

MID SUSSEX DISTRICT COUNCIL

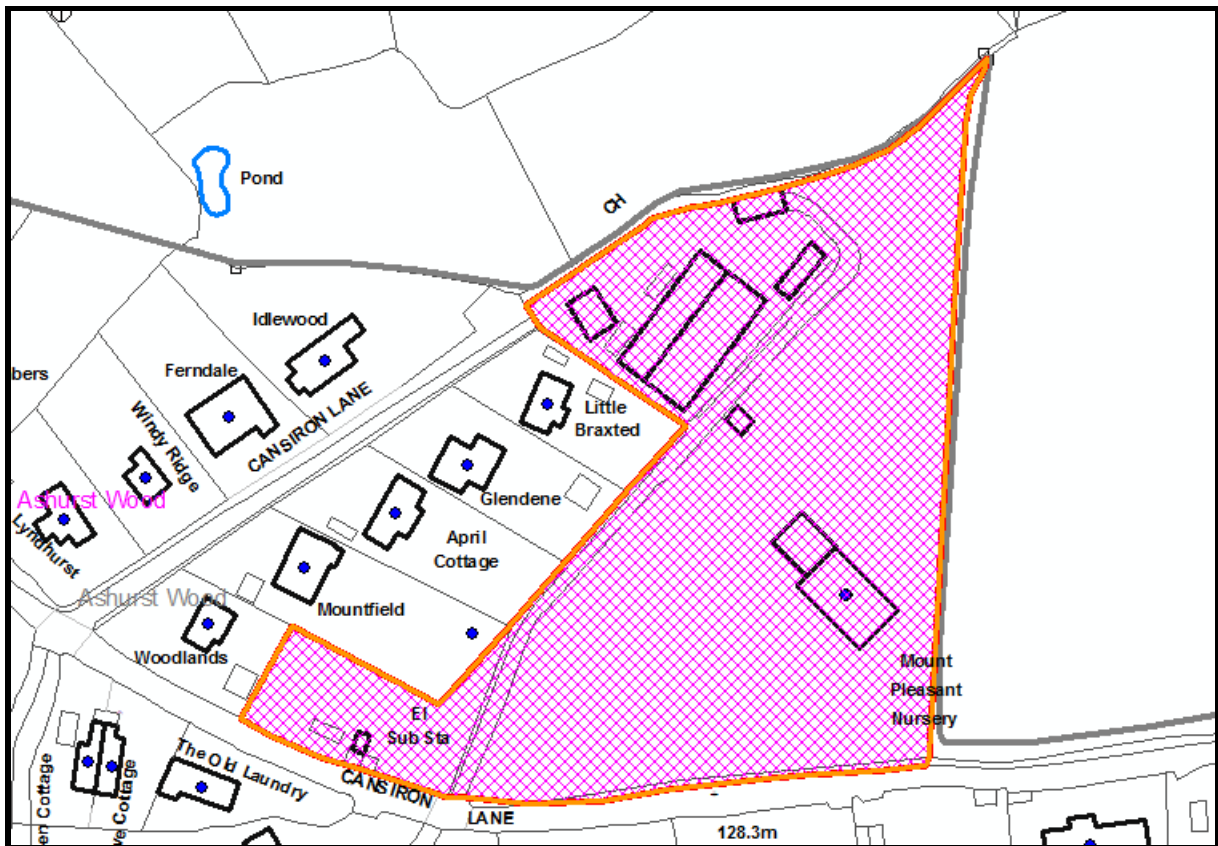
Planning Committee A

11 APR 2019

RECOMMENDED FOR PERMISSION

**Ashurst Wood**

DM/18/3242



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**MOUNT PLEASANT NURSERY CANSIRON LANE ASHURST WOOD EAST GRINSTEAD**

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND NURSERY BUILDINGS AND CONSTRUCTION OF UP TO 6 DWELLINGS WITH CREATION OF NEW ACCESS ONTO CANSIRON LANE AND PROVISION OF LAYBY. ALL MATTERS TO BE RESERVED EXCEPT FOR ACCESS. (AMENDED PLANS RECEIVED WITH CORRECTED RED LINE BOUNDARY AND ADDITIONAL ECOLOGICAL REPORT)**

**MR JOE TAYLOR**

POLICY: Areas of Outstanding Natural Beauty / Article 4 Direction / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 11th July 2019

WARD MEMBERS: Cllr John Belsey /

CASE OFFICER: Stuart Malcolm

### **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

The application seeks outline planning consent, with all matters reserved except for access, for the demolition of the existing dwelling and nursery buildings and the construction of up to 6 dwellings with creation of new access onto Cansiron Lane and a new layby.

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

The NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Regarding the principle of the development, the site is allocated for residential development within the Ashurst Wood Neighbourhood Plan so in this respect complies with the Development Plan.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage, protected species and the Ashdown Forest impact.

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6, DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies ASW1, ASW2, ASW5, ASW7, ASW14, ASW15, ASW20, ASW21 and ASW23 of the Neighbourhood Plan as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

## **RECOMMENDATIONS**

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards infrastructure, SAMM mitigation and the inclusion of an appropriate affordable housing formula (including required Affordable Housing provisions), as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not completed a satisfactory signed planning obligation securing the necessary infrastructure payments, SAMM mitigation and affordable housing formula by the 11th July 2019, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal agreement the application fails to deliver the necessary infrastructure, SAMM mitigation and affordable housing required to serve the development and as such conflicts with Policies DP17, DP20 and DP31 of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

## **SUMMARY OF REPRESENTATIONS**

28 different neighbour/third party representations raising the following objections:

- too many houses as neighbourhood plan suggests just three,
- increased number of cars causing highway / bridleway safety risk along lane,
- effects on water pressure,
- effects on local infrastructure including schools,
- damage to Cansiron Lane and developer should pay towards repairs,
- adverse impact on character of the area,
- adverse impact on biodiversity within site,
- objected to site allocation at neighbourhood plan stage,
- adverse impact on trees especially on site frontage,
- badger activity common and development will have an adverse impact,
- grass snakes, bats, owls and dormice also affected,
- surveys out of date,
- passing place could be used for parking,
- traffic count flawed and not accurate,
- houses refused here in 1980s,
- overdevelopment of site,
- detailed design important and units should be bespoke and in keeping in terms of scale and appearance,
- any necessary infrastructure and affordable housing should be secured,
- land is contaminated due to history,
- existing access should be used,
- adverse impact on Cansiron Lane frontage,
- Ashdown Forest impact,
- no access to mains drainage,
- village already provided its requirement in Neighbourhood Plan,
- noise levels from extra traffic affecting residents,
- adverse AONB impact,
- light pollution from cars.

1 neighbour/third party representation raising the following in support:

- approved by villagers as suitable in Neighbourhood Plan, overgrown and unused site, use of brownfield site keeps green fields free, houses in keeping.

## **SUMMARY OF CONSULTATIONS**

### **MSDC Trees:**

No objections subject to conditions and reserved matters.

### **MSDC Ecology:**

No objections subject to conditions and reserved matters.

**MSDC Drainage:**

No objection subject to conditions and reserved matters.

**MSDC Environmental Protection:**

No objection subject to conditions.

**MSDC Contaminated Land:**

No objection subject to condition.

**MSDC Leisure:**

No objections subject to infrastructure contributions.

**MSDC Housing:**

No objection subject to insertion of formula into legal agreement.

**MSDC Waste:**

No objection.

**WSCC Highways:**

No objections subject to conditions.

**WSCC PROW:**

No objection.

**WSCC Infrastructure:**

No objections subject to infrastructure contributions.

**Wealden District Council:**

No objections subject to appropriate consideration being given to Ashdown Forest impact.

**SUMMARY OF ASHURST WOOD VILLAGE COUNCIL COMMENTS**

Recommend refusal: Support principle but cannot support this due to loss of trees along road, suggest relocating access.

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## **Introduction**

Application DM/18/3242 seeks outline planning consent, with all matters reserved except for access, for the demolition of the existing dwelling and nursery buildings and the construction of up to 6 dwellings with creation of new access onto Cansiron Lane and a new layby.

## **Relevant Planning History**

09/00550/LDC - Existing use as private dwelling (This is an application to establish whether the proposed development is lawful: this will be a legal decision where the planning merits of the proposed development cannot be taken into account.)  
Withdrawn - September 2009

AP/10/0050 - Appeal against an enforcement notice alleging the material change of use of the land from agriculture and a single dwelling house to a mixed use of agriculture, a single dwelling house and use for the stationing of a mobile home for residential purposes - Temporary permission granted - March 2011

12/03797/FUL - Extension of planning permission for mobile home for residential purposes, which has been on site, replacing old original mobile home of 15 years since March 2008, for which temporary planning was granted by Planning Inspectorate March 2011 - Refused December 2012

## **Site and Surroundings**

The site is located to the east of Ashurst Wood and consists of a redundant former glass house nursery of 1.2 hectares in area. It is located approximately 0.6km east of the built-up area of Ashurst Wood (measured by road).

The northern part of the site has significant tree cover and contains multiple dilapidated and collapsed glass houses and other unused structures relating to the former nursery use and abandoned vehicles. The southern part of the site is less covered by trees and contains further dilapidated structures, brick chimney stacks, further miscellaneous construction materials and other debris. Trees and vegetation are quite extensive along all of the site boundaries.

The site is surrounded by woodland to the north, open countryside to the east and the residential area of Cansiron Lane to the west and south. Cansiron Lane to the south of the site is at this point is classed as a Bridleway (17ESx) whilst there is also a public footpath running across the northern boundary of the site (18ESx).

In terms of planning policy the site lies within the countryside as defined by the Mid Sussex District Plan. The site is also located within the High Weald Area of Outstanding Natural Beauty (AONB).

## **Application Details**

The application is in outline form with access being the only matter currently being pursued. This means that it is just the principle of the development and the means of

access that are being assessed at this stage although the applicant has to demonstrate that such a proposal is achievable on the site. The submitted plans, other than the access arrangements, are therefore illustrative at this stage.

Matters reserved for consideration at a later date are appearance, landscaping, layout and scale.

The proposal seeks consent for the demolition of the existing dwelling and nursery buildings and construction of up to 6 dwellings with the creation of new access onto Cansiron Lane as well as the provision of layby/passing place.

## **List of Policies**

### **District Plan**

DP4 - Housing  
DP6 - Settlement hierarchy  
DP12 - Protection of Countryside  
DP13 - Preventing coalescence  
DP16 - High Weald Area of Outstanding Natural Beauty  
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 - Securing Infrastructure  
DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP37 - Trees, Woodland and Hedgerows  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage

### **Neighbourhood Plan**

The Ashurst Wood Neighbourhood Plan has been made so forms part of the development plan with full weight. The most relevant policies are:

ASW1 - Protection of the Countryside  
ASW2 - Preventing Coalescence  
ASW5 - Sites for New Homes  
ASW7 - Mount Pleasant Nursery, Cansiron Lane  
ASW14 - Design and Character  
ASW15 - Affordable Housing  
ASW20 - Impact of new development on traffic  
ASW21 - Parking Provision  
ASW23 - Infrastructure

## National Policy and Other Legislation

### *National Planning Policy Framework (NPPF) February 2019*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "*significantly boosting the supply of homes*".

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

### *National Planning Policy Guidance*

#### *Technical Housing Standards*

#### *The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019*

## Assessment

It is considered that the main issues needing consideration in the determination of this application are as follows;

- The principle of development
- Accessibility of the site
- Impact on visual amenity including AONB, coalescence and effects on trees
- Residential amenity
- Highways, access and car parking
- Public rights of way
- Ecology



- Infrastructure
- Affordable Housing
- Ashdown Forest
- Other Planning Issues (e.g. drainage, mix)
- Planning balance and conclusion

## **Principle**

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

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

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

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

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

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

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

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, the made Ashurst Wood Neighbourhood Plan and the Small Scale Housing Allocations Document (2008).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

Being within the countryside Policy DP12 applies. This states that development will be permitted *"provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

Policy DP6 is also relevant, particularly point 1, which states 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..."*

In this case there is a relevant neighbourhood plan policy that allocates the application for residential development.

Policy ASW5 states:

*"The Neighbourhood Plan provides for the development of a minimum of 62 homes during the Plan period, to be delivered as follows:*

- *On sites allocated in Policy numbers 6 - 10, and*
- *On windfall sites*

*Indicative numbers of dwellings for each site will be reviewed at the application stage and this may result in a higher number of dwellings once detailed design schemes are prepared."*

Policy ASW7 provides the site specific allocation for this site:

*"Proposals for residential development on land at Mount Pleasant Nursery, Cansiron Lane will be supported subject to the following criteria:*

- a) The development of the site should respect the low density of existing dwellings in the immediate locality of the site; and*
- b) Provide evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has been satisfactorily undertaken before any development begins; and*
- c) Provide details of existing trees and hedgerows together with proposals for their management in order to retain the rural character of Cansiron Lane and the associated woodland habitat; and*
- d) Retain and strengthen tree screening to the eastern boundary of the site; and*
- e) Provide a tree buffer along the western boundary of the site; and*
- f) Provide a clear, safe boundary by means of hedging and fencing between the site and the public footpath to the north-west of the site and improve the footpath where necessary; and*
- g) Provide a single access from Cansiron Lane in a suitable location, which must ensure and respect use of the lane by walkers, cyclists and horse-riders as well as motorists; and*
- h) Provide a layby / passing point along the southern boundary of the site to ensure that there is sufficient space for two cars to pass each other; and*
- i) Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details."*

Many of the objections raised by residents suggest the application proposes too many dwellings on the site and submit the net gain of five is more than set out in the neighbourhood plan policies. This is not the case however.

The pre-text to Policy ASW5, so not the policy wording itself, refers to a separate report (Report on the Assessment of Potential Housing Sites) which identified an **"approximate capacity"** of three dwellings on this site. A specific housing number does not form the wording of Policy ASW5 which further clarifies, as highlighted above, that *"indicative numbers of dwellings for each site will be reviewed at the application stage and this may result in a higher number of dwellings once detailed design schemes are prepared."*

There are also no specific housing number stipulations within the policy wording of ASW7. The best indication of proposed housing numbers within this policy comes at criteria (a) which states that the proposed development *"should respect the low density of existing dwellings in the immediate locality of the site"*.

It is noted by planning officers that the Village Council has not objected on these grounds and accept the principle of the scheme as submitted.

The principle of a residential development of up to 6 dwellings is therefore acceptable on this site.

### **Accessibility of the site**

Policy DP21 of the District Plan states:

*"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."*

This policy reflects national policy in the NPPF, as set out in paragraph 103, which states:

*"The planning system should actively manage patterns of growth in support of these objectives (as set out in para 102). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

Ashurst Wood itself is classed as a Category 3 settlement within Policy DP6 of the District Plan. These are 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."*

The village will therefore be able to meet many of the daily needs of future residents but as noted above the site is located some 0.6 km from the village boundary. This

distance, coupled with the unlit and narrow nature of the road to the village is likely to prove prohibitive in terms of walking for some future residents particularly those who are less mobile. However, the distance is such that some future occupiers could well choose to walk to the village, particularly when the relatively quiet nature of the road to the village is taken into consideration.

Overall on this issue, the site is somewhat distant from the built up area of Ashurst Wood and the services available within it. However, the site is allocated for residential development in the Neighbourhood Plan so the accessibility of the site should not be a reason to resist the scheme.

### **Impact on visual amenity including AONB, coalescence and effects on trees**

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside and the AONB. Potential coalescence issues also need to be considered.

Policy DP12 states that the countryside will be protected in recognition of its intrinsic character and beauty.

Policy DP13 refers to coalescence and states that:

*"The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.*

*Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."*

Policy DP26 states that *"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."*

In respect of visual amenity these policies reflect national policy with paragraph 127 of the NPPF stating that planning decisions should ensure developments are sympathetic to local character and history whilst also establishing or maintaining a strong sense of place.

The objectives of the district plan policies are consistent with the principles of the NPPF.

The existing site, with the exception of the existing house and its curtilage that are to be demolished, is untidy with various areas of external storage, debris and dilapidated structures. Other than the trees and vegetation, the site contributes little to the character of the area and the redevelopment will see the removal of all those unsightly elements. The allocation of the site for housing will though inevitably lead

to some degree of urbanisation of the application site but this has to be expected given the planning policy position.

The submitted illustrative plans show a potential layout in a cul de sac arrangement resulting in a density that does not appear too dissimilar to the overall character of the area. The cul de sac arrangement is also not unlike the branch of Cansiron Lane to the immediate west. The applicant describes this as follows: *"the scheme also shows plot sizes that allow for a transition between the higher density dwellings to the west of the site and the lower density dwellings to the south of the site."*

This is an important point given the wording of Policy ASW7 (a) which states that development of the site should respect the low density of existing dwellings in the immediate locality of the site. Officers consider that a six unit scheme (net increase of five) can readily meet this policy requirement.

This statement can also be quantified. For example, the proposed density of the development is 5 dwellings per hectare (dph). This compares with the density of the nine houses to the immediate west, on either side of the small cul de sac (Lyndhurst clockwise to Woodlands), which comes to approximately 8.43 dph. To the south across the road, the density of the group of houses that runs from Twigg House to Home Meadow is approximately 4.42 dph. The low density of the surrounding area is therefore respected by the development.

Some concerns have been raised in the representations about the new access being visually obtrusive. Whilst the new access will open up part of the site to views from the road, it will replace the existing access point which will be closed off and replanted. There will therefore be only one access point serving the site, as there is at present, meaning the overall visual impact will be neutral. Although a passing place/layby is shown as being created at the mouth of the existing entrance, this is a requirement of Policy ASW7 of the Neighbourhood Plan which states at criteria (H) that development of this site should *"provide a layby / passing point along the southern boundary of the site to ensure that there is sufficient space for two cars to pass each other;"*

At this outline stage there are no reasons to conclude that a suitably designed scheme cannot be achieved on the application site.

In respect of the issue about coalescence, the development is obviously outside the built up area but this does not automatically mean it will result in the coalescence of individual settlements.

The proposal is on part of a site containing a dwelling and curtilage with the rest on the former nursery land that, as described above, consists of various dilapidated structure, storage areas and materials. The site is not therefore open countryside. In addition the proposal adjoins existing built development to the west and across the road to the south whilst the development is relatively modest in nature, being for a total of just six dwellings, when compared to the size of Ashurst Wood.

In light of these points and the fact the site is allocated the proposal is deemed acceptable. This is because it will not have a significant effect on the coalescence of

the settlements of Ashurst Wood and Forest Row as the proposal will not lead to a lessening of the distinctiveness of these local settlements.

The tree impact is also an important consideration. The proposal at this outline stage, and based on the illustrative layout, suggests the loss of 39 trees.

Regarding this loss the Council's tree officer has stated that: *"the majority of the trees recommended for removal have been classified Grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. As the site has been unoccupied for many years the vast majority of removals are young trees that have grown up over that time. Removal of trees of higher quality (Grade B or above) will be a significant loss and should be replaced (like for like) elsewhere on site."*

New planting to help compensate for the loss of the trees, particularly the category B trees can be secured by condition and the tree officer has confirmed their agreement to such an approach:

*"All replacement planting should be included within the full landscape report. I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, support and aftercare are required. As the majority of the trees from the interior of the site are to be removed, I would suggest that some of the replacement planting is concentrated within the site and not just around the boundary. This will require only a small number of trees to have a significant affect visually"*

The tree officer also requested in his initial comments that crown reductions were minimised as these were suggested for a number of category B trees so the applicant amended their report where appropriate to the satisfaction of the Council's officer.

One further point of concern was at the entrance with the tree officer stating that:

*"There is concern over the entrance to the site and the possibility of this including the removal of established Hazel coppice along Cansiron Lane. If the entrance requires a visibility splay, widening the entrance, then there is potential for more of these trees being removed. If this is the case, then like for like trees should be planted to maintain a screen in this area and retain the unbroken tree line that runs along the lane."*

The tree officer's comments confirm that this would be adequately addressed at the detailed landscaping stage.

Following clarification on the points raised above there is no objection from the tree officer so conditions and the reserved matters application (when landscaping will be formally considered) can secure additional details including a full landscape plan/report and an arboricultural method statement.

Some concern was raised in the representations about the loss of some oaks along the frontage. The applicant has however amended their arboricultural proposals since the application was first submitted with these oaks now being retained, and to be protected through the condition, which has satisfied the tree officer. In light of the above comments the proposal at this outline stage is therefore acceptable to planning officers in respect of the tree impact.

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

The most relevant part of Policy DP16 of the Mid Sussex District Plan states 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."*

Paragraph 172 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."*

In this case the relatively minor nature of the housing proposal on an allocated site and the retention of much of the boundary vegetation means that the scheme, at this outline stage, accords with AONB policy as natural beauty is preserved.

In summary there are no objections to the application at this outline stage in respect to visual amenity, coalescence, tree impact or the AONB effects. Further consideration will be given to these issues at reserved matters stage.

### **Residential amenity**

One of the key issues to assess under this application is the potential impact on neighbouring residential amenity.

District Plan Policy DP26 is applicable and this states, in part 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 DP27)."*

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that criteria (j) of ASW14 states that living conditions of adjoining residents should be 'safeguarded'. However, under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case

In this case there are existing neighbouring residential properties that have the potential to be affected to the immediate west and across the road to the south.

The illustrative plans show that the potential separation distances between the new dwellings and those existing to the west as between 34 and 40 metres. There are also trees and vegetation along the boundary in between. The properties to the south, with trees and a road in between, are located between 34 and 46 metres from the nearest new dwellings as shown illustratively. Members will be aware that the generally accepted minimum back to back distance between properties to ensure that significant harm through overlooking does not occur is just 21 metres. Although that distance applies primarily to built up areas the significant additional separation here shows that significant harm to residential amenity will not occur.

It is accepted that some neighbouring properties will be able to see the houses based on the illustrative plans, particularly where the new access is located. This does not however constitute significant harm in residential amenity terms. Existing and proposed landscaping, coupled with the detailed design and layout, all of which would be considered at reserved matters stage, can ensure that there is no significant loss of privacy to the outdoor amenity areas of the neighbouring residents.

The detailed design needed at reserved matters stage will enable a full assessment to be made of the development impacts, particularly when it comes to building heights and the positions of any windows or other openings.

Future noise and disturbance from the completed development, for example in terms of traffic movements or light pollution, would not be significant from a total of six dwellings. Driveways being located opposite other neighbouring properties is not uncommon along Cansiron Lane.

Construction noise itself is inevitable so this would not constitute a sustainable reason for refusing the application. Construction hours will though be limited by condition to 'normal' working hours.

An informative will be used to remind the applicant about their responsibilities to control dust and no burning of materials on site. As these specific matters can be



adequately managed through environmental protection legislation if required, conditions are not necessary.

In light of the above points there will be no significant harm to neighbouring residential amenity meaning the proposal accords with Policy DP26 of the District Plan.

## **Highways, Access and Parking**

Policy DP21 in the District Plan states:

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

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

*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."*

These requirements are consistent with the provisions of the newly published NPPF which states the following:

*"108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*109. 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."*

Policy ASW20 also applies and this states that:

*"Proposals for new development must meet both of the following criteria:*

- a) Provide safe access for vehicles and pedestrians with adequate visibility; and*
- b) Include an assessment of the additional traffic likely to be generated by the development, its impact on pedestrians, cyclists, road safety, parking and congestion within the parish. This should demonstrate that traffic reduction measures have been considered to avoid negative impacts prior to providing measures to mitigate the impacts of increased traffic."*

ASW21 meanwhile sets out the parking requirements.

West Sussex County Council has been consulted on the merits of the application and their comments are set out in full within Appendix B. It is worth highlighting that highways officers visited the site following a request from planning officers. The applicant's Transport Report can be found on the planning file.

West Sussex has confirmed that:

*"It is accepted that the existing use of the site as a nursery could historically have had the ability to attract vehicular activity. The anticipated trip generation from the*

*proposed has been outlined within the Transport Report. The Local Highways Authority accepts these findings. It would not be considered that the proposed would result in a material impact upon the point of access with the adopted highway network, namely Cansiron Lane circa 100 metres west of the application site.*

*The site access point will be afforded visibility splays of 2.4 x 33 metres, this would equate to approaching vehicle speeds of 25/26 mph using the Manual for Streets Stopping Sight Distance Calculation Coefficient. This would be considered adequate for the actual measured road speeds as detailed within the supporting Transport Report.*

*Vehicle Swept Path Tracking has been provided at the site access point for a fire tender. This demonstrated the site access point is suitable for emergency access and can accommodate two way traffic flows."*

The highways authority conclude their comments by confirming that the following points should be demonstrated at reserved matters stage:

- An appropriate parking strategy taking into consideration current WSCC Car Parking Policies and the WSCC Car Parking Demand Calculator.
- An appropriate internal layout accommodating manoeuvring room for emergency and service vehicles.

In conclusion the Local Highways Authority does not consider that the proposal for 6 dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Access, parking and turning conditions will be applied as set out in Appendix A.

Taking into account the above points it can be reasonably concluded that there are no sustainable reasons to refuse the scheme on highways, access or parking grounds as the proposal complies with Policy DP21 of the District Plan and Policies ASW20 and ASW21 of the Neighbourhood Plan.

### **Public Rights of Way**

As noted above this part of Cansiron Lane is a bridleway whilst there is a footpath to the immediate north running along the edge of the site. The Public Rights of Way Officer at West Sussex has commented on the proposals and originally requested more information regarding the width of the footpath and the boundary treatment. The applicant subsequently confirmed that the footpath will be maintained at a consistent width of 1.5 metres (equivalent to the 5ft width that was originally set aside for the footpath). In addition the boundary treatment would be a mix of closeboarded fencing and hedgerow.

The Public Rights of Way officer confirmed their agreement to this as per the following comments:

*"I would be happy to remove our holding objection based on the width of the footpath being at least 1.5m along its whole length but maintaining the extra width where it*

*already is on the ground. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSCC. Removal of the stile at the west end of the development would also be appropriate as the path will be fenced in and there is no need for any kind of stock control along this section of the path.*

*If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSCC website."*

It is worth noting no objections have been raised by the officer about the impact of the proposal on the bridleway function of Cansiron Lane.

Further details on the footpath details will be forthcoming at reserved matters stage but at this outline stage there are no grounds for officers to object to the proposal based on the impact on the rights of way.

## **Ecology**

The applicant has submitted a phase 1 habitat survey, a habitat appraisal and individual reports on reptiles, badgers, bats and dormice, which are all available to view in full on the planning file. These have been subject to assessment by the Council's ecological consultant and their comments are set out in full in Appendix B.

The initial comments requested the submission of a Great Crested Newt survey which was recommended by the phase 1 survey, or the applicants would need to demonstrate that adequate mitigation and compensation can be provided as part of a detailed application (based on worst case scenario). Some concerns were also expressed about the potential loss of trees/habitat.

The Council's ecologist confirmed that other biodiversity impacts could be adequately mitigated through conditions and these requirements have been secured through condition 9 in Appendix A.

The applicant submitted a Great Crested Newt Mitigation Strategy in January and this was subject to re-consultation. Following this the applicant subsequently identified a potential receptor site in the applicant's ownership near Weir Wood Reservoir. The Council's ecological consultant has commented on the mitigation strategy and receptor site as follows:

*"Whilst the distance of the proposed receptor site is not ideal, I think it is sufficient to demonstrate that in a worst case scenario, if great crested newts are using the site as part of their terrestrial habitat in significant numbers, an alternative site is available and that it would be feasible to get a licence. Any licence for moving newts would be dependent on conditions attached to the licence regarding future management and monitoring. However, the receptor site would only be suitable if sufficient numbers of newts are found so as to be able to establish a viable population at the receptor site. Otherwise, they will still need to ensure contingency measures for dealing with small numbers of newts. This might be as simple as keeping the proposed northern gardens outside of the construction zone (segregated*

*by newt exclusion fencing) so that small numbers of newts can be safely released there and allowed to disperse into the surrounding landscape. The key here would be ensuring compliance with legal protection against killing or injury in a way that Natural England can licence. A small number of newts moved in this way would not have a significant conservation impact.*

*All of this is less ideal than an impact assessment based on survey information, but if MSDC are satisfied that the applicant is unable to provide this due to land access issues, then my view is that there is now sufficient information to conclude that if newts are found within the site, adequate mitigation or, as a last resort, compensation measures can be put in place in accordance with 175 of the NPPF and that a licence could be obtained from Natural England."*

The applicant has confirmed that the nearby ponds are in private ownership, not the applicant's, so the surveying of them cannot be secured - hence the mitigation strategy has been submitted. The Council's ecologist has confirmed that the submitted information is sufficient to demonstrate how the impact on great crested newts can be mitigated or compensated for if large numbers of newts are found to be within the site. It is therefore considered by planning officers that the development is acceptable in respect of the potential Great Crested Newt impact and the proposed ecological condition will secure the necessary mitigation/compensation.

In regard to the potential loss of habitat, the applicants commented that *"In terms of the replacement planting the ratio of planting expected is set out in the AIA and we consider it to provide an appropriate level of replacement planting with an estimation at this stage that 45 replacement trees will be planted, the location of these trees would be detailed at the reserved matters stage."* Planning officers consider that this can be adequately compensated for at the reserved matters/condition stage, particularly bearing in mind the site is allocated in the development plan so some loss of existing habitat is inevitable. An informative will however be used to remind the applicant of the need for the reserved matters application to address this issue and provide some replacement habitat.

Subject to the condition in Appendix A the application is acceptable in respect of its biodiversity impacts meaning it complies with Policy DP38 of the Mid Sussex Local Plan and the NPPF.

## **Infrastructure**

Contributions are requested in accordance with Policy DP20 of the District Plan, the Council's 'Development Infrastructure and Contributions' SPD and the NPPF.

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are formula based because being at the outline stage the precise mix of dwellings, and therefore the accurate contribution, is not yet known. The contributions will go towards the following projects/facilities:

Formal Sport: £ Formula approach (improvements to the Ashurst Wood Recreation Ground pavilion and field)

Play Equipment: £ Formula approach (improvements to John Pears Recreation Ground)

Kickabout: £ Formula approach (improvements to John Pears Recreation Ground)

Community Buildings £ Formula approach (improvements to the Ashurst Wood Recreation Ground pavilion)

Local Community £ Formula approach (towards allotments)

Education Primary: £ Formula approach (The contributions generated by this proposal shall be spent on additional equipment at Ashurst Wood Primary School)

Education Secondary: £ Formula approach (The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School)

Education Sixth Form: £ Formula approach (The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School Sixth Form)

Library: £ Formula approach (The contributions generated by this proposal shall be spent on additional stock at East Grinstead Library)

TAD: £ Formula approach (The contributions generated by this proposal shall be spent on:

- A cycle path along the A22 towards East Grinstead
- Safety improvements at School Lane/Maypole Lane junction
- Traffic calming within the village of Ashurst Wood)

In accordance with the Recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

### **Affordable Housing**

Policy DP31 of the District Plan sets the Council's threshold for seeking affordable housing in the AONB as between 6 -10 dwellings, or where the maximum combined floorspace is more than 1000 m2.

ASW15 of the Neighbourhood Plan meanwhile states that housing developments of 4 or more dwellings will be expected to provide a minimum of 30% of affordable housing on the site.

Just as is the case with the residential amenity test as outlined above, Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires development plan policy conflicts to be resolved in favour of the policy which is contained in the last

document to be adopted. The thresholds set out within Policy DP31 are therefore the correct parameters to apply in this case

With regards to the DP31 requirements, the proposal only results in a net gain of 5 units but the maximum combined floorspace is not yet known given the outline nature of the proposal. The floorspace will not be known for certain until the reserved matters stage so it is important that the legal agreement makes reference to the provision of affordable housing in the eventuality that the threshold of 1000 m<sup>2</sup> is exceeded. Including such a clause in the legal agreement will ensure that the current application complies with Policy DP31.

### **Ashdown Forest**

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

Under the Conservation of Habitats and Species Regulations 2010 (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 will have no adverse effect on the integrity of Ashdown Forest. Regulation 61 of the Habitats Regulations requires the Council to assess the possible effects of plans or projects, i.e. planning applications, on Ashdown Forest.

If the proposed development will not have a likely significant effect on the Forest, either alone or in combination with other proposed developments in the area, the Council may proceed to determine the application. However, if a significant effect is likely, either alone or in combination with other plans and projects, an appropriate assessment must be undertaken to establish whether the proposed development will have an adverse effect on the integrity of the European site. If the appropriate assessment concludes that there will not be an adverse effect on the integrity of the European site, the Council may proceed to determine the application.

There may be likely significant effects on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the protected bird species. Within 7km of the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. There are two parts to the mitigation. By providing an alternative option, Suitable Alternative Natural Greenspace (SANG) is the name given to greenspace that is of a quality and type suitable to be used as mitigation. A SANG site could either be provided on the development site itself or through a financial contribution towards a strategic SANG. The East Court and Ashplatts Wood SANG Strategy has been agreed by the District Council.

The second part of the mitigation is to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) measures. The Council has produced an interim SAMM Strategy that sets out measures to protect the Ashdown

Forest SPA from new recreational pressures through managing access (visitor) behaviour and monitoring both birds and visitors. The projects that form the mitigation measures have been discussed and agreed in collaboration with the Conservators of Ashdown Forest and Natural England. The interim SAMM Strategy will be superseded by a Joint SAMM Strategy which is currently being prepared with the other affected local authorities.

This proposed development site lies within 7km of the Ashdown Forest SPA and as such, mitigation is required. In this case, given that the precise mix of dwellings is not known at this outline stage, a formula approach will be taken to ensure the correct figure is paid when the mix is formally established at reserved matters stage.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 55 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a



planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

Subject to a Planning Obligation securing the SAMM contribution being completed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the District Plan.

### **Ashdown Forest - Atmospheric pollution**

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as 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. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

It is considered that the proposal would not result in any significant amount of vehicular movements across the Ashdown Forest and the proposed development has in any case been incorporated into the overall results of Mid Sussex Transport work. It is therefore logical and reasonable to conclude that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### **Other Planning Issues**

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.

For example, the respective consultees have confirmed in their responses (in Appendix B) that both drainage and potential land contamination matters can both be adequately addressed via appropriate conditions (as set out in Appendix A).

Future residential amenity and the overall mix of dwellings will be given further consideration at reserved matters stage but there do not appear to be any reasons why a policy compliant scheme cannot be achieved. For example, the illustrative sizes appear to show adequate size dwellings and plots.

Details of what sustainable construction features will be incorporated into the dwellings will be secured via condition as will the provision of adequate refuse and recycling provision.

Adequate access into the site for refuse vehicles has been confirmed and there is also ample space for the storage of refuse/recycling bins.

The effect of a development on local water pressure is not a reason to refuse a planning application.

Any potential damage caused to Cansiron Lane is a private matter between the relevant parties.

There is no reason to believe at this stage that the development will not provide a suitably quality environment for future occupiers.

### **Planning Balance and Conclusion**

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

The NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Regarding the principle of the development, the site is allocated for residential development within the Ashurst Wood Neighbourhood Plan so in this respect complies with the Development Plan.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition infrastructure payments will be secured to mitigate the impact of the development. The development will also provide some economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community.

The proposal will result in a neutral impact in respect of a number of issues such as visual amenity and the AONB impact, highway safety, the effects on the public rights of way and their users, residential amenity, drainage, protected species and the Ashdown Forest impact.

Weighing against the proposal is the loss of some natural habitat but this is an inevitable consequence given that the site is allocated for residential development and will be compensated for through a mitigation strategy secured by condition.

The proposal is therefore deemed to comply with the requirements of Policies DP6, DP12, DP13, DP16, DP17, DP20, DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan 2014-31 and Policies ASW1, ASW2, ASW5,

ASW7, ASW14, ASW15, ASW20, ASW21 and ASW23 of the Neighbourhood Plan as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Planning permission should therefore be granted.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

### **Time Limit**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

### **Pre-commencement**

2. The development hereby permitted shall not progress beyond damp-proof course stage unless and until samples of materials and finishes to be used for all facing materials, including the external walls / roof / fenestration of the proposed buildings, have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: In the interests of visual amenity and to accord with Policies DP16 and DP26 of the District Plan and Policy ASW14 of the Neighbourhood Plan.

3. 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 Policy DP41 of the District Plan.

4. 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 and details of a neighbour notification procedure for particularly noisy construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the District Plan.

5. No development shall take place unless and until the applicant has provided a sustainability statement to be submitted to and approved in writing by the local planning authority setting out what sustainable measures will be incorporated into the proposals in order to improve energy efficiency and water use. The development shall only proceed in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Policies DP39 and DP41 of the District Plan.

6. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme including an arboricultural method statement (AMS), shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. The AMS should take into consideration: all construction traffic accessing site, storage of materials, encroachment into RPAs and methodology/good working practices (in accordance with BS 5837). These works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan and Policy ASW14 of the Neighbourhood Plan.

7. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.

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.

8. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning

Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2017. (This pre-commencement condition is required to ensure that the impact of the development on the Ashdown Forest SPA has been mitigated and is thus acceptable under the Habitats Regulations 2017, Policy DP17 of the Mid Sussex District Plan 2014 - 2031 and paragraph 175 of the National Planning Policy Framework.)

9. The reserved matters application shall be supported by the following documents relating to biodiversity:
- A full Ecological Impact Assessment of the detailed scheme in accordance with Chartered Institute of Ecology and Environmental Management guidance and BS42020: 2013, supported by up-to-date survey information;
  - Details of ecological mitigation and enhancement measures, which should be set out in a document separate from the EclA to enable practical implementation on site; and
  - Details of lighting proposals including mitigation to minimise impacts on wildlife.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

### **Construction**

10. Works of construction or demolition, as well as deliveries or collection, and the use of plant and machinery, necessary for implementation of this consent, shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 Hours
  - Saturday: 09:00 - 13:00 Hours
  - Sundays and Bank/Public Holidays: No work permitted

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

11. 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.

### **Pre-occupation**

12. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 7(c) that any remediation scheme required and approved under the provisions of condition 7(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 7(c).

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.

13. 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 approved drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan and Policy ASW20 of the Neighbourhood Plan.

14. No part of the development shall be first occupied until all accesses to the site other than that hereby approved have been stopped up permanently and obliterated in accordance with plans to first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of road safety and visual amenity to accord with Policies DP21 and DP26 of the District Plan 2014 - 2031 and Policy ASW14 of the Neighbourhood Plan.

15. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans to first be submitted to and approved in writing by the local planning authority. These parking spaces / turning areas shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan and Policy ASW20 of the Neighbourhood Plan.



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

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

17. The residential units hereby permitted shall not be occupied until provision for bin and recycling storage has been made within the site in accordance with plans to be submitted to and approved in writing by the local planning authority, and thereafter retained permanently.

Reason: In the interests of sustainability and visual amenity and to accord with Policy DP26 of the District Plan.

### **Post-occupation and management conditions**

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

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

2. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSCC.
3. If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSCC website.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

5. The applicant is advised to gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.
6. The applicant is advised that to satisfy condition 8 above there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashplats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

7. The submitted illustrative layout is unlikely to be acceptable in respect of the need for providing some replacement habitat as raised in the ecological consultants comments.
8. In order to address condition 9, the Great Crested Newt implications must be included in the full "Ecological Impact Assessment" and the "Details of ecological mitigation and enhancement measures" required by the condition.
9. 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Site Plan	4882-003	F	04.01.2019
Location and Block Plan	4882-001	A	11.01.2019
Site Plan	4882-002		11.01.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Dear Sir,

I should be pleased if you would note that at a recent meeting of the Council's Planning Committee, the council made the following comment:

DM/18/3242

Location: Mount Pleasant Nursery Cansiron Lane Ashurst Wood RH19 3SE

Desc: Outline application for demolition of existing dwelling and nursery buildings and construction of up to 6 dwellings with creation of new access onto Cansiron Lane and provision of layby. All matters to be reserved except for access. (Amended plans received with corrected red line boundary and additional ecological report)

Recommend: REFUSAL

On the 6th September 2018 the Village Council recommended refusal of this outline application and requested that the access be moved so that mature oak trees may be retained. It is noted that the officer wrote to the applicant's agent requesting 'justification as to why the new access point is being promoted rather than the use of the existing access point.'

The response from the applicant's agent dated 26th October 2018 states: 'The proposed location of the passing place was in the scheme presented to the Parish Council who supported the scheme (bar wanting the scheme to be reduced from 7 dwellings to 6). The location of the passing place has precluded the use of the existing access.'

This is incorrect. The applicant's former agent presented a scheme to members of the Village Council at a meeting on the 12th July 2016. This scheme utilised the existing access to the site and included a passing place before the access, opposite The Old Laundry. The passing place was later moved by the applicant. While the Village Council supports development on the site, it is also incorrect to say that the Council supported the scheme after requesting the reduction of the number of dwellings to 6. At the meeting it was made clear that Members of the Council would not make any decision on the scheme until the meeting of the Council's Planning Committee. A number of points were made by Members of the Village Council, in particular the fact that the Neighbourhood Plan stated that the site had an approximate capacity of three houses. It was pointed out that neighbouring residents would be unhappy with a higher number of houses on the site.

Following the meeting, the agent sent an email on the 3rd October 2016 stating that as a result of concerns expressed one house had been removed from the scheme, one garden size had been increased and one house had been moved further away from the road. It was also advised that a transport statement following a traffic survey had recommended that the access be repositioned. Copies of amended plans were sent, but there was no further discussion with the agent and there has been no discussion at all with the new agent.

The applicant has therefore not provided any justification for the new access point and the Transport Statement does not contain any information about repositioning the access. Indeed, the Transport Statement contains many inaccuracies, some of which have been pointed out in other representations. Apart from referring to Cansiron Road on several occasions instead of Cansiron Lane, the Statement suggests that the alternative to the proposed scheme would be to operate a Nursery on the site which would generate

significantly higher traffic. The Nursery use of the site was abandoned over 30 years ago and could not be reinstated without planning permission. Therefore paragraph 5.3 and Appendix 7 of the Statement are irrelevant to this application.

The Village Council requests that a new Transport Statement be prepared. This should include a survey taken at the start of Cansiron Lane to show the impact that the proposed development would have on the wider area (including the 40 houses between the start of the Lane and the site), as required by Policy 20 of the Neighbourhood Plan. It should also consider the use of the current access and advise whether it can safely be used, and advise on a suitable location for a passing place.

It should be noted that the allocation in the Neighbourhood Plan has enabled the development of this previously undevelopable site. During the Neighbourhood Plan process there was support for improving the site, which has long been regarded as an eyesore. However, in view of access difficulties along the lane (which is used by walkers and is a bridle path) and the position of the site at the very edge of the parish boundary and well outside the built-up area, the site was assessed as suitable for 3 properties. The Neighbourhood Plan was supported by the village at Referendum and it is clear from the responses to the application to date that there are a large number of objections to the current proposal because it fails to respect the Neighbourhood Plan.

Yours sincerely

### **Parish Consultation**

Ashurst Wood Village Council's Planning Committee have met to consider the application and make the following recommendation:

Recommend: Refusal.

The site is allocated by the Ashurst Wood Neighbourhood Plan and members confirm that they would support in principle an outline application for a development of up to 6 dwellings. Members would reserve their recommendation on the details of the proposal for a later application.

However, they cannot support this outline application because the proposed access would involve the loss of mature oak trees which are important to the character of the lane. Members therefore request that the access be moved so that the trees may be retained.

### **MSDC Trees - original**

Further to reviewing the submitted AIA tree report and a recent site visit, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837. The RPA of each tree has been calculated and displayed on the plan provided. The site currently has no trees subject to TPOs and is not within a Conservation Area.

Several trees are to be removed to facilitate the development. The majority of the trees recommended for removal have been classified Grade C, this is due to the trees being young, having low amenity/landscape value or being in poor health and condition. Trees of this classification (C) should not act as constraint upon the development. As the site has been unoccupied for many years the vast majority of removals are young trees that have grown up over that time.

Removal of trees of higher quality (Grade B or above) will be a significant loss and should be replaced (like for like) elsewhere on site.

Of the higher quality trees on site, several (for example T02-T06-&T60) have been recommended for 30% crown reductions, this seems excessive and no concise reasoning is given within the report. A reduction of this significance may send the trees into shock and be detrimental to the future health of the trees. Therefore, I would suggest that these works are reviewed and where possible more sympathetic recommendations are given for trees that are distant from planned construction works.

There is concern over the entrance to site and the possibility of this including the removal of established Hazel coppice along Cansiron Lane. If the entrance requires a visibility splay, widening the entrance, then there is potential for more of these trees being removed. If this is the case, then like for like trees should be planted to maintain a screen in this area and retain the unbroken tree line that runs along the lane.

All replacement planting should be included within the full landscape report. I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, support and aftercare are required.

An AMS report will also be required. This report should take into consideration: all construction traffic accessing site, storage of materials, encroachment into RPAs and methodology/good working practices (in accordance with BS 5837).

In conclusion, I do not object to the development in principle and would support the application subject to the above amendments and receipt of landscape and AMS reports.

### **MSDC Trees - further**

I've reviewed the amended report and all protection measures have been addressed including, ground protection and fencing. This is all satisfactory and in line with BS 5837.

As mentioned in my previous comments, all new planting should be detailed within a full landscape report. These details should include: size, species, support, feeding and aftercare.

As the majority of the trees from the interior of the site are to be removed, I would suggest that some of the replacement planting is concentrated within the site and not just around the boundary. This will require only a small number of trees to have a significant affect visually.

Ground protection (cellweb) at the access to site, must be in place pre commencement of any construction/demolition works or vehicles accessing site.

### **MSDC Ecology - original**

Recommendation

Designated sites

As the site is within 7km of the Ashdown Forest European sites, MSDC must be satisfied that significant effects can be avoided, in accordance with advice from, or following procedures agreed with, Natural England.

### Protected species

I am unable to find any follow up to the assessment of ponds for great crested newts, which is recommended in the phase 1 habitat survey report by Fellgrove Ecology. In the absence of such information, the applicants need to demonstrate that adequate mitigation and compensation can be provided as part of a detailed application (based on worst case scenario).

### Habitats

The proposal will involve the clearance of broadleaf woodland, which the applicant's ecologists have identified as a habitat of principal importance (lowland mixed deciduous woodland), listed under S41 of the Natural Environment and Rural Communities Act 2006. Whilst this appears to be fairly recent secondary woodland, which has developed with the abandonment of the former site use and therefore would not, in my opinion, qualify as irreplaceable habitat (for the purposes of applying policy 175 of the NPPF), as a priority habitat type, it needs to be considered against the rest of this policy which states:

"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;"

It also needs to be considered against the district plan policies of the district plan, DP37 of which states:

"Development that will ... lead to the loss of trees, woodland ... that have ... wildlife importance, will not normally be permitted." And "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 DP38 of which states:

"Biodiversity will be protected and enhanced by ensuring development: ... 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); ... Promotes the restoration, management and expansion of priority habitats in the District."

Pertinent to the application of the DP37 is the wildlife importance of the woodland that would be lost. The relatively recent origin of the woodland will mean it is at the lower end of the scale in terms of woodland biodiversity and therefore the DP37 considerations might be outweighed by other material considerations. Nevertheless, clearance of the woodland would result in a net loss of habitat, contrary to DP38 unless compensated for. If MSDC accepts that its loss cannot be avoided (through an alternative site or alternative layout) then as mitigation is not applicable, then in order to avoid a net loss, compensation should be required (as indicated in the applicant's phase 1 habitat report). If this is not achievable at the site level (e.g. by establishment of new woodland on adjacent land as suggested in the phase 1 habitat survey report), consideration should be given to a suitable off-site scheme such as those offered through a dedicated offset company with proven experience of being able to deliver suitable compensatory habitat creation with long-term security.

In my view, other biodiversity impacts could be adequately mitigated through conditions. Therefore, if the above issues are addressed to the satisfaction of MSDC, I would recommend that any outline consent is subject to the following condition:

The reserved matters application shall be supported by the following documents relating to biodiversity:

A full Ecological Impact Assessment of the detailed scheme in accordance with Chartered Institute of Ecology and Environmental Management guidance and BS42020: 2013, supported by up-to-date survey information;

Details of ecological mitigation and enhancement measures, which should be set out in a document separate from the EclA to enable practical implementation on site; and

Details of lighting proposals including mitigation to minimise impacts on wildlife.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

### **MSDC Ecology - further**

It is the area of woodland lost and whether there will be new woodland creation of equivalent value (once established) that is the key metric here rather than just numbers of trees. It is compensation for loss of habitat not just trees. It seems unlikely that this can be achieved within the site so off site may need to be considered.

I have now been through the document. The main problem with it is that it doesn't say what they would do with any newts if found. It simply says "An amphibian receptor site has not yet been identified. Details of the relocation site including suitability will be provided separate to this mitigation strategy. The above limitation is not considered a material constraint to the usefulness of this mitigation strategy." If a survey of the ponds is really not possible (to possibly rule out presence of the species), then the application needs to demonstrate that any impacts can either be avoided, adequately mitigated or, as a last resort, compensated for, as per the requirements of the NPPF. So if relocation is necessary, then there must be suitable land available. There is no obviously suitable space within the outline indicative layout— a receptor site would need to be outside of any private garden and connected to the ponds by suitable habitat (making the north of the site suitable but the area of open space to the south too remote and isolated). The plan states "a hibernaculum will be built within the site to help support the local population of amphibian including GCN". However, this makes little sense without suitable terrestrial habitat with habitat links to the ponds. There is hardly any scope within the indicative layout for the proposed habitat enhancements, which are described but not illustrated on a plan. This is key information to demonstrate the feasibility of the outline consent being able to comply with biodiversity policies. Without it, I would be concerned that if outline consent is granted, subject to resolving this at the reserved matters stage that they may end up with an unimplementable planning consent.

More minor issues (that could be addressed through an amended mitigation plan), but the area showing exclusion fencing and newt trapping doesn't cover the whole of the site (it misses the northern section, which is likely to be the highest risk area in terms of proximity to the ponds and habitat suitability). The methodology for capture of newts does not follow Natural England / English Nature mitigation guidelines (eg. no use of pit-fall traps and the survey effort is rather vague). Departure from standard practice is not explained.

## **MSDC Ecology - final**

Whilst the distance of the proposed receptor site is not ideal, I think it is sufficient to demonstrate that in a worst case scenario, if great crested newts are using the site as part of their terrestrial habitat in significant numbers, an alternative site is available and that it would be feasible to get a licence. Any licence for moving newts would be dependent on conditions attached to the licence regarding future management and monitoring. However, the receptor site would only be suitable if sufficient numbers of newts are found so as to be able to establish a viable population at the receptor site. Otherwise, they will still need to ensure contingency measures for dealing with small numbers of newts. This might be as simple as keeping the proposed northern gardens outside of the construction zone (segregated by newt exclusion fencing) so that small numbers of newts can be safely released there and allowed to disperse into the surrounding landscape. The key here would be ensuring compliance with legal protection against killing or injury in a way that Natural England can licence. A small number of newts moved in this way would not have a significant conservation impact.

All of this is less ideal than an impact assessment based on survey information, but if MSDC are satisfied that the applicant is unable to provide this due to land access issues, then my view is that there is now sufficient information to conclude that if newts are found within the site, adequate mitigation or, as a last resort, compensation measures can be put in place in accordance with 175 of the NPPF and that a licence could be obtained from Natural England.

I have previously recommended conditions in my memo of 5 November 2018, including the requirement for the reserved matters application to be supported by a full Ecological Impact Assessment and this is still applicable if MSDC decides to grant consent.

GCN implications be included in the full Ecological Impact Assessment and the "Details of ecological mitigation and enhancement measures" required by the condition that I recommended. Perhaps add an informative note to that effect? The mitigation measures will need to include provision for translocation as a last resort if significant numbers are found, but also needs to cover less drastic options for low numbers or concluding likely absence if none found after sufficient trapping effort (as per Natural England guidelines on trapping effort).

## **MSDC Drainage**

Recommendation:

No objection subject to conditions and reserve matters

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

### **Surface Water Drainage Proposals**

It is proposed that the development will manage surface water drainage through the use of soakaways, attenuation and controlled discharge to an existing watercourse.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full



consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Confirmation of the watercourse's location and downstream route will be required, as well as confirmation that it is not part of the highway drainage system.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Further guidance in relation to this and guidance for specific disposal methods can be found in the 'Further Drainage Advice' section.

#### Foul Water Drainage Proposals

It is proposed that the development will discharge to the mains foul sewer system. The development will need to consider how the site will connect to the existing sewer network.

#### Suggested Conditions

##### C18F - Multiple Dwellings

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.

## **MSDC Environmental Protection**

### **Main Comments:**

There are concerns regarding the potential for noise and dust disturbance to existing nearby premises during the construction phase.

I therefore recommend construction conditions to ensure that good practice is followed to minimise disturbance.

Recommendation: Approve with conditions

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

Reason: To protect the amenity of local residents.

2. Deliveries: 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

3. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

## **MSDC Contaminated Land**

### **Main Comments:**

The application looks to demolish the existing properties and erect up to 6 residential dwellings.

The site has been identified as potentially contaminated land due to previous use as a Garden Nursery.

Given the above and the sensitivities of the proposed end use for this application, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.

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 verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

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 Leisure**

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

#### **CHILDRENS PLAYING SPACE**

John Pears Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £10,925 is required to make improvements to play equipment (£5,938) and kickabout provision (£4,988).

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £6,800 is required toward improvements to the Ashurst Wood Recreation Ground pavilion and field (Ref: AW/11).

#### **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 £3,900 is required toward improvements to the Ashurst Wood Recreation Ground pavilion and field (Ref: AW/11).

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **MSDC Waste**

I have viewed the plans for this development and the tracking for the movement of a refuse collection vehicle in the turning circle has used a vehicle of the same specification as vehicles used in Mid Sussex. Therefore, we are confident that our contractors would be able to gain access to the road in order to service all bins. The only issue would be parked vehicles on the road but due to the provision of garages and private driveways, we do not consider this issue a high risk.

We can also confirm that each property has adequate space to store the 2 x 240 bins required.

### **MSDC Housing**

The applicant is proposing a development of up to 6 dwellings in AONB. There is an existing dwelling which results in a net increase of 5 additional dwellings. The application is in outline form and as such the GIA of the dwellings is not confirmed. At Reserved Matters stage, if the GIA of the total dwellings is more than 1,000sqm, a 30% onsite affordable housing contribution will be required. The applicant is required to seek the approval of the Responsible Officer for Housing, in relation to number, size and location of affordable dwellings, in advance of any REM submission that provides a GIA of more than 1,000sqm. This will enable the affordable housing units to be integrated into the development and meet known housing need at the time. Any affordable housing provision should be provided in accordance with our tenure requirements of 75% rented and 25% shared ownership, unless the best available evidence at the time suggests otherwise. These provisions will need to be incorporated into the S106.

### **WSCC Highways**

*I can confirm that we visited the above site today.*

*All I would add is that road speeds observed on site were in line with those recorded by the applicants speed survey, for which they have demonstrated adequate visibility.*

*The Local Highways Authority does not have any further comments to make to those provided on 28/08/2018. If you feel like you need any specific comments to address any additional specific issues please do let me know.*

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

The proposed seeks the Outline application for the demolition of existing dwelling and nursery buildings and construction of up to 6 dwellings with creation of new access onto Cansiron Lane and provision of layby. All matters to be reserved except for access.

The application has been supported with a Transport Report prepared by Reeves Transport Planning.

#### **Access & Visibility**

Access will be achieved via a new point of access onto Cansiron Lane, which, at this point, is a private concern.

It is accepted that the existing use of the site as a nursery could historically have had the ability to attract vehicular activity. The anticipated trip generation from the proposed has been outlined within the Transport Report. The Local Highways Authority accepts these findings. It would not be considered that the proposed would result in a material impact upon the point of access with the adopted highway network, namely Cansiron Lane circa 100 metres west of the application site.

The site access point will be afforded visibility splays of 2.4 x 33 metres, this would equate to approaching vehicle speeds of 25/26 mph using the Manual for Streets Stopping Sight Distance Calculation Coefficient. This would be considered adequate for the actual measured road speeds as detailed within the supporting Transport Report.

Vehicle Swept Path Tracking has been provided at the site access point for a fire tender. This demonstrated the site access point is suitable for emergency access and can accommodate two way traffic flows.

The Local Planning Authority may wish to consult with the refuse collection authority to ensure the access design is suitable for the specific refuse vehicle which would visit the site.

The applicant should gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.

I note this part of Cansiron Lane is also considered the line of public Bridleway (17ESx). I have made WSCC Public Rights of Way aware of this application and they may provide additional comments in due course.

#### Other Matters

The application is Outline with all matters reserved except for that of access. The applicant should demonstrate at the reserved matters stage:

- An appropriate parking strategy taking into consideration current WSCC Car Parking Policies and the WSCC Car Parking Demand Calculator.
- An appropriate internal layout accommodating manoeuvring room for emergency and service vehicles.

#### Conclusion

The Local Highways Authority does not consider that the proposal for 6 dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised at this stage:

#### Condition

##### 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 approved drawing.

Reason: In the interests of road safety.

#### Informative

##### Access Works

The applicant is advised to gain the approval of the proprietor of Cansiron Lane before implementing the site access and layby works.

#### **WSCC PROW - original**

I would be grateful if the applicant can provide details on the width of the public footpath 18ESX that runs alongside the proposed development. Looking on the land registry website the footpath and the development site are part of the same land parcel. This footpath has in the past been quite neglected with vegetation and other fencing / building material limiting

the useable width of the path at times. It has been a very enclosed and dark footpath and I would like to see provision for the path within the development proposal.

A width of at least 2 meters should be given for this path and I would also like details of any fencing / landscaping that will be placed adjacent to the path.

### **WSSC PROW - final**

That's great thanks for forwarding this on. I would be happy to remove our holding objection based on the width of the footpath being at least 1.5m along its whole length but maintaining the extra width where it already is on the ground. Any damage to the surface of the footpath when installing the boundary fencing and hedgerow must be repaired by the developers to a standard agreed by WSSC. Removal of the stile at the west end of the development would also be appropriate as the path will be fenced in and there is no need for any kind of stock control along this section of the path..

If access along the path is going to be obstructed at any time during the development a temporary closure must be gained by applying through the usual routes on the WSSC website.

### **WSSC Infrastructure**

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

#### **1. School Infrastructure Contribution**

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

#### **1.2 Financial Contribution**

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any

legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2018/2019 are - Primary £17,920, Secondary £27,000, Further Secondary £29,283, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on additional equipment at Ashurst Wood Primary School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School.

The contributions generated by this proposal shall be spent supporting the National Curriculum at Sackville School Sixth Form.

## 2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by East Grinstead Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.



However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

## 2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library's catchment area; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$  where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$  (which currently for the financial year 2018/2019 are 30sq.m and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on additional stock at East Grinstead Library.

## 3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution =  $(C - D) \times E$ , where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

	Dwelling Size		Occupancy
	House		Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £686

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1373

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on:

- A cycle path along the A22 towards East Grinstead
- Safety improvements at School Lane/Maypole Lane junction
- Traffic calming within the village of Ashurst Wood

#### General points

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

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

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

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

### **Wealden District Council**

I refer to the above mentioned application, which was considered in accordance with the Council's approved scheme of delegation on 31 August 2018.

I am now able to advise you that this Council RAISE NO OBJECTIONS to this application subject to:

1. NOTE: Attention is drawn to regulation 63 of The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations 2017) that states:

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Wealden District Council considers it essential that such an assessment is made, and that the effects of all plans and projects, both approved and proposed, are taken into account in the assessment (i.e. an 'in combination' assessment). The principal issues of concern would be air quality on sensitive roads over the Ashdown Forest Special Area of Conservation (SAC) and the additional recreational pressures on the Ashdown Forest Special Protection Area (SPA).

Subject to Mid Sussex District Council, as the 'competent authority' under the Habitats Regulations 2017, giving these proposals appropriate consideration, no objections are raised.

I trust that this information is sufficient and would be very grateful if you would advise this Department of any forthcoming decision.