v. Management responsibilities
 - vi. Long term design objectives
 - c) Maintenance schedules:
 - i. task table which explains the maintenance duties across the site in both chronological and systematic order.

The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenity of the development in accordance with Policies DP16 and DP26 of the Mid Sussex District Plan.

28. No part of the development shall be first occupied until such time as a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be designed to Institute of Lighting Professionals light control zone E1 standards (with regard to skyglow/ULR, light temperature, and heights/design of light fixtures) to protect the intrinsically dark night skies of the High Weald AONB.

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.

29. 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 comply with Policy DP41 of the Mid Sussex District Plan.

30. 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.

31. The development shall be constructed in accordance with the applicant's Energy and Sustainability Statement (The PES, July 2023). No part of the development shall be first occupied unless or until the details of the PV arrays (siting, design and 1:20 roof section) and air source heat pumps (siting and design) have been submitted to and approved in writing by the local planning authority with the development proceeding only in accordance with these approved details.

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

32. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangement and numbered 2022/6607/009 as included within the approved Transport Assessment.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

33. No part of the development shall be first occupied until such time as the highway works at the Top Road/Station Road junction have been constructed in accordance with the details shown on the drawing titled Proposed Junction Improvements (Top

Road/Station Road junction) and numbered 2022/6607/011 revision P1 as included within the approved Transport Assessment.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

34. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

35. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details as shown on the approved drawing titled Carports and Cycle Store (3211-)B and the Parking Plan (1006-D)

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

36. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

37. Before the development hereby permitted is occupied, refuse and recycling facilities shall be provided as part of the development in accordance with the approved plans.

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

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

Reason: 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.

39. 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.

40. The development hereby permitted shall not be occupied until the applicant has submitted to the local planning authority an approved report detailing the results of the recording programme in accordance with the approved Written Scheme of Investigation.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

Post-occupation monitoring / management conditions

41. The window serving the bathroom at first floor level on the south elevation of both Plots 11 and 12 (as shown on the approved plans) shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining properties and to accord with Policy DP26 of the Mid Sussex District Plan.

Approved Plans

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. No burning of demolition/construction waste materials shall take place on site.
3. Your attention is drawn to the informatives contained within a number of the consultee comments that the applicant should give consideration to.

These being comments from Southern Water, Natural England, Environment Agency, Sussex Police and West Sussex Rights of Way.

4. The applicant's attention is drawn to the comments of West Sussex Highways and the need for the applicant to establish adoption and future maintenance procedures.
5. 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
Proposed Floor and Elevations Plan	3141-C-3020-PL-B_2BH-AFF_3BGH-AFF	PLOTS 8 and 9	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3025-PL-B_4BH-AFF_2BH-AFF	PLOTS 10-11	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3030-PL-B_4BH-AFF_2BH-AFF	PLOTS 12-13	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3035-PL-B_2BH-AFF_3BH-AFF	PLOTS 14-15	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3040-PL-B_3BH3	PLOT 16	26.07.2023
Proposed Elevations	3141-C-3046-PL-B_3BHC_3BH1	PLOTS 17-20	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3050-PL-B_2BH-AFF	PLOTS 21-23	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3055-PL-B_3BH1	PLOT 24	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3060-PL-C_4BH2	PLOT 53	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3070-PL-B_5BH1	PLOTS 25,26 and 40	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3071-PL-A_5BH1	PLOT 39	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3072-PL_5BH1	PLOT 41	26.07.2023
Proposed Elevations	3141-C-3086-PL-C_2BH1_3BHT	PLOTS 33-36	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3090-PL-B_4BH3	PLOT 37	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3100-PL-B_3BH4	PLOT 42	26.07.2023

Proposed Floor and Elevations Plan	3141-C-3101-PL-B_3BH4	PLOT 47	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3102-PL-A-3BH4	PLOT 82	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3103-PL-A_3BH4	PLOT 97	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3105-PL-C_3BHT_3BH2	PLOTS 43-45	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3110-PL-B_5BH1	PLOT 46	26.07.2023
Proposed Elevations	3141-C-3116-PL-C_2BH1, 3BH1_3BH2	PLOTS 48-51	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3120-PL-B_3BH4	PLOT 52	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3125-PL-C_3BHT	PLOTS 59,60,101 and 102	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3135-PL-C_3BH2 and 2BH1	PLOTS 57 and 58	17.11.2023
Proposed Elevations	3141-C-3137-PL-B_3BH2, 2BH1, 3BH1 and 4 BH2	PLOTS 28-32	17.11.2023
Proposed Elevations	3141-C-3146-PL-D_Block A	PLOTS 61-66	22.12.2023
Proposed Floor and Elevations Plan	3141-C-3150-PL-B_3BHC_2BH2	PLOTS 67-69	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3155-PL-B_4BH3	PLOTS 70,71 and 74	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3160-PL-B_3BHC	PLOTS 72 and 73	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3165-PL-B_2BH-AFF	PLOTS 75-79	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3170-PL-B_4BH3	Plot 80	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3175-PL-C_3BHT_3BH2	PLOTS 83-85	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3180-PL-E_2BH-AFF M4(3)	Plot 86	17.11.2023
Proposed Elevations	3141-C-3186-PL-C_3BH2-AFF, 2BH-AFF, 3BH1_2BH1	PLOTS 87-92	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3190-PL-C_3BHT_3BH2	PLOTS 93-95	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3191-PL-B_3BHT_3BH2	PLOTS 54-56	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3195-PL-C_3BH2_2BH1	PLOTS 99 and 100	17.11.2023
Proposed Elevations	3141-A-3201-PL-D	BLOCK B Plots 103-108	22.12.2023
Proposed Site Plan	3141-C-1002.1-PL-C	footprint	26.07.2023
Proposed Site Plan	3141-C-1003.1-PL-D	Hardstanding	17.11.2023
Existing Site Plan	3141-C-1003-PL-C		26.07.2023
Landscaping	3141-C-1004.1-PL-E		17.11.2023

Proposed Site Plan	3141-C-1004.3-PL-D	volume	17.11.2023
Site Plan	3141-C-1005.1-PL-H	context	17.11.2023
		Aerial	
Site Plan	3141-C-1005.1-PL-H	context	17.11.2023
Site Plan	3141-C-1005-PL-H		17.11.2023
Site Plan	3141-C-1006-PL-D	parking	17.11.2023
Site Plan	3141-C-1007-PL-D	Tenure	17.11.2023
Site Plan	3141-C-1008-PL-D	Dwelling	17.11.2023
		Distribution	
Site Plan	3141-C-1009-PL-D	Storey	17.11.2023
		Heights	
Site Plan	3141-C-1010-PL-E	Material	17.11.2023
		Plan	
Site Plan	3141-C-1011-PL-D	Movement	17.11.2023
		Plan	
Site Plan	3141-C-1012-PL-D	EV,PV and	17.11.2023
		ASHP Plan	
Site Plan	3141-C-1013-PL-B	Refuse	17.11.2023
Site Plan	3141-C-1014-PL-C	Boundary	17.11.2023
		Treatment	
Site Plan	3141-C-1200-PL-D	AA,BB	17.11.2023
Site Plan	3141-C-1200-PL-C	CC,DD	26.07.2023
Site Plan	3141-C-1200-PL-C	EE,FF	26.07.2023
Site Plan	3141-C-1200-PL-B	GG,HH	26.07.2023
Site Plan	3141-C-1200-PL-B	JJ	26.07.2023
Other	3141-A-1020-PL-B	B Areas	17.11.2023
		Maintained	
Other	3141-A-1021-PL-B	Affordable	17.11.2023
		Homes	
Proposed Floor Plans	3141-A-3085-PL-C	Plots 33-36	17.11.2023
Site Plan	3141-A-1000.1-PR	C	26.07.2023
Site Plan	3141-A-1005-PL	G	26.07.2023
Site Plan	3141-A-1005.1-PL	G	26.07.2023
Proposed Floor Plans	3141-C-3011-PL-B_3BHC	PLOTS 3-6	26.07.2023
	and 3BH1		
Proposed Floor Plans	3141-A-3045-PL-B_3BHC	PLOTS 17-	26.07.2023
	and 3BH1	20	
Proposed Floor Plans	3141-B-3085-PL-A 2BH1	PLOTS 33-	26.07.2023
	& 3BHT	36	
Proposed Floor Plans	3141-A-3115-PL-C 2BH1,	PLOTS 48-	17.11.2023
	3BH1 & 3BH2	51	
Proposed Floor Plans	3141-A-3136-PL-B_3BH2,	Plots 28-32	17.11.2023
	2BH1, 3BH1 & 4BH2		
Proposed Floor Plans	3141-A-3145-PL-G	BLOCK A	22.12.2023
		Plots 61-66	
Proposed Floor Plans	3141-A-3147-PL-D_	BLOCK A	17.11.2023
		PLOT 62	
Proposed Floor Plans	3141-A-3148-PL-D	BLOCK A -	17.11.2023
		Plot 62	
Proposed Floor Plans	3141-A-3181-PL-D_2BH-	PLOT 86	17.11.2023
	AFF M4(3)		
Proposed Floor Plans	3141-A-3182-PL-D_2BH-	PLOT 86	17.11.2023
	AFF M4(3)		

Proposed Floor Plans	3141-A-3185-PL-C 3BH2-AFF, 3BH-AFF & 2BH-AFF	PLOTS 87- 92	17.11.2023
Proposed Floor Plans	3141-A-3200-PL-D	BLOCK B Plots 103- 108	22.12.2023
Proposed Floor and Elevations Plan	3141-A-3210-PL-B	Garage and Car Ports	26.07.2023
Proposed Floor and Elevations Plan	3141-A-3211-PL-B	Car Port and Cycle Store	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3000-PL-C_4BH2	PLOTS 1,81	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3001-PL-C_4BH2	PLOTS 27,38,96 and 98	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3005-PL-B_4BH3	PLOT 2	26.07.2023
Proposed Elevations	3141-C-3011-PL- B_3BHC_3BH1	PLOTS 3-6	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3015-PL-B_3BH3	PLOT 7	26.07.2023
Other	2022/6607/007 P7	Swept Path Analysis	26.07.2023
Other	1632-002	G	26.07.2023
Landscaping	1632-005	I	17.11.2023
Other	1632-003	E	
Landscaping	1632-001	J	
Other	1632-006	P	17.11.2023
Landscaping	1632-006C		24.03.2023
Location Plan	3141-A-1000-PL-A		24.03.2023
Existing Site Plan	3141-A-1001-PL-A		24.03.2023
Existing Elevations	3141-A-3300-PL-A		24.03.2023
Existing Elevations	3141-A-3301-PL-A		24.03.2023
Existing Elevations	3141-A-3302-PL-A		24.03.2023
Existing Elevations	3141-A-3303-PL-A		24.03.2023
Existing Elevations	3141-A-3304-PL-A		24.03.2023
Existing Elevations	3141-A-3305-PL-A		24.03.2023
Existing Elevations	3141-A-3306-PL-A		24.03.2023
Existing Elevations	3141-A-3307-PL-A		24.03.2023
Existing Elevations	3141-A-3308-PL-A		24.03.2023
Existing Site Plan	3141-C-1004.2-PL-A	Volume	24.03.2023
Existing Site Plan	3141-C-1002.1-PL-A		24.03.2023
Existing Site Plan	3141-C-1004.2-PL-A.1		24.03.2023
Drainage Details	134285 RSK ZZ ZZ DR C 3001	P03	04.09.2023

APPENDIX B – CONSULTATIONS

MSDC Planning Policy

1. Development plan

The Mid Sussex District Plan was adopted in March 2018 and the Site Allocations DPD was adopted in June 2022. The saved policies of the Mid Sussex Local Plan 2004 and the Small Scale Housing Allocations DPD are not relevant to this planning application.

The West Hoathly Neighbourhood Plan was made in April 2015. Policies WHP4: Visualisations (provision of 3D visualisations of the proposed development), WHP10: Alternative Green Space (provision of SANG) and WHP12: Existing Employment Sites (general presumption against loss of employment sites and redevelopment of employment sites) are relevant.

The site is outside but adjacent to the built-up area boundary for Sharpthorne as shown on the adopted Policies Map and the site is within the High Weald AONB. Adopted District Plan Policy DP6: Settlement Hierarchy, Policy DP12: Protection and Enhancement of Countryside and Policy DP16: High Weald Area of Outstanding Natural Beauty are relevant.

2. High Weald AONB

An Area of Outstanding Natural Beauty (AONB) is an area of land protected by the Countryside and Rights of Way Act 2000 for its outstanding natural beauty. The statutory purpose of the landscape designation is to conserve and enhance the natural beauty of the area, and AONBs have the highest status of protection nationally in relation to landscape and scenic beauty. District Plan Policy DP16 is relevant.

The High Weald AONB Management Plan is the policy for looking after the High Weald AONB in order to achieve the statutory purpose of conserving and enhancing the High Weald AONB. The Management Plan covers a range of local authority functions, and in particular it can be used to guide environmental land management and climate change strategies. The Management Plan is a material consideration in the planning process, including plan-making, site allocations and assessing the impact of development proposals or other changes on the High Weald AONB.

Within the Management Plan, the High Weald AONB Statement of Significance sets out a number of components that comprise the natural beauty of the High Weald, and the Management Plan sets out specific objectives and actions for each component.

The NPPF (paragraphs 176 and 177) sets out the Government's policy for conserving and enhancing landscape beauty. There will need to be an assessment to determine if the proposed development could be regarded as major development. If it is determined that the proposed development could be regarded as major development, then a further assessment is undertaken which is the consideration of major development.

3. Ashdown Forest SPA and SAC

The site is within the 7km zone of influence for the Ashdown Forest SPA. In accordance with District Plan Policy DP17: Ashdown Forest SPA and SAC, the proposed development is required to contribute to SANG and SAMM mitigation as it results in a net increase in dwellings. A bespoke SANG is included as part of the proposed development and a financial contribution

towards SAMM mitigation will be required. A Habitats Regulations Assessment (HRA) for the proposed development will need to be undertaken.

4. SANG

The SANG will need to be assessed through the HRA that will be prepared for this planning application. The HRA and its recommendations should be taken into account in the final design and ongoing management of the SANG. It is recommended that the final SANG design and management plan are required to be approved prior to commencement; this could be secured by way of a planning condition or a Section 106 planning obligation.

The SANG is located in the High Weald AONB. As a protected landscape, it is important that the natural beauty of the High Weald AONB is conserved and enhanced. It is recommended that the views of the High Weald AONB Unit are sought in relation to the overall SANG design and proposed habitats and its ongoing management tasks.

It is also recommended that the overall SANG design and proposed habitats and its ongoing management tasks are reviewed by the Council's consultant ecologists. It will be important to consider and understand how the SANG integrates with the proposals for both the delivery and management of biodiversity net gain.

SANG Suitability

It is considered that overall the proposed SANG as currently shown on the SANG Landscape Masterplan (1632/006 Rev P) is likely to meet the Natural England SANG criteria (August 2021) through the implementation phase or through the ongoing management of the SANG. The SANG should provide a safe environment to let dogs off lead.

It is understood that the site is subject to a minerals restoration plan. It will need to be determined if the minerals restoration plan and the SANG proposals are compatible and align.

Ancient woodland and SSSI

The circular path route should be carefully designed to avoid harm to the ancient woodland (and its buffer zone) in the south-west corner of the SANG and the SSSI in the south-east corner of the SANG. This includes both the route layout and the path surface treatments.

SANG entrance

It is considered that the main SANG entrance could have a focal point to signal the entry point perhaps through the use of public art such as a sculpture. This could potentially link into the historic use of the site as a brickworks.

Water features

It is assumed that people will not be allowed to enter the water (the lake and ponds) for health and safety reasons and appropriate safety signage and equipment should be installed. Careful consideration needs to be given to whether dogs are allowed to enter the water. Dogs can churn up the water and water margins may become over-trampled and muddy. This may have negative effects for terrestrial, semi-aquatic and aquatic species such as great crested newts which are known to be present on site. This could also be important in the consideration and assessment of any biodiversity net gain calculations. Advice may need to be sought from the

Council's consultant ecologists. Wildlife ponds could be separated and protected from dog use.

SANG Capacity

The SANG capacity will be considered as part of the HRA but the initial calculations suggest that the proposed SANG has the capacity to accommodate the number of dwellings proposed in this application (108 dwellings). There may also be the opportunity in the future for this proposed SANG to act as mitigation for other relevant new development.

SANG Management

The SANG will need to be appropriately managed for at least 100 years and the funding arrangements will need to be carefully considered.

It is noted that the current funding arrangements for the capital works for the SANG set-up are proposed to be funded by the applicant and the ongoing management works would be overseen by a management company and could be funded by a service charge on the new residents of the proposed development. It is recommended that the chosen management company has experience of SANG management and the necessary skills and knowledge to manage the SANG.

Contingency arrangements for the ongoing management of the SANG will need to be identified should the management company cease to exist. It is noted that step-in rights for the local planning authority could be included in the Section 106 planning obligation with appropriate funding available.

It is considered that further discussion will need to take place between the local planning authority and the applicant regarding the intended management and funding arrangements for the SANG.

Securing the SANG

The bespoke SANG for this proposed development will be secured through a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). This will need to make reference to the set-up of the SANG and the ongoing management and maintenance costs for at least 100 years.

For example, matters to be agreed and secured by way of a planning condition and/or a Section 106 planning obligation include:

- Preparation and approval prior to commencement of a detailed SANG layout and design;
- The implementation and delivery of the SANG and its phasing;
- Preparation and approval prior to commencement of a SANG management plan detailing the management and maintenance requirements in perpetuity, and the visitor strategy;
- Approval of SANG signage and publicity;
- A mechanism for managing and maintaining the SANG;

- Details of a contingency plan for management of the SANG should a management company cease to exist (if such an approach or similar is used); and
- Delivery of SANG prior to occupation of the first dwelling.

SANG mitigation needs to be in place before any development can be occupied otherwise there is a risk of an impact on the Ashdown Forest SPA through increased recreational activity.

5. Employment

The site is allocated in the Site Allocations DPD as an 'Existing Employment Site' under Policy SA34, loss of which are required to demonstrate they are no longer needed and/or viable for employment use and the policy sets out two criteria by which to demonstrate compliance.

- (i) *Details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing marketing conditions; and*
- (ii) *A financial appraisal that demonstrates that the development of any employment generating use is unviable.*

The planning application submission includes evidence in the form of a marketing exercise, financial appraisal and employment and commercial land.

In respect of criterion i) – the Gerald Eve marketing report sets out that the site has been marketed over two periods between June 2021 – June 2022 and June 2022 – present (details are still available on their website). The first round of marketing was by Ibstock and the second by the applicant – the marketing exercise appears to gain limited interest in the site for employment purposes with those showing interest initially to progressing on ground of issues relating to access difficulties, distance from the strategic network and nearby residential properties.

The applicant has also submitted detail of an employment land review (Gerald Eve) which analyses the employment market in Mid Sussex and sets out justification for loss of the site for employment purposes these include matters relating to the recently ceased use as a brickworks for which the site and buildings were designed to support and are not well suited to adapt to alternative employment use. The condition, layout of the existing buildings and cost associated with bringing them up to an appropriate state for alternative use along with the site's location which is remote from the District's commercial centres and the strategic road network among other matters are also referred to. The report also takes account of the findings of the Economic Growth Assessment and existing employment land availability/ supply.

In respect of criterion ii) the applicant has submitted a viability assessment (Chilmark) which assesses the rental income/ value potential for the site as a mixed use employment generating site. The report highlights various constraints that would limit uptake/demand along with low rents and high build costs and contests that although they were not commissioned to carry out a comprehensive development appraisal, from the evidence before them it is likely to fail a viability assessment. On this however, it is noted that Gerald Eve report does include a financial appraisal which although high level, sets out a significant negative residual land value.

This evidence combined therefore demonstrates the requirements of policy SA34 have been met.

6. Biodiversity net gain

These comments provide a planning policy perspective on biodiversity net gain, however, the Planning Policy team would defer to the Council's ecological consultants in respect of detailed ecological advice and scrutiny.

In line with the forthcoming requirements for biodiversity net gain, the Council expects biodiversity net gain to be calculated and assessed using the Government's published biodiversity metric. The biodiversity net gain calculation and assessment should be completed by a suitably experienced and qualified ecologist and submitted in full with the application for development. Prior to mandatory biodiversity net gain, the Council is encouraging developers to meet the minimum percentage of biodiversity net gain required as set out in legislation (10%), however, the Council encourages developers to maximise opportunities to deliver higher levels of biodiversity net gain.

The consideration of biodiversity net gain in this proposed development is welcomed. The proposed development will need to demonstrate that the mitigation hierarchy as set out in NPPF paragraph 180 a) has been followed. The proposed development will need to demonstrate that measurable and meaningful net gains for biodiversity will be achieved and will be secured and managed appropriately, as well as demonstrating that good practice principles for biodiversity net gain have been followed.

The applicant has provided a calculation of biodiversity net gain using the Defra/ Natural England Biodiversity Metric 3.1. The Planning Policy team would recommend that the Biodiversity Metric calculation spreadsheet is submitted in full so that the Council's ecology consultants can review the calculation in detail. The calculation will need to be updated should the overall development proposals and layout change, and to reflect emerging planning policy such as local priorities for biodiversity improvements and green infrastructure.

The proposed biodiversity net gain of 40.06% is welcomed although it is noted that the applicant intends 20% will be attributable to this development and the additional 20.06% can be available for other development. This will need to be considered further and detailed in a Section 106 planning obligation. The biodiversity net gain on the SANG land should be additional to that required by the minerals restoration plan and the SANG requirements.

Biodiversity net gain will need to be secured with appropriate long-term management and funding arrangements. A Habitat Management and Monitoring Plan should be submitted detailing the management and monitoring proposed for biodiversity net gain. This Habitat Management and Monitoring Plan could be secured by a planning condition and discharged prior to commencement.

Policy DP38: Biodiversity in the District Plan is also relevant.

7. Other policies

There are other District Plan policies relevant to this planning application including DP20: Securing Infrastructure, DP21: Transport and DP31: Affordable Housing. The Development Infrastructure and Contributions SPD and Mid Sussex Design Guide SPD are also relevant.

MSDC Urban Designer

The design is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultations and DRP.

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

- Detailed landscape drawings: hard and soft landscaping details including images and drawings of elements used throughout the landscape (benches, play on the way, mock bridge, lighting solutions, open pavilion themed on Victorian station canopy etc)
- Details and samples of the facing materials.
- 1:20 sections and front elevations of typical house and the typical features (shown in context) of the other building types including entrance canopies/doors, railing, roof/eaves details, windows, doors, chimneys, rainwater downpipes.
- Sustainability strategy details need to be submitted in full, followed by any relevant 1:20 scale sections showing the solar panels within the roof slope.

MSDC Tree Officer

The proposal involves the loss of 18, mainly Cat C trees, mainly comprising willow and ash, indicative of the wet conditions.

Replacement and additional planting comments as follows :

Landscape masterplan

Street and Verge trees –

Acer platanoides not acceptable

Acer freemanii not acceptable

Prunus avium 'Plena' should be substituted for the pure Prunus avium species

Open space trees –

Generally acceptable, however, there should be a higher proportion of Quercus or other large native trees.

Car park –

Malus is not a suitable landscaping tree. It tends to be grafted and short lived.

Sorbus aucuparia is one of the shortest lived natives and does not favour the growing conditions of a car park.

Acer platanoides should be substituted with Acer campestre.

Details required of wildflower grassland.

Full details of maintenance, aftercare etc required. This may be conditioned but what needs to be demonstrated, at the outset, is that these trees can be accommodated, particularly street /verge trees and car park trees. Details of tree pits, soil volume etc required.

A method statement is also required where there is encroachment within RPAs.

Whilst not strictly my remit, I am concerned about footpath encroachment into AW buffer zones. Buffer zones should be left as undisturbed land.

MSDC Conservation

The application site is a former brickworks located to the northern edge of Sharpthorne, to the east of West Hoathly village. The site does not contain any listed buildings, and is not within a conservation area, however there is a listed building a short distance to the west at Old Coombe House, and the site itself is considered of some potential heritage value, due to the historical significance of the brick making industry in the area. Historical map regression shows that there has been a brick field on this site since the late 19th/early 20th century, although the existing buildings on the site appear to be of much more recent construction.

The current proposal is for the demolition of the existing structures on the site and the construction of 108 new homes, with on site SANG provision, and associated access, parking and landscaping.

The site is, as above in relatively close proximity to Old Coombe House, although it is separated from it by a railway line constructed in the late 19th century, and a dense area of woodland. Old Coombe House, as a late 16th century former farmhouse with associated historic farmstead including curtilage listed buildings, would be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a Sussex farmhouse of its type and period, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. As such, the surviving rural setting of fields and woods which surround the listed building and farmstead would be considered to make a strong positive contribution to the special interest of the heritage assets within the farmstead and how these are appreciated.

This would include the woods to the east between the farmstead and the railway line. The application site is beyond these woods and the adjacent railway line, and is not readily visible from the listed building or its immediate setting, nor does it have a significant impact on the character of the approach to the farmstead along Station Road (or the PROW which runs along it) from the south. There is some partial screened visibility of the site from the northern approach to the farmstead along the same PROW, but at a distance from the listed building on the opposite side of the railway and woodland. At present, therefore, the site is considered to make a neutral contribution to the setting of Old Coombe House and the associated historic farmstead.

The proposal will have a significant impact on the character of the site, with its currently partly industrial/partly semi-naturalised state replaced by a combination of suburban development and open space (SANG) provision. The proposed residential development is shown to the north western corner of the site, which is in closest proximity to the listed building. However, given the above screening and lack of intervisibility, and the limited impact which the site has on the wider setting of Old Coombe House, the proposal is not considered to have a material impact on the character of the setting of the listed building. It is likely that residential development will replace the industrial buildings which currently can be glimpsed from the PROW to the north east of the farmstead, but this is unlikely to adversely affect the overall rurality of the wider setting.

The proposal is therefore considered to preserve the setting and special interest of Old Coombe House, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

In terms of the heritage value of the site itself, the submitted Heritage Statement contains a description of the origins and development of the industrial use of the site over time. It suggests that the oldest surviving building on the site, the 'Old Workshop' dates from the late 19th century, but that the majority of the structures are more modern, as the original brick making industry was a predominantly outdoor activity, with outdoor firing clamps and brick making enclosures, evidence of which has been largely removed by the later buildings. Notwithstanding this, the site is included in the West Sussex HER as a non-designated heritage asset, and is considered to be of some interest within the local context, as an example of a locally important industry.

The current proposal would result in the complete loss of the existing structures on the site, including the Old Workshop, and all of the more modern buildings which attest to the former brickworks use. This will entail a complete loss of significance of the NDHA, which given the relatively modern nature of the majority of buildings on the site I would suggest to be of a relatively low level within the local context. This impact should form part of the assessment of the merits of the proposal as set out in paragraph 209 of the NPPF.

If minded to grant approval, I would suggest a condition requiring that a more comprehensive photographic survey of the surviving built evidence of the former industrial site is prepared prior to any demolition works, and agreed by us, prior to submission for inclusion in the HER. This should include more comprehensive photographs of the interior and exterior of the Old Workshop (cf the Heritage Statement) as well as exterior shots of the other former industrial buildings on the site in context. Such a survey would help mitigate the loss of significance of the NDHA resulting from the redevelopment of the site.

MSDC Landscape Consultant

(11/09/23) Summary: Supportive subject to attached/recommended conditions

From a landscape perspective, we are generally satisfied with the principle of development, however, a number of recommendations have been included to enhance the quality of the development and green infrastructure provision within the scheme.

Context

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

- Arboricultural Implications Report (Ref: SJA air 22377-01c)
- Central Green Space Landscape Vignette (Dwg no. 1632/002 Rev. G)
- Design and Access Statement Addendum (Dated: July 2023)
- Boundary Treatment Plan (Dwg no. 3141-C-1014-PL-B)
- Landscape Strategy (Dwg no. 1632/001 Rev. J)
- Landscape and Visual Appraisal (Ref: 1632/007 Rev. D)
- LEAP Play Area Landscape Vignette (Dwg no. 1632/003 Rev. E)
- Residential Landscape Masterplan (Dwg no. 1632/005 Rev. E)
- Site Layout (Dwg no. 3141-A-1005-PL-G)
- Site Layout – In Context (Dwg no. 3141-A-1005.1-PL-C)

Under pre-application reference DM/22/3099, the site has been subject to a number of pre-application meetings in the past and a Design Review Panel.

Review of submitted information

The revised scheme has addressed a number of our previous comments with date 19/04/2023, however there are a number of outstanding elements that need to be resolved. We advise the following amendments and recommendations are taken into consideration prior to determination:

- As per previous pre-app comments, the soft landscaping areas along the main north to south corridor could be designed as rain gardens/bioretention areas collecting rainwater runoff from footpath and road surfaces. We recommend that this is explored and incorporated as part of the drainage/SuDS strategy. This approach will deliver multifunctional GI, combining blue and green infrastructure in the same corridor.
- Whilst we are supportive of the enhanced continuous profile of the green corridor at the centre of the scheme (labelled A on Page 5 – DAS Addendum) and frontage on to this space, we question the resulting arrangement of the rear garden, parking and road layout that serves plots 28 to 32. The rear gardens to Plots 29-32 are thin and linear in shape whilst there appears to be a large area of hardstanding to the immediate east providing access to the car parking spaces. We would therefore recommend that the arrangement of this area is reconsidered to give less weighting to the hardstanding and more usable space to the rear gardens.
- Clarification is needed regarding whether the submitted SANG Management Plan is designed to cover both the SANG to the west and the residential development area. Since Appendix 1 covers only the SANG Greenspace, the submission of the landscape management plan to the residential development can be a condition of any consent.
- The application has been supported by the submission of a Boundary Treatment Plan, however there are a number of internal boundaries that are omitted from the plans. For Place Services is a traded service of Essex County Council example, all fences separating rear gardens have not been included on the plans. We would therefore recommend these are updated and plan resubmitted.
- Amenity levels can be improvements around the entrance to the site by providing a green verge separating the footpath from the road. Green verges can then be used as rain gardens/bioretention areas collecting rainwater runoff.
- We would expect a range of tree stock sizes to be used across the site. As a minimum and as provided, 10-12cm should be used, however a number of trees should also be larger where the location allows to provide a sense of maturity to the scheme. Selected trees would also be preferably long-life expectancy species.

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

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD AND SOFT LANDSCAPING SCHEME.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

Reason: In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to important trees and hedgerow that would result in harm to amenity.

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN (LMP)

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:

a) Drawings showing:

i. The extent of the LMP; i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded

b) Written Specification detailing:

Place Services is a traded service of Essex County Council

i. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.

ii. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.

iii. Furniture (Bins, Benches and Signage) and Play Equipment

iv. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.

c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason - To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual aesthetic.

(19/04/23) Summary: Supportive subject to attached/recommended conditions

From a landscape perspective, we are generally satisfied with the principle of development, however, number of recommendations have been included to enhance the quality of the development and green infrastructure within the scheme.

The site is located on the northern edge of the settlement of Sharpthorne. There are a number of ancient woodlands within the surrounding area and, within the site itself there is an ancient woodland to the south western boundary and a SSSI site to the south-eastern corner. The site also lies within the High Weald Area of Outstanding Natural Beauty (AONB). The Sussex Border Path (Footpath 2WH) runs along the west railway edge, and to the north of the site. The Bluebell Railway runs along the western boundary.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities & Local Government (MHCLG) and last updated in July 2021. The NPPF includes for the conservation and enhancement of the natural environment by protecting and enhancing "valued landscapes" and sites of biodiversity or geological value / soils.

Recognise the intrinsic character and beauty of the countryside, and the wider benefits of natural capital and other ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Local Planning Policy

The development plan consists of the Mid Sussex District Plan (adopted 2018) and the West Hoathly Parish Neighbourhood Plan 2014-2031

Mid Sussex District Plan (MSDP)

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

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

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

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

The High Weald AONB

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

Key objectives include [but are not limited to]:

- S2 – To protect the historic pattern and character of settlement.
- S3 – To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

West Hoathly Parish Neighbourhood Plan

Relevant policies within the West Hoathly Neighbourhood Plan that should be taken into consideration include [but are not limited to]:

- WHP1 Landscape
- WHP3 Rights of Way
- WHP4 Visualisations
- WHP10 Alternative Green Space

Site Allocations Development Plan Document (2022)

The site is identified as Existing Employment under the SHELAA 2022, Ref. 386 'Ibstock Brickworks'.

Review of submitted information

The application has been supported by a Landscape and Visual Appraisal (LVA) undertaken by Murdoch Wickham (March 2023). The LVA has been carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of

Environmental Management and Assessment (IEMA). The Methodology (Appendix 1) also references the document '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.

The viewpoint photography has not been undertaken in alignment with LI TGN 06/19: 'Visual Representation of Development Proposals'. Clearly identifying the selected Visualisation Type within the LVIA in accordance with TGN 06/19 (Para 3.7.5) would have been appreciated for review.

As acknowledged in the LVA, the Site visit and photography used to inform the assessment were undertaken in August and January, providing views from both seasons when deciduous trees would have fuller and less leaf cover.

Review of Landscape Character

The LVA has identified the site the High Weald National Character Area (NCA) 122 as produced by Natural England. The assessment also references the 'West Sussex Landscape Character Assessment' (2003), 'Mid Sussex Landscape Character Assessment' (2005) and 'Mid Sussex Landscape Capacity Study' (2007).

Section 4.6 of the LVA identifies the potential landscape receptors and assesses whether features or characteristics are strongly representative of local landscape character. The receptors identified include NCA 122 (High Weald), LCA 6 (High Weald), and site features including landscape pattern, trees and hedgerows, boundaries, in addition to site features relating to historic and cultural associations and ecological features. We welcome the inclusion of character areas and other landscape features as receptors within the baseline review.

The LVA (Section 4.6) has assessed the Landscape Receptor Sensitivity as 'High' for the NCA and LCA. We agree with the judgement that there is a high landscape receptor sensitivity to development, owed to the location within the AONB, and appreciate that this is recognised within the assessment. The site features are considered to have a low landscape receptor sensitivity, which we are in agreement with considering the current extent of hardstanding and former brickworks buildings located on site.

Review of Visual Impact

The assessment has identified 20 visual receptors within the study area that are likely to have visibility of the proposed development including [but not limited to]: Station Road, PRoW 2WH, PRoW 1WH, PRoW 5WH, Grinstead Lane, Top Road, Hamsey Road, a permissive bridleway and Bluebell Lane.

Whilst we are generally satisfied with the viewpoints identified for assessment, we would have appreciated the inclusion of annotations to illustrate the extent of development and the total site area. We would also have appreciated the location maps of each viewpoint to be displayed on the same page as the viewpoint photography for ease of review.

As per our previous response, we reiterate our judgement that the visual effects for Year 1 have been underestimated. The line of conifers proposed for removal provide substantial screening to the application site, and whilst we support their removal, we judge that the assessed Visual Effects for Viewpoints 1 and 2 are too low.

On review, it is judged that the overall significance of visual effects would be 'negligible' or 'minor beneficial', which is by virtue of density of woodland cover and the vegetated landscape framework within which the Site is embedded. Generally speaking, we agree with the methodology and support the majority of the visual effects judged. Where our

judgements may differ, these are not deemed substantial and would not alter the overall stance on the proposed development.

We are generally satisfied with the details provided in the submitted Arboricultural Implications Report and welcome the use of protective barriers to ensure perimeter trees are protected during construction, however we would also emphasise the use of no-dig surface treatment where paths cross into the root protection areas of existing trees.

Clarification is needed regarding whether the submitted SANG Management Plan is designed to cover both the SANG to the west and the residential development area. Since Appendix 1 covers only the SANG Greenspace, the submission of the landscape management plan can be a condition of consent.

At application stage we would expect to see comprehensive landscape proposals that provide soft, hard and boundary landscape treatments provided. The soft landscape plan should include a landscape specification and planting schedule, with details of quantity, species, size/type (bare root, container etc). It should also include details of implementation and materials (i.e. soils and mulch) and any protection measures that will be put in place (i.e. rabbit guards). The hard landscape plan should include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments, such as walls and fences.

Further actions

Following our previous consultation in response to Pre-Application DM/22/3099, landscape advice was provided regarding the proposed scheme. We are pleased to see the submitted documents under the full application have taken our previous comments into consideration. However, we advise that the following comments are integrated:

- Whilst the Design and Access Statement (Para 5.5.4 – Hard Landscape Palette) states that block paving will be utilised for roads and driveways, detail regarding the proposed surface treatments across the scheme have not been explicitly identified in a Hard Landscape Plan. We would recommend that block paving is proposed across all shared surfaces, private drives, parking spaces and the SANG car park.
- In accordance with HW1 'High Weald' LCA of the Landscape Character Assessment of West Sussex, we advise that the following guidelines [inter alia] are considered:
 - Conserve and replant single oaks in hedgerows to maintain succession and replant parkland trees;
 - Conserve, strengthen and manage existing hedgerows and hedgerow trees and replant hedgerows where they have been lost;
 - Maintain and manage all lakes and ponds and their margins for their landscape diversity and nature conservation value;
 - Plant trees in drifts and avoid straight lines running across the grain of the land.
- As per previous pre-app comments, the soft landscaping areas along the main north to south corridor could be designed as rain gardens/bioretention areas collecting rainwater runoff from footpath and road surfaces. We recommend that this is explored and incorporated as part of the drainage/SuDS strategy. This approach will deliver multifunctional GI, combining blue and green infrastructure under the same corridor.
- Amenity levels can be improvements around the entrance to the site by providing a green verge separating the footpath from the road. Green verges can then be used as rain gardens/bioretention areas collecting rainwater runoff.
- The parking area could have been better integrated within the space. Existing topography within this area seems to be a constraint element. However, we recommend that alternatives are explored to improve the sitting and layout of the proposed car parking area.

- We would like to add that the landscape proposals should be prepared considering the following: the Land Management Guidelines for the site's LCA, the County-wide Landscape Guidelines set out in 'A Strategy for the West Sussex Landscape' (November 2005) and the objectives and actions contained in the 'High Weald AONB Management Plan 2004' (Adopted March 2004).
- Additional seating and benching surrounding the SuDS basin and open spaces within the residential area is recommended.
- A predominance of one tree species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, but consideration for naturalised trees and shrubs will be considered, if they are the correct tree for site conditions and would add landscape and arboricultural value.
- We would expect a range of tree stock sizes to be used across the site. As a minimum and as provided, 10-12cm should be used, however a number of trees should also be larger where the location allows to provide a sense of maturity to the scheme. Selected trees would also be preferably long-life expectancy species.
- We would expect details of tree pit design to be provided and where trees are proposed in close proximity to hard landscaped / surfaced areas or equipment, details of root barrier systems should also be provided.
- Amenity grass should not be proposed on all soft landscaped areas. There are opportunities to incorporate a wildflower and/or pollinating seed mix to some areas to improve visual amenity and enhance biodiversity opportunities.

If minded for approval, we would advise the following conditions should also be considered:

[see conditions in 11/09/23 response]

MSDC Ecological Consultant

Recommended Approval subject to attached conditions.

Summary

We have reviewed the Cover Note: Consideration of Minor Scheme Amendments (Ecology Solutions, July 2023), Ecological Assessment (Ecology Solutions, March 2023) and Appendix 5 Defra Metric Assessment (Extracts) (undated), supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species, and identification of proportionate mitigation.

We note from the Cover Note: Consideration of Minor Scheme Amendments (Ecology Solutions, July 2023) that the amendments are not of ecological significance. We also note that the revised Biodiversity Net Gain calculation indicates a gain of 38.92% for habitat units (compared to 40.06% previously), a gain of 101.85% for linear hedgerow units (no change) and 19.37% for river units (no change).

Therefore, we are still satisfied that there is sufficient ecological information available for determination.

Our previous comments dated 26th May 2023 are shown below:

We note from the Ecological Assessment (Ecology Solutions, March 2023) that a licence for bats 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 the emergence and re-entry surveys identified day roosts for Soprano Pipistrelle bats in Building B1 and a Common Pipistrelle bat in Building 4a (Ecological Assessment (Ecology Solutions, March 2023)). We

agree that no further surveys are required for trees as no trees with bat roost potential will be impacted (Ecological Assessment (Ecology Solutions, March 2023)).

We note that Great Crested Newt are present on site and understand that the site already has an existing Natural England licence under a mineral consent (WSCC 081 14 HO) (Ecological Assessment (Ecology Solutions, March 2023)). We support the GCN mitigation strategy already in place, including translocation to a receptor site in the NE of the development site if necessary, (Great Crested Newt Report and Mitigation Strategy (FPCR, March 2022) in Part 2 Ecological Assessment (Ecology Solutions, March 2023)). We recommend that a copy of this existing GCN licence is secured by a condition of any consent.

We accept that the development is unlikely to impact Hazel Dormouse as the majority of the woody vegetation is being retained (Ecological Assessment (Ecology Solutions, March 2023)). However, as Hazel Dormouse has been recorded in the wider area, we support the non-licensed Precautionary Method Statement, which includes sensitive habitat clearance overseen by a suitably qualified ecologist. The non-licensed Precautionary Method Statement should be secured by a condition of any consent and implemented in full.

We support the Precautionary Method Statement to protect reptiles (Priority species) since Slow Worm, Grass Snake and Common Lizard have been recorded on site (Ecological Assessment (Ecology Solutions, March 2023)). The measures include a two-stage cut of grassland at appropriate times, a topsoil strip overseen by a suitably qualified ecologist and the subsequent erection of reptile exclusion fencing (Ecological Assessment (Ecology Solutions, March 2023)). The Precautionary Method Statement should be secured by a condition of any consent and implemented in full.

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

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

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

The mitigation and enhancement measures identified in the Ecological Assessment (Ecology Solutions, March 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 40.06% for habitat units, 101.85% gain for linear hedgerow units and 19.37% for river units (Appendix 5 Defra Metric Assessment (Extracts) (undated)). However, please note that the original Defra Metric 3.1 spreadsheet should also be submitted to the LPA. The proposed habitats, including the gapping up and creation of native species-rich hedgerows, lines of trees, neutral grassland, mixed woodland, ponds and ditches, and lowland mixed deciduous woodland, 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 Assessment (Ecology Solutions, March 2023)). Therefore, technical specification should be submitted prior to occupation, which

demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, March 2023) and Appendix 5 Defra Metric Assessment (Extracts) (undated), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes a Non-Licensed Hazel Dormouse Method Statement (Sections 5.3.76 – 5.3.92 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on this European Protected Species and a reptile Method Statement (Sections 5.3.61 – 5.3.69 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on these Priority species.

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

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

2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS

"Any works which will impact the breeding / resting place of bats, 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. evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c. 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 ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT

“Any works which will impact the breeding / resting place of Great Crested Newt 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 GCN District Level 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
- c. 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.

4. 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).

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 Assessment (Ecology Solutions, March 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 & habitats and allow the LPA to discharge its duties under the NPPF 2021 and 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).

MSDC Housing

(12/10/23) Further to my comments below I can confirm that I am happy for the meeting of the majority of the OT's comments to be covered by a pre commencement planning condition, which will require full compliance with the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended prior to works commencing on site (see below).

Two affordable housing dwellings (a 1B/2P flat and a 2B/4P house) shall be provided as wheelchair accessible dwellings which meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. No works shall commence on site until the Local Planning Authority has approved final plans/details for the wheelchair accessible dwellings demonstrating that all necessary requirements will be met

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."

However I would be most grateful if updated plans showing that the requirements re window heights, bedroom widths, and kitchen and bathroom layouts are being met are submitted at this stage, since although final details can be covered by condition the overall unit plans need to be approved prior to planning permission being granted as stated in the AH SPD.

(17/08/23) The applicant is proposing a development of 108 dwellings, which gives rise to a minimum on site affordable housing requirement of 30% (33 units as shown) in accordance with District Plan Policy DP31.

The proposed affordable housing units comprise 7 x 1B/2P flats, 21 x 2B/4P properties (5 x flats and 16 x houses), 3 x 3B/5P houses and 2 x 4B/6P houses. These units include a 1B/2P wheelchair accessible flat @ 70m² and a 2B/4P wheelchair accessible house @ 116m², each with its own private garden space. The occupancy and floor areas of all of the properties meet our requirements.

25% of the units (9) are to be provided as First Homes and 75% (24) are to be provided for social or affordable rent. The proposed unit size split is as follows :

First Homes

3 x 1B/2P Flats
3 x 2B/4P Flats
3 x 2B/4P Houses

Rented

4 x 1B/2P Flats (inc 1 x Wheelchair Accessible flat)
2 x 2B/4P Flats
13 x 2B/4P Houses (inc 1 x Wheelchair Accessible house)
3 x 3B/5P Houses
2 x 4B/6P Houses

This tenure mix is acceptable.

The clustering of these units as shown on the submitted Tenure Plan is also acceptable, as is the allocated car parking provision shown on the Site Layout. The schedule of accommodation has also been updated to accurately reflect the units proposed.

The A1 sized hard copies of the plans for the Wheelchair Accessible units have been received and have been forwarded to our OT for checking against the requirements for wheelchair accessible dwellings. These requirements are contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. Any changes identified as being required will need to be made & updated plans submitted, since the plans will need to be approved by our OT prior to planning permission being granted. The approval of final details will be covered by a condition attached to the planning consent in order to ensure full compliance with the requirements.

Final comments and the wording of the condition will be provided once the OT's feedback has been received.

MSDC Drainage

Following extended communication with the applicant in relation to the drainage strategy for the above development the Flood Risk and Drainage Team are now content with the information submitted and can recommend the below conditions are utilised. This recommendation is based on the drainage strategy presented on the 'Proposed drainage strategy' plan, Drawing No. 134285-RSK-ZZ-ZZ-DR-C-3001, Rev P03 and the Landscaping Masterplan, Ref. 1632/005 Rev G.

FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building 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.

WORKS WITHIN 3.5M OF WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 3.5 metres of any drain or watercourse, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural environment.

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 Leisure

Thank you for the opportunity to comment on the plans for the redevelopment of the site to provide 108 residential dwellings and associated works at West Hoathly Brickworks, Hamsey Road, Sharpthorne RH19 4PB. 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 LEAP and fitness trim trail on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £123,459 is required toward formal sports provision, parking and ancillary facilities at North Lane Recreation Ground and / or Hook Lane Recreation Ground and / or Sharpthorne New Playground kickabout area.

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 £72,709 is required to make improvements and increase capacity at West Hoathly Village Hall and / or North Lane Recreation Ground to include pavilion and public toilets and / or Sharpthorne Hall and / or Highbrook 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 Contaminated Land

As part of the application, a phase 1 and phase 2 geo-environmental and geotechnical factual and interpretive report has been undertaken by RSK GeoSciences, dated the 3rd of March 2023, ref: 1922410-R01 (01).

The report notes that there were 2 exceedances within the soil samples in relation to the generic assessment criteria. Both of these exceedances were for lead and were within the made ground at BH1 and BH5. These exceedances occurred at 2, and 2.8 metres below ground level, and therefore the report notes that they are not considered to pose a significant risk.

In terms of ground gas testing the site has been characterised as CS1, which is very low risk and no special precautions are required in such scenarios. However, WS20 (within

designation zone 2) did reach a maximum value of 0.12 (CS2) due to its peak methane level of 3.2% and a steady flow rate of 3.8l/hr. However, the report has considered that based on the steady-state rate of 0%, and the other samples taken across the zone and at this location, overall the site is considered to be CS1, with no further precautions needed.

Elevated levels of vapour were recorded within WS10, BH5 and BH2 using a photo-ionisation detector (PID).

Where a PID detects high levels of VOCs, then further assessment with tubes or canisters may be necessary to obtain a more accurate measurement and identify the specific VOCs present. These methods are more sophisticated and can provide a more comprehensive analysis.

However, if the PID detects only low levels of VOCs, it may not be necessary to conduct further assessments, because the levels are not significant enough to pose a health risk. However, reference should be given to the overall conceptual site model, and what compounds could be causing the readings. Additionally, it should be noted that the use of a PID for sampling can lead to the underestimation of the concentrations present due to volatilisation.

In this case, the authors have recommended that further analysis is needed to ascertain the identification of the trace gases in isolated standpipes. As such, I would recommend this be conditioned.

Additionally, it is possible that unforeseen ground conditions may be encountered during the proposed groundworks, especially as no samples were able to be taken from within any of the existing buildings. Therefore, a discovery strategy must be established to halt work if contamination is discovered until further assessment and remediation methods are put in place if required.

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

a) A further site investigation, based on the recommendations within the phase 1 and phase 2 geo-environmental and geotechnical factual and interpretive report by RSK GeoSciences, dated the 3rd of March 2023, ref: 1922410-R01 (01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

MSDC Environmental Protection

Re Odour Assessment: The odour assessment and conclusions look reasonable. I would have no other comments to make other than to seek the view of Southern Water which you have already done.

General Comments:

Implementation phase

During the implementation phase it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan (CEMP) is required by a suitable condition. It is noted that mitigation measures for dust impacts during the construction phase have been identified in the "Air Quality Assessment" prepared by Mayer Brown dated March 2022 (project no. ARSharpthorne(A).9). It would be expected that, amongst other things, within the CEMP there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:

0800-1800 Monday to Friday

0900-1300 Saturdays No work on Sundays and Bank Holidays

It would also be expected that there is a prohibition on burning of demolition and other waste on site and that best practice measures are specified to minimise noise and dust from crossing the site boundary and affecting local residents.

Recommended condition: 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 works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Air quality

The "Air Quality Assessment" prepared by Mayer Brown is noted. The report does not meet the requirements of the "Air quality and emissions mitigation guidance for Sussex (2021)" as there is no emissions mitigation statement and no damage cost calculation leading to a quantified mitigation target. I therefore recommend a condition that ensures the development meets the requirements of the Sussex-wide guidance:

Recommended condition:

Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme 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. 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.

Noise

I note that the applicant has submitted a noise impact assessment prepared by Mayer Brown (project no. 26595-ARHoathlyBrickwork(N).9). The conclusion is that the developer has had regard to good acoustic design principles and that the development will not result in significant adverse noise impacts for the new residential units and that the new residential use will provide betterment in terms of the noise environment for the existing residents in the locality. These conclusions are accepted.

MSDC Archaeological Consultant

As established by the West Sussex Historic Environment Record (HER), the proposed development lies in an area with the potential for archaeological remains, primarily those related to medieval and later mining activity. However, as demonstrated by the submitted archaeological desk-based assessment, the majority of the proposed development site has already been the subject of 19th-century clay extraction activity that will have removed any surviving archaeological remains.

Similarly, this office accepts that the current brickworks complex is a largely industrial 20th-century development, the construction of which is likely to have had a major negative impact on any below-ground archaeological remains on the site. As a result, we agree with the desk-based assessment's conclusion that it is unlikely any significant below-ground archaeological remains will be impacted by the proposals as submitted, and have no recommendations in that regard.

However, the upstanding "Old Workshop" on the proposed development site, as described in the submitted Heritage Statement, is first depicted on the 1897 OS map as the only structure in what is labelled "Coombe Brick Field". Although it has clearly been modernised, as a surviving late Victorian industrial building it is of some historic interest on a local level and importantly links the modern-day brickworks with its foundation in the late 19th century.

Accordingly, this office recommends that a historic building recording should be made of the "Old Workshop" prior to its demolition. This building recording should aim to establish the phasing and evolution of the workshop structure, including any surviving original elements, and more generally assess it in regard to the changing nature and expansion of the brickworks in the 20th-century, including its relationship with the adjacent railway.

This office therefore recommends that the following conditions are placed on any consent, in accordance with Mid Sussex District Plan policy D34 and the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Historic Building Recording

- (i) No demolition, development or conversion works shall take place until a Written Scheme of Investigation for a programme of historic building recording work has been submitted to and approved in writing by the local planning authority.
- (ii) No demolition, development or conversion works shall take place until the satisfactory completion of the historic building recording fieldwork in accordance with the submitted and approved Written Scheme of Investigation.
- (iii) The applicant will submit to the local planning authority an approved report detailing the results of the recording programme in accordance with the approved Written Scheme of Investigation.

A professional and accredited team of building recording specialists should undertake the work. This work will consist of a historic building survey of the "Old Workshop", undertaken prior to the any development works commencing.

A brief outlining the level of investigation will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

West Sussex Highways

(Latest - 18/08/23) WSCC Highways have previously issued comments on this proposal dated 20th April 2023. Two matters were identified that required further consideration by the applicant; namely the travel plan and road safety audit.

With the travel plan, WSCC previously questioned the appropriateness of when monitoring should commence. The trigger for monitoring has been updated and is considered appropriate. There are no further issues with the travel plan.

There were no particular issues raised in terms of the road safety audit submitted. The issue was more in terms of the audit response log and the need for this to be in an editable format. This has been submitted to WSCC directly and will be returned to the applicant for their records once complete.

The only other matter is that the site layout has been revised. The changes are noted but ultimately these don't affect the overall acceptability of the proposals in highway terms.

In highways and transport terms, viewed against the National Planning Policy Framework, the proposals are not anticipated to result in any severe or otherwise unacceptable safety impacts. No objection would be raised.

If minded to permit this application, the following conditions and s106 obligation are recommended.

Conditions

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the

drawing titled Proposed Access Arrangement and numbered 2022/6607/009 as included within the approved Transport Assessment.

Reason: In the interests of road safety.

Crossing Improvement

No part of the development shall be first occupied until such time as the highway works at the Top Road/Station Road junction have been constructed in accordance with the details shown on the drawing titled Proposed Junction Improvements (Top Road/Station Road junction) and numbered 2022/6607/011 revision P1 as included within the approved Transport Assessment.

Reason: In the interests of road safety.

Car parking space

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details as shown on the approved drawing titled Carports and Cycle Store and numbered 3211 revision B.

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

Access Road

No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

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 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.

S106 Obligation

- To implement the approved Travel plan, reference 2023/6607/TP01 dated July 2023, on first occupation of any dwelling.
- Travel Plan auditing fee £3,500, to be paid upon first occupation.

(Previous - 20/04/23) In preparing these comments, the following documents have been reviewed,

- Transport Assessment, reference 2023/6607/TA01, dated March 2023
- Travel Plan, reference 2023/6607/TP01, dated March 2023
- Site Layout, drawing 1005.1 revision B

WSCC Highways have issued pre-application advice to the developer on these proposals. Copies of this correspondence is contained within the Transport Assessment.

Vehicular Access

The development is to make use of the existing vehicular access that has previously served the brickworks. There are no in principle issues with this arrangement. Alterations are indicated to the access to accommodate a 1.5 metre wide footway on the western side. Even with the footway in place, the access road remains of sufficient width to enable two cars to pass. Some footway widening is also indicated on Hamsey Road opposite number 44. A carriageway width of 6.4 metres is retained on Hamsey Road with the footway widening.

The access arrangements and highway alterations have been the subject of a Stage 1 Road Safety Audit. The RSA raises one problem that has been resolved by the Designer. To complete the RSA process, the Designer is requested to submit to WSCC an editable version of the Road Safety Response log to enable WSCC (as the Overseeing Organisation) to enter comments) and Agreed Actions.

Access to the wider highway network is achieved via Hamsey Road and Station Road. Hamsey Road has a kerb to kerb width of approximately 6.1 metres along much of its length with Station Road being slightly narrower. On-street parking is recognised as taking place regularly particularly on Hamsey Road. Opposing vehicles may consequently have to give way if there is insufficient passing space. This situation is no different to many other situations in urban areas and is not expected to result in unacceptable safety issues.

Vehicular Trip Generation and Highway Impact

In summary,

- Vehicle trip generation is based on 108 dwellings.
- Trip rates are based upon surveys of comparable sites taken from the TRICS database.
- Vehicle trip rates are provided for the AM and PM network peak hours. These hours are recognised as those most sensitive to change.
- The site is estimated to generate 69 (18 arrivals, 51 departures) two way movements in AM peak hour and 71 (48 arrivals, 23 departures) two way movements in the PM peak.
- Trips are distributed using Census Journey to Work data for the local area. This is taken as a proxy for where residents of the new development will likely travel to.
- Vehicle trips have been assigned using the most direct route towards the identify destination. As route choices are known, this then identifies those junctions that will experience traffic increases.

- The impact at the identified junctions is considered for with and without development (this includes other consented developments) future year scenarios in 2028 (5 years after the submission of the planning application).
- The future year base scenario has been generated by applying a suitable local growth rate from the Department for Transport's TEMPro system to traffic surveys.

In addition to the above, it's recognised that the applicant has undertaken further traffic surveys to derive trip generation from dwellings in the local area. This locally derived trip rate has then been used to demonstrate the appropriateness of the trip rate taken from TRICS. It's acknowledged that the two trip rates are similar but the higher TRICS trip rate has been applied within the formal assessments.

Applying the above, the only junction that has been formally assessed is that of Top Road/Station Road. Even accounting for the additional development trips, it's apparent that this proposal would have a negligible impact on the operation of this junction. Beyond this junction, the development trips would quickly disperse across the highway network.

As a final point, the TA recognises that the permitted brickworks use has previously generated a number of daily vehicle movements, a proportion of which were HGVs. It is acknowledged that the site retains a permitted planning use although it may be questioned whether this could restart at any time given the application form implies the brickworks has been decommissioned. Nevertheless, the highway impact assessment does not factor in vehicle trips associated with the historic or potential fallback use; the assessment is based solely upon the trips estimated to arise from the residential development.

Active Travel (walking and cycling)

It's acknowledged that the range of facilities and services within the local area is limited, which is reflective of the village setting. As required by the NPPF, the development should still seek appropriate opportunities to promote sustainable transport modes given the location. Against this context, it's accepted that those services present within the village are within reasonable walking distance with existing footways in place to enable these to be reached.

There are no dedicated provisions for cycling in the local area. It is accepted that this development has the potential to generate relatively few additional cycle based trips. It would be unreasonable to require this development to make any significant improvements to cycling infrastructure. Likewise, for bus services, this development would generate few additional trips by bus making it unreasonable to seek bus service enhancements.

Whilst acknowledging the limitations of the location to promote active travel modes, the developer is still proposing some minor improvements to the uncontrolled crossings in and around the Top Road/Station Road junction. The developer is also proposing to refresh the existing anti-skid surfacing and lining on the junction. The works are shown on drawing 2022/6607/011 revision P1.

The improvement works also include a new bus shelter on the eastbound bus service on Top Road. The applicant should note that WSCC do not adopt or maintain bus shelters. The applicant would need to ensure they have agreed who would adopt and take on any future maintenance of this bus shelter.

Various improvements are also indicated to existing public rights of way. The WSCC Rights of Way team will comment on these in due course.

A travel plan has also been submitted. There a few comments on the submitted document.

The proposed 5% vehicle reduction in single occupancy vehicle movements is noted. The target ordinarily requested by WSCC is the reduction (by a certain percentage (usually between 10 and 15%)) of all vehicle trips across a 12 hour period. For the purposes of the development, It's further recommended that this target seeks to be consistent with that approach WSCC ordinarily recommend (i.e. the reduction of all vehicle trips across a 12 hour period by an agreed percentage). It is considered appropriate in light of the local context to retain the 5% target with there being a commitment included in the travel plan to revisit this if the initial target is being too easily achieved.

Clarity would also be sought on when the monitoring is anticipated to commence. Reference is made to monitoring commencing 6 months after initial occupation. There would though be limited merit to undertaking monitoring if very few dwellings have been occupied by this point. It would be perhaps better to have a reasonably number of dwellings occupied in order to provide some worthwhile baseline data. Before agreeing a monitoring trigger, it would be beneficial to understand the developer's anticipated build out rate. From this a monitoring trigger could be agreed.

The only other comment on monitoring is that this is undertaken in years 1, 3, and 5 via the TRICS Standard Assessment Methodology. The developer can still undertake further monitoring but this should be in addition to TRICS.

Finally, the developer should note that WSCC apply a fee for the post planning auditing of travel plans. This is currently £3,500 for travel plans. This fee should be secured via the s106 agreement.

It's recommended that the above changes are made to the travel plan prior to this application being determined. The final version can then be taken as the approved document.

Layout, including car parking

Whilst the adoption of the proposed internal carriageways and footways is not a material planning consideration, the application form nevertheless indicates that the on-site roads are to remain private. The site layout plan indicates a mix of conventional 5.5 metre wide carriageways with 2 metre wide segregated footways along with 4.8 metre wide (narrowing to 3.7 metres in places) shared surfaces where pedestrians and vehicles share the same space. There are no in principle issues with the arrangements shown.

The only comment regarding the layout, is the access to the car park for the Suitable Alternative Natural Greenspace (SANG). This is only a small car park of 12 spaces and movements are likely to be infrequent and irregular. The access road is quite narrow and whilst the use of this may not present a safety issue, there may well be amenity issues experienced for those residents on this road. Consideration should be given to widening this road.

Car parking provision has been considered against the WSCC Parking Guidance. The car parking provision appears to fully accord with the WSCC Parking Guidance. The provision of electric vehicle charging should be determined in accordance with the Building Regulations part S. Cycle parking is also to be provided. Details of cycle parking arrangements should be secured via condition.

Other Matters

Mitigation and management of construction traffic will be secured as part of a construction management plan. Details of the CMP would be sought via condition.

Conclusions

The proposals have been considered against the National Planning Policy Framework. It's not considered that the proposals would give rise to any unacceptable safety or otherwise severe highway impacts. As such, there are no in principle highway objections. There are matters regarding the travel plan and road safety audit that should be addressed prior to the application being determined.

West Sussex County Council Rights of Way

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

The developer's proposals to undertake the obligation to provide mitigating improvements to the local Public Right of Way (PRoW) network in line with para 100 of the NPPF are welcomed. It is pleasing to see the Transport Assessment acknowledge the importance of the local walking routes to enhance off-street pedestrian connectivity, promote active travel and provide safe, quality environments for movement and access.

FP1WH

This path will require resurfacing to mitigate against increased usage this development will create. The topography makes some form of drainage necessary to extend the life of any new surfacing. To aid drainage of this path, we recommend use of a geotextile membrane (such as Terram) wrapped around large particulate to be laid beneath a roll stone surface (to WSCC specification), the latter cross rolled to the left so water flows towards the hedge and away from properties. No steps are to be installed but a handrail would be welcomed.

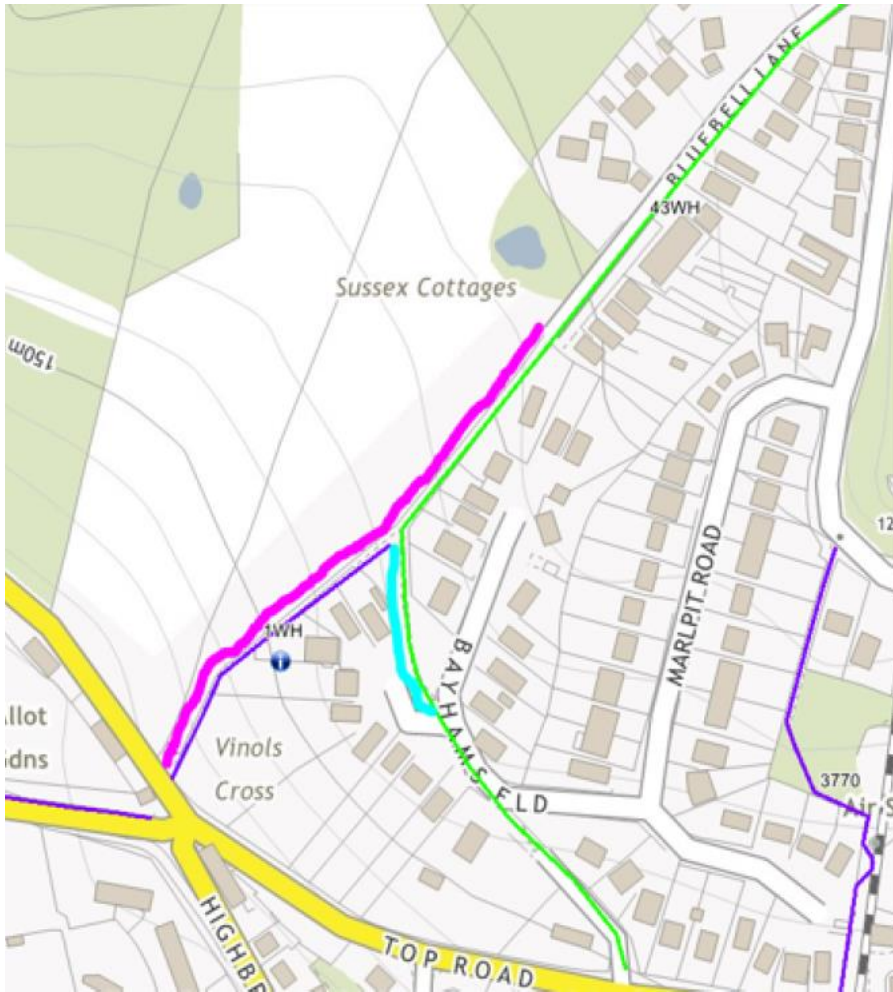
BW43WH

Once again, this path will require resurfacing along some of its length to mitigate against increased usage this development will create. Along the pink line indicated below, a ditch runs from the junction with 1WH to Bluebell Lane. We recommend:

- clearance of this ditch;
- use of a geotextile membrane (such as Terram) wrapped around large particulate to be laid beneath;
- a roll stone surface, cross rolled to the left so water flows towards the ditch, and
- installing diagonal 'sleeping policeman' to guide any running water into the ditch.

Along the stretch of 43WH indicated by the aqua line below, we recommend;

- cut back vegetation,
- resurface as above using a geotextile membrane wrapped around large particulate laid under a roll-stone surface to be laid flat, and
- replace and bury a new drainage pipe to take water from the garden of 16 Bayhams Field into the ditch.



FP3770

Improved handrailing as included in the Transport Assessment would be welcomed.

New connection

I'm pleased to see a pedestrian link being created from the north-east corner of the site to FP2WH.

General Notes

The granting of planning permission does not authorise obstruction of or interference to any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSCC), as highway authority.

Unless a temporary path closure has been applied for and approved by WSSCC; safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

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.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

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 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

West Sussex County Council Infrastructure

Education			
School Planning Area	0		
Population Adjustment	254.0		
	Primary	Secondary	6th Form
Child Product	3.1246	3.1246	1.6873
Total Places Required	21.8722	15.6230	3.3746
Library			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£45,926		
Population Adjustment	254.0		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	108		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	254.0		
Net Parking Spaces	0		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£449,847
Education - Secondary	£484,142
Education - 6th Form	£113,413
Libraries	£45,926
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	HWiL
Total Contribution	£1,093,327

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

The secondary contributions generated by this proposal shall be spent on additional facilities at Imberhome School.

The sixth form contributions generated by this proposal shall be spent on additional facilities at Imberhome School Sixth Form.

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

West Sussex Minerals and Waste Planning Authority

West Sussex Joint Minerals Local Plan (July 2018) (JMLP)

WSSC acting as the Minerals and Waste Planning Authority have previously responded to this application 19May, 2023, offering no objection subject to the LPA being satisfied that the applicant has sufficiently demonstrated that the proposal would comply with the relevant Planning Policies within the JMLP (Policy M9 - Safeguarding Minerals; M10 - Safeguarding Minerals Infrastructure; Policy M11 - Strategic Minerals Site Allocations, and M24 - Restoration and Aftercare).

Queries were also raised as to how/if the proposed SANG area would conflict/interact with the approved restoration scheme for that part of the mineral extraction site of WSSC/081/14/HO, and how this might be regulated.

In response to this, the applicant has provided a Minerals Statement and supporting covering letters that, in summary, concludes that the proposed development would not result in the sterilisation of any mineral reserve given the clay resource within the application site has been extracted/exhausted and the restoration of the land is well underway (in accordance with the approved restoration scheme of WSSC/081/14/HO that covers the eastern part of the application site). The MWPA concur that sterilisation of the mineral within the application site would not occur, and thus the proposal accords with Policy M9.

With regard to Policy M10 (i); although the permanent cessation of clay extraction on land with the application site is acknowledged, the applicant has provided limited demonstration that the brickworks would no longer be suitable for continued mineral use (e.g. has not assessed the environmental and economic feasibility of the existing facilities or potential to process clay from elsewhere).

Policy M10 (ii) therefore requires the LPA to consider whether the proposed development would result in wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use. The benefits of the proposals are for the LPA to determine, however, in coming to this balanced judgement the LPA may wish to seek further confirmation regarding any future viability of this minerals infrastructure for brickmaking use. Subject to the LPA being satisfied that this is achieved, the development would accord with Policy M10.

Regarding the potential for the proposed development to impact upon the restoration of the mineral extraction site permitted/required by WSSC/081/14/HO; the proposed SANG area, layout and key features are considered broadly consistent with the approved restoration scheme and are unlikely to result in any substantive conflict thereto. However, the LPA will need to be satisfied that the addition of the proposed SANG (and public use thereof) and any additional public use features and accompanying management measures would not give rise to any additional biodiversity or landscape impacts when taking the approved restoration as a baseline.

The MWPA would also highlight that the delivery of the SANG is seemingly predicated on the delivery of the restoration scheme required by WSSC/081/14/HO. In this regard, whilst it is noted that restoration is underway, the LPA will need to satisfy themselves that any proposed conditions and/or legal agreements take this into account. Based on the above, the MWPA offers no objection to the proposal subject to the LPA being satisfied that the benefits of the proposal outweigh the loss of the minerals infrastructure as per Policy M10.

West Sussex County Council Lead Local Flood Authority

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.

West Sussex Fire and Rescue Service

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/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.

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.

High Weald AONB Unit

In summary, the High Weald AONB Unit does not object to this proposal subject to the inclusion of suitable conditions to control details.

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

Paragraph 176 of the NPPF requires 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."

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications.

Analysis of the Proposal Against the High Weald AONB Management Plan

The Management Plan Statement of Significance defines what makes the High Weald special and identifies the qualities that justify its designation as a nationally important landscape. The High Weald's natural beauty is described by five key components of character around which the Management Plan is structured, including objectives for each component.

Of particular relevance to this proposal are Management Plan Objectives:

- S2: To protect the historic pattern and character of settlement,
- S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- W1: To maintain the existing extent of woodland and particularly ancient woodland.
- W2: To enhance the ecological quality and functioning of woodland at a landscape scale.
- OQ4: To protect and promote the perceptual qualities that people value.

The High Weald AONB Housing Design Guide (2019) seeks to support the High Weald AONB Management Plan, and particularly objectives S2 and S3 of the Settlement Character Component of the Management Plan. The Guide aims to give succinct, practical and consistent advice to set clear design expectations for new housing development within the High Weald AONB, to help to ensure higher quality and landscape-led design that reflects intrinsic High Weald character, and is embedded with a true sense of place, without stifling innovation and creativity.

The proposal relates to a former brickworks site, and comprises the construction of 108 dwellings and associated public realm and green space on the previously developed part of the site, along with a SANG to be located on the eastern and southern part of the site which was previously used for mineral extraction, and which contains an area of ancient woodland. The quantum of existing industrial buildings on the previously developed part of the site, their scale, footprint and poor quality visual appearance, the extent of existing hardstanding on the site, along with the impacts on the perceptual qualities of the AONB of the previous use

in terms of noise and activity, could cumulatively be considered to have a negative impact on the landscape and scenic beauty of the High Weald AONB.

The layout and design of the proposed development has progressed through a series of amendments, and is now considered to be an acceptable response to the High Weald Housing Design Guide. While the proposed development grain, streetscene rhythm and architecture is somewhat more formal in character than would usually be appropriate in housing developments in and around villages in the High Weald AONB, it is noted that the settlement of Sharpthorne is atypical of settlements in the High Weald, being almost entirely twentieth century in origin.

The proposed layout and design follows the design themes of the HW Housing Design Guide; the street layout and disposition of buildings within the site successfully creates a positive place and street character, with buildings positioned so as to define the street in a strong and successful manner. Public and private realm is well-defined; private curtilages are clearly defined and enclosed with front plot boundary treatments - a key feature of High Weald streetscenes as set out in the Guidance – described in submitted Boundary Treatment Plan 3141-C-1014-PL-B – however, that drawing appears to omit front boundary treatments to plots 47-51; this should be addressed in an amended boundary treatment plan. Meanwhile the green space public realm within the site is successfully lined with buildings and addressed with building fronts, as per the Guidance.

It is understood that soft landscaping details, though included in the submission, would be the subject of a planning condition, therefore we request to be consulted on the proposed planting details at that time. As a general principle, soft landscaping both within the residential development and the SANG should comprise native, locally sourced plants and seeds, to support local wildlife and avoid contamination by invasive non-native species or plant diseases in the High Weald, and to ensure appropriate habitat is created adjacent to the Ancient Woodland in the SANG.

In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met by the imposition of planning conditions (in addition to conditions regarding planting specifications for soft landscaping described above):

- External materials of structures and hard surfacing should reflect those used in the local area to support local distinctiveness; (Management Plan objective S3);
- Details of front/side plot boundary treatments (with reference to comments made above) (Management Plan objective S3);
- Controls over lighting should be imposed to ensure that any external lighting (including any street lighting and amenity lighting) is designed to Institute of Lighting Professionals light control zone E1 standards (with regard to skyglow/ULR, light temperature, and heights/design of light fixtures) to protect the intrinsically dark night skies of the High Weald AONB (Management Plan objective OQ4);
- Local habitats and species should be protected and enhanced as appropriate and conditions applied to prevent loss of existing habitats including hedgerows (Management Plan objectives G3, R2, W1, W2, FH2, and FH3);
- Within the proposed SANG, conditions should be applied to control the movement of soil and its treatment to ensure that soil disturbance and changes to landform are minimised; (Management Plan objective G2)

The above comments are advisory and are the professional views of the AONB Planning & Design Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Southern Water

Southern Water is satisfied that the proposed development does not constitute a significant risk to operations at the West Hoathly WwTW with regard to odour.

An absence of complaints, large separation distances to the nearest existing receptors and the small scale nature of WwTW operations suggests that there is not an established odour issue in the local area. The proposed development will, with the exception of one isolated property, form the closest residences to the WwTW, approximately 360m to the south-southwest, but would not frequently be downwind of prevailing wind conditions. As such, the risk of complaints is not expected to increase significantly as a result of the occupation of this 108 unit development at the proposed location.

This conclusion would only apply to receptors which would form the proposed development location and may not be suitable for use in other applications.

Please note it is the role of the local authority to determine whether the identified level of risk is likely to be a material planning concern for any development. As the development is in the vicinity of an active sewage works, odour from the WwTW will be detected from time-to-time, however a consistent odour annoyance resulting in repeated complaints is not expected.

All other comments in our response dated 21 April 2023 remain unchanged and valid.

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

(21/04/23 comments) In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 meters of the boundary of a WWTW. The proposed development is located approximately 360 meters from the West Hoathly Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. The service we provide to review the assessment and/or complete a site survey is chargeable, more information regarding our fees can be found on our website; Connection charging arrangements (southernwater.co.uk)

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalized.

- The 225 mm and 300 mm public foul sewer requires a clearance of 3 meters on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 meters of the external edge of the public foul sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 meters of a public foul sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

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.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

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

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

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

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

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

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

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

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

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

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC)
<https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which the Ashdown Forest and West Hoathly Sites of Special Scientific Interest (SSSIs) have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- delivery and management of the proposed Suitable Alternative Natural Greenspace (SANG) to mitigate recreational disturbance impacts to the Ashdown Forest sites while avoiding direct impacts to the West Hoathly site

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the

Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that the proposed Suitable Alternative Natural Greenspace (SANG) is appropriately secured in any planning permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

In addition, Natural England would advise on the following issues.

Protected Landscapes

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

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

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

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

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

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me at Nathan.Burns@naturalengland.org.uk

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Environment Agency

Environment Agency Position

We have no objection to the proposed development as submitted, provided that the following 2 conditions be attached to any planning permission granted, and that the details in relation to the conditions be submitted and approved by the Local Planning Authority.

We understand that the proposed foul drainage is to be disposed of via the mains sewer network and that the proposed surface water drainage does not propose any discharge to ground. Based on the details provided we have no objection to the proposed drainage plan and do not propose the addition of any drainage conditions. However, we would ask to be re-consulted should plans change.

Condition 1- Land Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons for Condition 1

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

Condition 2- Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons for Condition 2

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Advice to Applicant/ Local Planning Authority

Re-use of Materials

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
 - some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

Disposal of Soils

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

NHS Sussex

Overview

Current Estate is at capacity in East Grinstead. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For East Grinstead GP's, there are circa 42,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

Development proposal

NHS Sussex predicts that new residents will register at the Modality group and Moatfield GP surgery. The new homes are in the catchment area of 3+ GP practices. Residents may be supported by other sites, dependent upon choice – but all are at capacity. Thus, NHS Sussex requests a contribution to enable support of the growing new housing population – work is under way for expanding capacity at the GP practices, subject to the s106 funding.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.

NHS Sussex requests a contribution from the applicant of £163,963, as quantifiably in the tariff section, which will be used most likely towards supporting Modality practices and Moatfield (all with expansion plans) – this will be considered after the Covid19 pandemic 'working update' is driven from NHSE). Funding will not be duplicated. NHS Sussex will consider the proportional use of these funds coupled with the other East Grinstead and area developments so as to give best benefit to patient care.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary,

directly related and fair/reasonable contributions required that relate to the associated house build volumes. The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in East Grinstead

Primary Care services in East Grinstead are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in East Grinstead is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of £163,963 for the infrastructure needs of NHS GP service site(s) of Modality practices and Moatfield (all with planned site expansion plans). With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. Funds will only be asked for on a proportionate level for the directly related services.

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been verified by the District Valuer Service (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 241 new residents (weighted) with a consequential additional GP surgery area requirement of 27.56m². This equates to a direct cost of £163,963 for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

(Health Tariff set out in full within NHS consultation response on Planning Register)

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 2,500 homes in this area over the current planning horizon and in excess of 13,000 homes in Mid Sussex.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for Haywards Heath.

ii. Directly related

It is indisputable that the increase in population of approximately 241 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area. The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.

Sussex Police

Thank you for your correspondence of 31st July 2023, advising me of a full planning application for the demolition of existing structures and redevelopment of the site to provide 108 residential dwellings (Class C3) and associated works, including the provision of an onsite SANG, access, landscaping, parking, and associated works. (Amended plans received 26th July 2023) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex, therefore I have no major concerns with the proposals. However, where applicable additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I have studied my previous comments for this application within my letter of PE/MID/23/01A dated 17th April 2023 and having examined the detail within this amended application from a crime prevention viewpoint. I have concluded that, under the circumstances, further crime prevention advice is not required and that my previous comments within PE/MID/23/01A dated 17/04/2023 remain extant.

However, I would like to acknowledge that I was extremely pleased to note the Design and Access Statement addendum that highlighted the key design changes. I was especially pleased to note the inclusion of design change J. J. Frontage enclosures to include metal estate railings, rustic timber pale fencing and hedge planting (as illustrated in the boundary treatments plan shown later in this document).

I thank you for allowing me the opportunity to comment.

Sussex Police would have no objection to the proposed amended application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

West Hoathly Parish Council April 2023 full response

The Parish Council's Position

The parish council recognises that reuse of this site for some beneficial purpose is both necessary and desirable and would be generally in accordance with local and national planning policies. It will support a sustainable redevelopment proposal which makes efficient and effective use of the previously developed area. To be properly defined as sustainable this should have no detrimental impact on existing residents or on local infrastructure. It

should also provide a well-designed and high-quality living environment in accordance with the policies of the Mid Sussex Local Plan and the West Hoathly Neighbourhood Plan.

Unfortunately, in our view the current application does not represent sustainable development and is therefore unacceptable. The fundamental reason for this is a failure to reconcile the location of the development with issues of accessibility and impact on local infrastructure, including the effect of additional traffic from a car dependent development on the immediate highway network. The parish council also has serious concerns regarding the management of the proposed SANG, which far exceeds the area required to provide necessary mitigation for the development, and on the design language of the proposed dwellings. The parish council therefore OBJECTS to the application as submitted and asks that it be refused.

Alternatively, the applicant could be invited to withdraw the application. In either case, the parish council would be happy to participate in a constructive discussion between the site owner, local residents and the local planning authority ('LPA') to achieve acceptable development proposals.

In addition to these fundamental issues, there are a number of other matters about which the parish council has concern, and these are also set out below. We ask that these be addressed and resolved through negotiation or dealt with by way of condition, if the LPA is minded to approve the application despite our representation.

Clarifications Sought

We note that the description of development used for purposes of consultation differs from that used by the applicant in their submissions. The amended description is clearly more appropriate, but for the avoidance of doubt the parish council seeks confirmation that this has been agreed with the applicant.

A key assertion of the applicant is that the proposed new development occupies only previously developed land. The area of previously developed land includes the area known as Homicking Hole, although this is not included in the description of the site to be found in the SHELAA, site reference 386. In paragraph 2.8 of the applicant's Planning Statement this extension of the scope of previously developed land is said to have been 'agreed by the Council'. We assume that this is an accurate statement but would appreciate confirmation that this is the case.

Consideration of Planning Policy Position

Policy DP34 (Existing Employment Sites) of the adopted Mid Sussex Local Plan identifies the application site for retention in employment use. The site retains this status in the emerging Mid Sussex Local Plan under policy DPE2. This is reinforced by policy WHP12 of the West Hoathly Neighbourhood Plan 2014 – 2031.

All of these development plan policies provide for the possibility of the reuse of the land for other purposes if no viable alternative employment use exists. The applicant has provided evidence that site has been extensively marketed and we acknowledge that there appears to have been serious intent to offer it for alternative employment use. The fact that no interest in such a use has been put forward no doubt reflects its relative isolation and poor access. The LPA will satisfy itself as to whether the marketing exercise documented by the applicant has satisfied the relevant policy requirements. The parish council believes that at very least a small element of local employment opportunity, perhaps in the form of a workspace hub or micro employment units, could have formed part of the scheme and is disappointed that this has not been incorporated.

If the site is to be released from employment use then primarily residential development is the inevitable alternative. Like many previously developed sites, West Hoathly brickworks is located on the margin of a small settlement in a rural area, reflecting historic commercial activities established before planning controls. Its location means that it is not well placed to meet the sustainable travel and transport requirements which would be essential criteria for a local plan allocation today. The lawful established use and any alternative use may therefore be in conflict with aspects of planning policy and have practical impacts on the community which has grown up around them.

Whilst the National Planning Policy Framework ('NPPF') gives strong support for the reuse of previously developed land, careful consideration is still required of whether development proposals accord with local and national planning policy. Paragraph 177 of the NPPF places a high bar for the acceptability of major development within an AONB, and the LPA need not feel under any pressure to approve an application which falls short of that policy requirement.

Policy DP6 of the adopted local plan ('Settlement Hierarchy') requires that:

"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 expansion of settlements outside the defined built up area will be supported where:

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

Policy DP16 gives additional emphasis to preserving the character of settlements in the High Weald AONB and which requires that development within the AONB has regard to:

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

Policy DP21 relating to transport sets out that 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)"

These policies make very clear the criteria against which proposals for new residential development should be assessed. There is nothing in local or national policy which would 'switch off' these policy tests just because a site consists of previously developed land. The LPA is currently able to demonstrate a 5-year housing land supply and is therefore in a position to give careful, unpressured, consideration to all of its policies in making a planning judgement.

The parish council's position is that the applicant has proposed development which is not of an 'appropriate nature and scale' or 'sustainably located' and that it does not comply with these policy requirements. The LPA should not be blinded by the prospect of windfall housing, or the fact that this is previously developed land, to the shortcomings of the application. Policy compliant redevelopment of the site is possible, but it requires greater acknowledgement that the location is not intrinsically sustainable and that better alignment of the nature and scale of development with its impact is required.

Objection on Highway and Traffic Grounds

The parish council has commissioned a report from highway consultants PJA to examine the transport and highways impacts of the application. The report, dated April 2023, is submitted with this representation. Much of the baseline information PJA have considered coincides

with the findings of the applicant's own transport assessment (TA). The difference between them relates primarily to the genuine accessibility of the site for movements on foot and by cycle ('active travel' as it is generically called) and for the mitigation of vehicle movements to and from the proposed development.

The application proposes to retain a single access to the development site via Station Road and Hamsey Road. In recent years the level of vehicular access to the brickworks itself, including HGVs, has been at a level which the local road network has been able to absorb. According to the TA, and accepted by PJA, the proposed development would be expected to generate approximately 600 total daily vehicle movements – over four times the number generated by the brickworks operation.

Hamsey Road in particular is a residential road with significant levels of on street parking. Since no alternative or additional access is proposed to the site, all residential and delivery traffic would have to use Hamsey Road, causing significant impact for both new and existing residents.

The operation of the junctions at Hamsey Road/Station Road, and Station Road/Top Road, through which all traffic will need to pass to reach the site, will also be adversely affected by the number of additional trips being generated. Without mitigation their operation may not be safe or convenient for road users. There are poor public crossing opportunities on Top Road and additional traffic would further worsen the situation for pedestrians.

Whilst it would, in theory, be possible to make improvements to these roads and junctions, it may be that they cannot be improved for reasons of land ownership or access. In particular it would not be possible to provide a ghost island on the Station Road/Top Road junction which PJA have identified as required to meet projected traffic volumes.

The location and in particular the topography of the site mean that it is unrealistic to believe that measures to promote active travel for functional purposes (i.e. to make a necessary trip to schools, shops or work) will do anything to significantly reduce car based trip generation. Car use would always be the primary mode of transport for residents and this brings it into conflict with the requirements of policy DP21 of the Mid Sussex Local Plan. To ensure that development is sustainable then either the volume or the impact of this car use must be reduced.

A feature of the active travel options from which the application claims to benefit relates to the public rights of way (PROW) network. In order to access the network conveniently from the application site it is necessary to cross the Bluebell Railway line, which is currently made possible by a grade level permissive crossing between the head of Hamsey Road and Bluebell Lane. This route has been open for many years and is well used by local residents. The railway operator has previously expressed concerns that they may be forced to close the crossing if its usage were to increase significantly. It would be ironic, but not acceptable, if the effect of development were to reduce active travel options for the whole community by causing the closure of an existing route. We recognise that the operation of this crossing is not within the control of the applicant or the LPA, but without it an important feature of the active travel options on which the application site relies will cease to exist. It is therefore essential that the applicant demonstrates (and the LPA requires) how they will secure agreement to ensure that the option to cross the railway at this point remains available in the long term.

We ask the LPA to consider the report prepared by PJA and to give proper weight to the concerns it raises about poor active travel options, and the ability of the road network to cope safely with the additional traffic that would be generated. We also ask the LPA to

consider the reality of conditions on Hamsey Road given the amount of on-street car parking and essential residential access.

Were the applicant and the LPA, working with West Sussex County Council, to consider a more strategic approach to solving the problem of access to the site (in a way which also had benefits for other residents in and around the area), then this might provide a solution, albeit in the longer term.

The possibility might exist for the allocation of a small quantity of additional housing on land to the north of Top Road if, and only if, this enabled the provision of an improved access to Hamsey Road/Station Road and the brick works site. This would require reconfiguration of the current application which cannot, of course, be modified from that now before the local planning authority. However, were the application to be refused, or withdrawn, constructive dialogue could take place.

Objection in Relation to the Management of the Proposed SANG

The proposals submitted with the application for the management of the SANG are opaque and evasive as to its future maintenance and management costs, and the practical issues of ownership and management. Whilst it is accepted that a refinement of detail can be a matter for Section 106 negotiations, as the application stands the proposals are so vague that they cannot be considered as a basis for decision making and the parish council objects to the application on this basis.

In particular:

- no proposal is made as to the future ownership of the land or the liabilities of those who will be responsible for its upkeep
- no costings are provided for the annual management regime proposed (only for the initial costs, and even these are not comprehensive)
- no indication is given as to the likely service charges that will fall upon the residents or what responsibilities they will have
- no mechanism is proposed by which suitably qualified contractors or managers will be appointed to undertake the work required

More generally, there is only the most tenuous recognition in the proposals that the fundamental purpose of a SANG is to promote and encourage public use and access, deliberately seeking to deflect it from the sites to be protected. On a site as large as that proposed this will require a degree of active management (for instance to ensure cleanliness and lack of public disturbance) which will require on-going attention and may incur significant cost.

The applicant should be required to provide a fully costed management plan for at least the first 10 years of management of the site so that the financial impact on future residents can be evaluated. This should include detailed proposals for site ownership, liabilities and stewardship at a practical level.

Whatever this detailed information demonstrates, it is possible that residents might unite in refusing to pay these charges and use some legal means to extricate themselves from the arrangement. We therefore urge the local planning authority to ensure that the Section 106 agreement includes a fall-back arrangement should such a situation arise. We suggest that in such circumstances the district council requires that the ownership of the SANG be transferred to a suitable and willing organisation dedicated to nature conservation and site management. The applicant should be required to place a sum equivalent to at least 30 years management costs into an escrow account to be held in perpetuity and payable on demand to the transferee. This will provide a practical fall-back option and protect the

integrity of the SANG over the necessary mitigation period. This approach was adopted by the LPA in relation to the SANG provided by the development at Hill Place Farm (Section 106 agreement dated 19th December 2016).

Other Matters of Concern

Design Considerations

The parish council is not convinced that the proposed design of dwellings has actually been influenced by the requirements of the High Weald AONB Design Guide, despite the analysis provided by the Design and Access Statement. In particular there is extensive use of full height brick elevations which the design guide specifically advises against, and the form of the development lacks any of the charm (even eccentricity) associated with High Weald communities. In our view the form of development would surprise first time visitors (in a bad way) as an urban 'block' which is out of context with the AONB. Pastiche development is not the answer, but there is no doubt that that proposed design has the character of residential townscape which, whatever its merits in another location, is not sufficiently sensitive to its location.

We particularly draw attention to the decision of the Secretary of State on 6 April 2023 to refuse permission for development within the AONB at Cranbrook in Kent for reasons including that:

“Overall, he does not find that the scheme is sensitively designed having regard to its setting. He finds that the design of the proposal does not reflect the expectations of the High Weald Housing Design Guide, being of a generic suburban nature which does not reproduce the constituent elements of local settlements”¹

The NPPF is clear that development which is not of a high design quality should be refused. As proposed, we consider that the application is contrary to Policy DP16 of the Mid Sussex Local Plan and we would urge careful reconsideration of aspects of the detailed design to achieve more sympathetic and interesting development genuinely appropriate to the AONB.

1 APP/M2270/V/21/3273015 Application made by Berkeley Homes (Eastern Counties) Ltd Land adjacent to Turnden, Hartley Road, Cranbrook

Affordable Housing

We are pleased to see that policy compliant provision of affordable housing has been provided subject to the revisions required by the Mid Sussex Housing Enablement officer in her consultation response.

However, we are anxious that those with a local connection to the site receive priority for available affordable and social housing and ask that the site be treated as one to which the policy of attaching a local connection priority to 50% of second lettings (as well as 100% of first lettings) applies given that the site is within the AONB.

We would also ask for consideration to be given to a local lettings policy being attached to the site if the LPA is satisfied that there would be sufficient local demand to justify such an approach. It is important to the parish council that those in housing need with a connection to the community have the opportunity to access an affordable home.

Lighting

In order to maintain the essentially rural feel of the area and to respect the 'dark skies' objectives of the AONB Management Plan 2019 – 2024 it is important that unnecessary lighting is kept to a minimum. In particular no street lighting should be provided as part of the

development. Where exterior or public lighting is absolutely essential it should be low level, low intensity and time controlled.

William Robinson Gravetye Charity

The parish council fully supports the concerns of the William Robinson Gravetye Charity expressed in their letter to you of the 4th April 2023. It would be entirely reasonable to anticipate that residents living in the new development will make use of the estate for recreational purposes, and indeed it is desirable that they should do so by way of further mitigation of the impact of development on the Ashdown Forest SPA/SAC. In the absence of any additional income from user charges the request for a capital sum to provide a 'dowry' to support future maintenance and improvement work is reasonable and we ask that this be secured by way of a planning obligation.

Contributions to Community Infrastructure

The addition of 108 new homes to Sharpthorne would enlarge the population by approximately 250 people, an increase of almost 25%. There are potentially some benefits to the future of the village from well managed growth. New residents may invigorate community life and provide valuable customers to support local services. However, the parish council is extremely concerned that far from being well managed this growth will place an unsustainable burden on those facilities due to a lack of investment on the part of the responsible authorities.

According to its Section 106 obligations calculator the education authority is likely to seek a Section 106 contribution of somewhere close to £1 million towards local educational facilities. The LPA should obtain a commitment that this will be invested directly into West Hoathly Primary School or other schools in the local cluster. This will ensure that primary age children are educated locally, something which is desirable not only for educational reasons but also for social and community development with the school as a hub for activities and events. It is not good enough for the development to be 'mitigated' by general contributions which do not, in fact, go towards local service improvements.

2 Objective OQ4 Page 61

Contrary to the information supplied by the applicant, the experience of existing residents is that access to primary health care is highly constrained and difficult to obtain. The LPA will be aware that the Modality Mid Sussex partnership of GP practices (which serves the local area) issued an open letter on the 31st March 2023 apologising for the issues faced by existing patients in obtaining essential services due to a lack of medical staff. The local NHS authority has requested a contribution towards new primary health care facilities in the area. We do not see how this will result in an improvement in the currently poor performance of NHS primary care services locally. Against this background we question how the LPA will ensure that the arrival of 250 new patients to the area will not make a bad situation even worse than it is now.

We also question whether West Sussex County Council, as highway authority, will use any general contribution towards highway infrastructure to benefit local road users. It seems more likely that it would simply be added to a general pot and used for projects unrelated to the development site. The applicant may be willing to accept this form of mitigation but the parish council asks the LPA to be more vigorous in ensuring that funding is used on genuinely local highway improvements.

At a local level, a significant increase in the population of the village would require improvements to key local amenities, such as the village hall, in order to welcome and accommodate new residents into community life. We would therefore ask the LPA to seek

reasonable contributions towards improvements into the quality and resilience of those facilities.

The parish council requests that developer Section 106 contributions for local community infrastructure be allocated towards North Lane Recreation Ground- to include the Pavilion, public toilets and recreation area.

Construction Access

The submission of a construction access plan must be required as a condition attached to any consent. Construction access via Station Road/Hamsey Road will present significant difficulties and potential road safety issues. Consideration should therefore be given to the possibility of a temporary haul route being constructed to give access to the site without using Hamsey Road.

Summary

The parish council objects to this application because it does not represent sustainable development given its location and the consequential issues which are not adequately mitigated by the applicant's proposals. Whilst it is a windfall site capable of being redeveloped, for this to be achieved on a policy compliant and sustainable basis the shortcomings of the site's location must be properly addressed either by aligning the scale of development with the available infrastructure, or by providing additional infrastructure to support the scale of development proposed. The parish council would be willing to engage constructively with either approach. The design characteristics to be applied to any development should be properly responsive to the character the AONB and to the existing community. We ask that the LPA refuse the application (if not withdrawn) so that a properly sustainable alternative scheme can be brought forward.